ADOPTED 02/04/2019

STATE OF SOUTH CAROLINA)
) ORDINANCE NUMBER 19-04
COUNTY OF DORCHESTER)

AN ORDINANCE TO AMEND DORCHESTER COUNTY ZONING AND LAND DEVELOPMENT STANDARDS ORDINANCE NUMBER 04-13, AS PREVIOUSLY AMENDED, WITH RESPECT TO ARTICLE X, TO CREATE A NEW SECTION 10.7 "CLUSTER SUBDIVISION DEVELOPMENT" (the purpose of this amendment is create standards for cluster design developments)

WHEREAS, Dorchester County has Zoning & Land Development Standards to regulate the development of land within its jurisdiction; and

WHEREAS, Dorchester County is desirous of improving the quality of development while preserving natural features and increasing open space; and

WHEREAS, the South Carolina Comprehensive Planning Act allows certain zoning techniques including Cluster Developments;

NOW, THEREFORE, BE IT ORDAINED by Dorchester County Council, duly assembled that the Dorchester County Zoning and Land Development Standards Ordinance Number 04-13, as previously amended, is further amended by adding Article X, Section 10.7 "Cluster Subdivision Development" as attached:

This Ordinance shall be effective upon third and final reading.

Approved and adopted on this 4th day of February 2019.

_____
George H. Bailey, Sr., Chairman
Dorchester County Council

First Reading: _____
Second Reading: _____
Public Hearing: _____
Third Reading: _____

ATTEST:

_____
Tracey L. Langley, Clerk of Council

Section 10.7 Cluster Subdivision Development

10.7.1 Purpose

The purpose of the cluster development ordinance is to permit unique residential developments that:

A. Utilize creative and flexible site design that is sensitive to natural, historical, cultural and/or other significant land features.

B. Preserve quality common open space, both active and passive, for community members and citizens.

C. Decrease stormwater runoff and nonpoint source pollution by reducing impervious surface in a development and maintaining natural surfaces.

D. Reduce sprawling subdivisions and the developer costs associated with infrastructure improvements while reducing future county maintenance of said infrastructure.

E. Provide for a variety of lot types, housing choices, densities and quality architectural features while promoting social interaction from walking, biking, and other outdoor activities.

F. Create healthier communities that are walkable and connect to local schools, churches, recreation, community facilities, and neighborhood conveniences.

10.7.2 Definitions

A. Cluster or Clustering - Means a site planning technique that concentrates buildings and structures in specific areas on a lot, site or parcel to allow the remaining land to be used for common open space for recreation and/or preservation of features and/or structures with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot area, setback requirements, lot frontage, and/or lot occupancy with the resultant common open space being devoted by deed restrictions for one or more uses.

B. Gross Calculated Developable Acres – The area of a parcel or site (in acres) remaining after subtracting wetlands, required road and perimeter buffers, existing streams and bodies of water, existing utility corridors and/or easements. Refer to section 10.7.5 for required calculation method.

C. Net Calculated Developable Acres – The area of a parcel or site (in acres) remaining after calculating Gross Calculated Developable Acres and subtracting required Open Space. Refer to section 10.7.5 for required calculation method.

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D. Community Facilities – For the purposes of Section 10.7, community facilities shall be defined as land set aside that is deemed necessary by Dorchester County to serve a community purpose. Land set aside for bonus density shall be approved by County Council.

E. Cluster Yield Plan - A plan identifying the layout of the site showing gross and net calculated developable acreage and required open space utilizing the procedures outlined herein. The plan outlines the calculation of density (including bonus) applied to a site. Refer to section 10.7.5 for required calculation method.

F. Base Units – The amount of units allowed for each development when utilizing the cluster option prior to the calculations for bonus density.

G. Common Open Space - For the purposes of Section 10.7, common open space shall be defined as any parcel, area of land or portion of a site derived from Gross Calculated Developable Acreage that is set aside in perpetuity as open space. Open space may be unimproved and set aside or improved, dedicated, designated or reserved for public or private use, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Areas used for stormwater management ponds are not considered common open space and shall not count toward minimum requirement or be used for bonus density.

   a. Active Open Space – Areas used for active purposes are usually located within the developments limits of disturbance and include areas such as playgrounds, site amenities, trails, open lawns/fields, community gardens, and other uses proposed by the developer and approved by the Zoning Administrator.

   b. Passive Open Space – Areas used for passive purposes are usually located outside the developments limits of disturbance such as open natural fields, woods, trails and other uses proposed by the developer and approved by the Zoning Administrator.

10.7.3 Preparing a Cluster Yield Plan and Approval Process

A. A pre-submission meeting is strongly encouraged with the planning and engineering staff prior to the submission of a Cluster Yield Plan.

B. The applicant shall submit (3) copies of the Cluster Yield Plan for review following the TRC agenda schedule and pay required fee. Once staff has reviewed the plan against the requirements of this ordinance and approve the Cluster Yield Plan, the applicant may submit for Preliminary Plan. The Preliminary Plan submittal shall comply with the Dorchester County Zoning & Land Development Standards.

C. The Cluster Yield Plan must include all information pertinent to properly calculate Net Calculated Developable Acres, required open space, and base density. If bonus density is utilized these calculations must be shown as well.

D. Any changes to a Cluster Yield Plan resulting in an increase in dwelling units or a decrease in open space must be reviewed and approved by the Zoning Administrator. This constitutes a new approval and is subject to a revision review fee of 50% of the original fee.

