

**Amendment Version 2**

## 4 OVERLAY DISTRICTS

### 4.4 CHARACTER PROTECTION OVERLAYS

#### 4.4.1 CLUSTER SUBDIVISION OVERLAY DISTRICT (CSO)

The Cluster Subdivision Overlay District, is hereby established. Cluster subdivisions are residential developments which offer an alternative to traditional subdivision design, with the principle purpose being to encourage open space in medium density residential districts. Cluster subdivisions shall be designed using a site planning technique that concentrates buildings and structures to the most buildable areas of a site in order to preserve the remaining area as open space for recreation and preservation of significant site features. Reductions below the minimums otherwise required by the UDO for lot area, lot width, and setbacks are allowed within a CSO, and such reductions are only permissible within a CSO. By preserving open space, a cluster subdivision will provide another tool by which the County shall preserve its rural character. Cluster subdivisions are permitted in moderate density single family residential districts, specifically, Medium Residential District. Cluster subdivisions are not permitted in any other zoning districts. Development of a Cluster Subdivision requires submission of a Development Agreement (see UDO 9.2.18). (Ord. No. 2019-1623, 12.9.19) The following general provisions apply to the Cluster Subdivision Overlay District:

##### A. MINIMUM ACREAGE

The minimum tract area for a cluster subdivision shall be 30 gross acres [unless a larger minimum acreage is required as part of the Development Agreement Process (i.e. 25-acres of highland)], shall consist of contiguous parcels, and must adjoin or have direct access to at least one collector street. (Ord. No. 2019-1623, 12.9.19)

##### B. MINIMUM LOT AREA

The minimum lot area (in square feet) per dwelling unit within a cluster subdivision shall be ~~5,000~~ 9,500 square feet. This shall be the minimum lot area allowed for any lot with the minimum lot width of ~~70~~ 50 feet, as defined in Section C below. The minimum lot area per dwelling unit ~~may~~ shall increase decrease proportionately with any ~~increase~~ decrease in lot width, as referenced in Sections 4.4.1.C and D.

##### C. MINIMUM LOT WIDTH

In a cluster subdivision, where both central water and sewer services are available and adequate, the minimum lot width shall be ~~50~~ 70-feet except as specified in Section 4.4.1.D below.

##### D. VARIETY OF LOT SIZES

Individual lots in a cluster subdivision ~~shall~~ may vary in size and layout. Up to 49% of the lots may have a minimum lot width of 50-ft. with a minimum lot area of 7,000 sq. ft. ~~No more than 34 percent of the lots in a cluster subdivision shall have a single designated lot width.~~ The following shall also apply:

- ~~1. The minimum separation between any two designated lot widths shall be 10 feet. For example, if 34 percent of the total number of lots has a lot width of 50 feet, 34 percent could have a lot width of 60 feet, and the remaining could have a lot width of 70 feet or greater.~~
2. The Planning Commission may allow a developer to vary the width of individual lots to accommodate site restrictions (i.e., easements, corner lot widths, etc). However, such lots shall be counted with the nearest designated lot width.

## E. SETBACKS

The following minimum setbacks are required for individual lots within a cluster subdivision:

1. **Front Yard:** The minimum front yard setback for the principal structure shall be 20 feet. The minimum front yard setback for any principle front or side accessed garages shall be 40-ft. The front yard setback for a corner lot shall be as set forth in Chapters 2 and 3 of the UDO;
2. **Rear Yard:** The minimum rear yard setback shall be 30 feet;
3. **Side Yard:** The minimum side yard setback shall be 7 ½ feet.

## F. OPEN SPACE REQUIREMENT

For a cluster subdivision, no less than 25 percent of the site acreage, not including primary conservation areas as defined in Item 3 below, shall be set aside in perpetuity as open space. No more than 50% of the set-aside open space may consist of floodplain. A minimum of 5% of the open space set aside shall consist of park space. Open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Open space in a cluster subdivision is also subject to the following:

1. Open space may include, but is not limited to, passive recreation, natural preservation of important scenic vistas, environmentally sensitive lands, habitat for wildlife, and historically or archaeologically significant areas. Structures, swimming pools, and athletic facilities shall not count as open space. However, structures are permitted in the open space when they serve an accessory function, such as a gazebo, fishing dock, playground equipment, or play structures (Ord. No. 2019-1623, 12.9.19);
2. The amount of open space required to be set aside shall be determined by the following formula:

~~Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas~~

$$TO = ((TP - PC) \times OSP) + PC \quad \underline{TO = TP \times OSP*}$$

\*TO may not include PC and may only include up to 50% floodplain.

TO	= Total Open Space Set Aside	(acres)
TP	= Total Parcel	(acres)
PC	= Primary Conservation Areas	(acres)
OSP	= Open Space Percentage	(% of Improvable Area)

3. Primary Conservation area includes those areas that cannot otherwise be built upon or improved and therefore would be preserved in a conventional development. Such areas specifically include wetlands, surface waters, and intermittent stream channels;
4. To fulfill the requirements of this item (f), the following shall be included in the required open space where practicable:
  - a. Wooded areas;
  - b. Scenic vistas;
  - c. Streams, ponds, wetlands, and floodplains (up to 50%);

- d. Buffers, including landscaped, perimeter, river, and stream;
  - e. Areas containing slopes in excess of 25 percent;
  - f. Other areas containing unusual natural site features (such as major rock formations); and
  - g. Other environmentally, historically, or archaeologically significant or unique areas;
5. Open space shall be contiguous to the extent practicable when not restricted by topography, existing water body, and other natural features;
  6. Pedestrians shall have access to open space;
  7. Open space shall be deed restricted and shall not be developed for use other than open space;
  8. Open space shall remain under the ownership and control of the developer (or successors) or a homeowners association or similar organization. The person or entity identified as having the right of ownership and control over such open space shall be responsible for the continuing upkeep and proper maintenance of the open space. The County shall have no responsibility for the maintenance of open space areas. If open space location meets a need in the County comprehensive plan, the County and developer may consider conveyance of completed open space to the County, upon Planning Commission and Council approval.

The person or entity having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same. It shall not be the responsibility of the County to maintain these areas.

9. A cluster subdivision shall include provisions for the protection of trees and other natural amenities within the area or areas designated for open space. The removal of trees and natural vegetation in designated open space is strongly discouraged, though it is permitted during the development phases for the purpose of trails and other such recreational improvements as approved by planning staff. All open space shall be clearly labeled as such on any preliminary or final plat (including sketch plans) submitted for review. Trees over 24 inches in diameter (DBH) shall be preserved and incorporated in designated open space where practicable, and upon the request of planning staff such trees existing within areas designated for trails and other such recreational improvements may also need to be shown and labeled. Upon completion of development phases, no person or entity shall remove or destroy any trees or natural vegetation from designated open space without approval from the Administrator. However, normal maintenance and removal of dead or fallen trees are permitted and recommended, and shall be the responsibility of the person or entity identified as having the right of ownership as outlined in Item 8 above.
10. A maximum of 10-residential lots may be located on a single block face when not interrupted by an intersecting street (excluding alleys) or a useable open space set-aside. Open space set-asides used to interrupt the block face shall be meet or exceed the minimum lot width and area of the smallest lot on the block face and have landscaping and active and/or passive amenities incorporated within it. A block face is defined as the portion of a block or tract of land facing the same side of a single street and located between the closest intersecting streets, railroad ROW, and/or lake or pond.

## G. MAXIMUM DENSITY

The maximum number of dwelling units allowed per acre for a cluster subdivision shall not exceed the maximum for the residential use district in which it is located, as set forth in Chapter

2 of the UDO, where the total number of dwelling units allowed shall be based on the gross developable acreage of the site and up to 50 percent of the primary conservation open space acreage and up to 50% of the floodplain acreage. For example, when the CSO is located within the MDR, Medium Density Residential, where the maximum density is two dwelling units per acre, a 100 acre parcel of land with 80-acres of developable land and 20 acres of primary conservation land and floodplain shall be allowed to have no more than ~~200~~ 180 dwelling units built on the site.

- H. COMMERCIAL REQUIREMENT:** There shall be no required commercial within a cluster subdivision.
- I. SITE PLANNING REVIEW STANDARDS:** A cluster subdivision shall follow the site plan review standards and procedures as set forth in Chapter 9 of the UDO, including but not limited to Section 9.2. Furthermore, planning staff shall also include the following in their review:
1. Overall site design shall be harmonious in terms of landscaping, enclosure of principal and accessory uses, sizes of structures, street patterns, and use relationships;
  2. The site layout shall accommodate and preserve any features of historic, cultural, archaeological, or sensitive environmental value. Individual lots, buildings, structures, streets, parking areas, utilities, and infrastructure shall be designed and sited to minimize the alteration of natural features, vegetation, and topography;
  3. Where practicable, individual lots, buildings, structures, streets, parking areas, utilities, and infrastructure should be designed and sited to be compatible with surrounding development patterns;
  4. Where practicable, open space shall be located on a site in such a manner so that view sheds from existing public right-of-way are not obstructed, but are enhanced by the open space;
  5. Private streets are permitted in a cluster subdivision, provided such streets meet the construction standards of Chapter 6 and Appendix C of the UDO. The following shall apply:
    - a. As required in Chapter 6 of the Lancaster County Code, as amended, the minimum right-of-way and pavement width shall be as follows:

Road Type	Right-of-Way (feet)	Pavement (feet)
Local (closed drainage)	50	22
Local (open drainage)	66	22
Collector	66	24

- b. On-street parking is permitted in a cluster subdivision where adequate right-of-way and pavement width is provided in accordance with standards of the South Carolina Department of Transportation; and
  - c. To ensure adequate clearance for emergency vehicles in a cluster subdivision, the Planning Commission may require signage and/or pavement markings to clearly indicate areas where on-street parking is prohibited;
6. Installing sidewalks on both sides of local streets in a cluster subdivision is encouraged. At a minimum, a sidewalk will be required on at least one side of every local street, with a

sidewalk required on both sides of arterial and collector streets. Local, arterial, and collector streets shall be clearly labeled as such on any preliminary or final plat submitted for review;

7. In general, landscaping requirements for a cluster subdivision shall comply with the requirements of Chapter 7 of the UDO. However, the Planning Commission may vary such requirements in response to applications demonstrating alternative landscaping based on creative site planning. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the landscaping requirements;
8. The following buffer requirements shall apply for a cluster subdivision:
  - a. In general, buffer requirements for a cluster subdivision shall comply with the requirements of Chapter 7 of the UDO where a buffer yard may be required between adjacent zoning districts;
  - b. Existing trees and natural vegetation shall be retained wherever possible and shall count towards meeting the buffer requirements;
  - c. Ingress/egress to the property shall be allowed within a buffer, as well as utility easements and sidewalks;
  - d. A 50 foot buffer shall be required on the frontage of all existing public streets. Where there is insufficient natural vegetation to provide a visual buffer for principal structures, plantings shall be installed by the developer. A minimum of 25 percent of the trees and 75 percent of the shrubs shall be evergreens;
  - e. The Planning Commission may allow a developer to vary the buffer requirement to preserve view sheds from existing view sheds, as required in Item 4 above.
  - f. Buffer requirements within a cluster subdivision shall count as open space where it is contiguous with other areas designated as open space.
9. Variety in architecture and building materials shall be encouraged within a cluster subdivision. It is encouraged that buildings are constructed using quality finish materials (i.e., brick, masonry, stone, concrete siding, or stucco). Vinyl siding is permissible if in combination with other building materials.

## **J. OTHER ZONING REQUIREMENTS**

The Cluster Subdivision Overlay District, may contain zoning and development standards and requirements that are inconsistent with or conflict with zoning and development standards and requirements contained elsewhere in the UDO. The standards and requirements contained in the Cluster Subdivision Overlay District supersede all other zoning and development standards and requirements. The Cluster Subdivision Overlay District is deemed controlling. If the Cluster Subdivision Overlay District is inconsistent with or conflicts with zoning and development standards and requirements contained elsewhere in Chapter 4, then the zoning and development standards and requirements contained in Chapter 4 supersede the standards and requirements contained in the Cluster Subdivision Overlay District and the provisions contained in Chapter 4 are deemed controlling.

## **K. ~~EXAMPLES OF APPLYING FORMULAS~~**

~~Below are examples of applying formulas to determine the total number of dwelling units allowed and the amount of the site acreage to be set aside as open space within a Cluster Subdivision Overlay District.~~

~~Example: Assume that a 50 acre parcel is being developed. The residential use district is MDR, Medium Density Residential District, where the maximum density is 2.5 dwelling units per acre. Assume that there are 5 acres of Primary Conservation area. The open space percentage is 25 percent (or as a decimal, .25).~~

1. ~~The following formula would be used to determine the total number of dwelling units allowed:~~

~~Total Dwelling Units Allowed = Total Parcel multiplied by Maximum Dwelling Units per Acre~~

$$TU = (TP) (DUA)$$

TU	= <del>Total Units Allowed</del>	<del>(dwelling units)</del>
TP	= <del>Total Parcel</del>	<del>(acres)</del>
DUA	= <del>Maximum Dwelling Units per Acre</del>	<del>(dwelling units/acres)</del>

$$TU = (50) (2.5)$$

TU = 125 Total Lots or Dwelling Units Allowed

2. ~~The following formula would be used to determine the amount of the site acreage to be set aside as open space:~~

~~Total Open Space Set Aside = Total Parcel minus Primary Conservation Areas multiplied by Open Space Percentage then added to Primary Conservation Areas~~

$$TO = ((TP - PC) \cdot OSP) + PC$$

TO	= <del>Total Open Space Set Aside</del>	<del>(acres)</del>
TP	= <del>Total Parcel</del>	<del>(acres)</del>
PC	= <del>Primary Conservation Areas</del>	<del>(acres)</del>
OSP	= <del>Open Space Percentage</del>	<del>(% of Site Acreage excluding PC)</del>

~~TO = Total Open Space Set Aside~~

~~TP = 50 acres Total Parcel~~

~~PC = 5 acres Primary Conservation Areas~~

~~OSP = 25% (or .25) Open Space Percentage~~

$$TO = ((50 - 5) \cdot .25) + 5$$

$$TO = ((45) \cdot .25) + 5$$

$$TO = (11.25) + 5$$

TO = 16.25 acres of Total Open Space Set Aside

#### **4.4.2 EQUESTRIAN ORIENTED SUBDIVISION OVERLAY DISTRICT (EOSO)**

Equestrian Oriented Subdivision Overlay District is hereby established. Equestrian oriented subdivisions are residential developments which are designed with particular emphasis placed on equestrian activities and which provide such facilities as community stables, riding rings, pastures, and riding trails. In addition, private stables may be located on individual residential lots. Equestrian oriented subdivisions are permitted in all agricultural and residential zoning districts except for the MH, Manufactured Housing District, subject to the following provisions:

##### **A. BUILDING AND STRUCTURE**

All buildings and structures related to the care or housing of horses and to the operation of the riding facilities on the common property shall be located at least 100 feet from any exterior property line of the development.

##### **B. PRIVATE STABLES**

Private stables on individual residential lots shall be located at least 5 feet, but not more than 60 feet, from any rear property line or horse trail; 20 feet from any interior property line; 40 feet from any corner yard property line, and in the front yard it shall be located behind the front facade of the principal building. However, along the exterior property line of the development, the setback shall be 100 feet unless a horse trail separates the property from the land located outside the development. In such a case, the setbacks shall be as stated above.

##### **C. MINIMUM LOT SIZE**

If a horse or miniature horse is to be kept on a lot which is located within this designation, the minimum lot size shall be ½ acre. The number of horse(s) allowed is one horse or two miniature horses per ½ acre. The owner of a lot which contains less than ½ acre shall not be allowed to keep a horse on that lot. Otherwise, the minimum lot size shall be the same as is required by the underlying zoning district. The minimum lot width and setback requirements shall be the same as is required by the underlying zoning district.

##### **D. RIDING TRAILS**

Riding trails shall generally be located in the interior of the development. However, if a riding trail is to be located along the exterior property line of the development, it shall be set back 30 feet from the exterior property line of the development.

##### **E. STABLES**

The lots with stables located on them shall be designed and maintained to drain so as to prevent ponding, the propagation of insects, and the pollution of adjacent streams and other water bodies.

##### **F. MAINTENANCE**

The premises shall be maintained in a sanitary condition through the proper use of lime and pesticides.

##### **G. HORSES IN CONTAINED AREAS**

If the horses are in a contained area, all manure shall be removed at least twice a day from the confined area so as to prevent the propagation of flies and the creation of odors. Owners of horses kept in a confined area are encouraged to use a Rabon supplement as this will reduce the propagation of flies.

##### **H. STORAGE OF GRAIN**

All grain on the lot shall be stored in rodent-proof containers.

**I. EXERCISE AND TRAINING AREAS**

All exercise and training areas shall be dampened so as to prevent dust.

**J. COMMUNITY RIDING FACILITIES**

All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails shall be indicated on the plans. As part of the information submitted when applying for an Equestrian Oriented Subdivision Overlay District, a written statement describing the proposed means of ownership and proposed program for maintenance of these facilities shall be included. A copy of this information shall be kept on file in the Planning Department and the Building and Zoning Department.