10.7.4 Minimum Site Design Standards

Cluster developments shall be a minimum of ten (10) gross calculated developable acres and shall be evaluated as part of the County's review and approval process for compliance with the following criteria:

A. There shall be a minimum fifty foot (50') buffer along all existing public roadways. The buffer cannot be placed on individual lots and will be owned and maintained by the HOA. There shall be no easements located within the buffer except those that run perpendicular for necessary utility services or drainage. Vehicular access roads may bisect the buffer. The buffer must be measured from future right-of-way if the road has been identified for improvements by the County or State road program. Planting requirements shall meet 11.2.7(D)(1) & (2). Retention of existing vegetation is encouraged.

B. There shall be a minimum fifteen foot (15') buffer around the entire perimeter of the proposed development. The buffer cannot be placed on individual lots and will be owned and maintained by the HOA. There shall be no easement encumbrances located within the buffer except those that run perpendicular for necessary utility services or drainage. Vehicular access roads may bisect the buffer for connectivity to adjacent parcels. Planting requirements shall be one (1) canopy and one (1) understory tree every 50 feet. Retention of existing vegetation is encouraged.

C. Enhanced road sections shall be provided in all cluster subdivisions. The Zoning Administrator may approve alterations to the minimum standard requirements if warranted by elements such as natural features, the entry road, or a connector road between two neighborhood sections, if in all cases the intent is achieved. The standard rights-of-way road section shall be fifty-six feet (56') wide and include at minimum:

   a. Four foot (4') sidewalk on both sides of street.

   b. Nine foot (9') lawn verge on both sides of street measured from back of curb to edge of sidewalk

   c. Canopy street trees shall be planted every fifty feet (50') on average. Understory trees may be considered for portions of a neighborhood by the Zoning Administrator on a case by case basis if design warrants the need.

   d. Two feet (2') of lawn between outer edge of sidewalk and right-of-way for utility services.

   e. Minimum travel lanes shall be eleven feet (11') wide.

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D. Drainage easements proposed along rear and/or side property lines of lots intended for housing shall not encroach into lots unless warranted by special circumstances (such as not filling in a pocket wetland) and approved by the County Engineer. The required fifteen foot (15') stormwater pond easements shall not encroach into lots.

E. Driveways on individual residential lots shall not exceed sixteen feet (16') wide within the public or private street right-of-way and within the first five feet (5') of the front yard.

F. Individual lots, building locations, streets, parking areas, utilities and infrastructure should be grouped in a manner so that the required percentage of common open space is achieved. As is practicable, passive common open space shall be designated as a single block or shall be contiguous and not divided into unconnected small parcels located in various parts of the development.

G. Pedestrians shall have easy access to common open space.

H. Individual lots, buildings, structures, streets, parking areas, utilities and infrastructure should be designed and sited to minimize the alteration of natural features, vegetation and topography.

I. Existing scenic views or vistas are encouraged to remain unobstructed, especially from street rights-of-way.

J. The site layout should accommodate and preserve any features of historic, cultural, archaeological or sensitive environmental value and the cluster development should advance the purposes of this part.

K. Proper dedication statements protecting all required opens space shall be included on all plats and open space preservation easements shall be recorded concurrently with all final plats.

10.7.5 Calculations and Tables

A. Cluster Base Density and Open Space Requirements Chart:

Required open spaces are lands that are not encumbered by wetlands, required road and perimeter buffers, existing streams and bodies of water, existing utility corridors and/or easements). See definition.

Zoning District	Required Open Space Multiplier (multiplied against gross calculated developable acres)	* Minimum Required Active Open Space (percentage of calculated required open space acreage)	Cluster Base Density (multiplied against Net Calculated Developable Acres)
R-1	30%	20%	2.75
R-2	20%	35%	3.15

*The balance of open space type can be either active or passive open space once

minimum active acreage is achieved. In all instances the two shall add up to meet minimum open space acreage requirement. Stormwater ponds and the required fifteen foot (15') pond easement shall not count toward active or passive open space.

B. Cluster Yield Plan Calculations:

Total Site Acreage *(minus –)* wetlands, required road and perimeter buffers, existing streams and bodies of water, existing utility corridors and/or easements **= Gross Calculated Developable Acres**

Gross Calculated Developable Acres ***X*** Open Space Percentage Multiplier **= Required Open Space Acreage**

Gross Calculated Developable Acres ***(minus –)*** Required Open Space Acreage **= Net Calculated Developable Acres**

Net Calculated Developable Acres ***X*** Cluster Base Density **= Base Units**

Base Units ***X*** (Bonus Density ≤ 25%) **= Total Units Allowed**

Example Calculation For Site Zoned R-2:

Total Site Acreage (450.6 acres) – wetlands, required road and perimeter buffers, existing streams and bodies of water, existing utility corridors and/or easements (286.6 acres) = **(164) Gross Calculated Developable Acres**
164 Acres x .20 (Required Open Space Multiplier) = **32.8 Acres (Total Required Open Space)**
164 Acres – 32.8 Acres = **131.2 (Net Calculated Developable Acres)**
131.2 Acres x 3.15 (Cluster Base Density Multiplier) = **413 Cluster Base Units**
Bonus Density Design Options Utilized
413 x 8% (Additional Open Space) = 33.04 Units
413 x 4% (Additional Roadside Buffer) = 16.52 Units
413 x 1.5% (Additional Perimeter Buffer) = 6.2 Units
413 x 2.5% (Additional Entrance) = 10.33 Units
413 x 1% (Multi-Use Trail Through Road Buffer) = 4.13 Units
Total Bonus Density Units = 70
413 (Base Units) + 70 (Bonus Units) = **483 (Total Units Allowed)**

10.7.6 Lot and Building Standards

Varying lot configurations and sizes are strongly encouraged to help realize a sites full potential while providing different housing types within neighborhoods. The following variation of lots size and building requirements are allowed by-right as detailed in each table and related notes.

A. The lot and building requirements in Table 1 and Table 2 may be used in R-2 Single-Family Residential Zoning District.

(Table 1) Minimum Lot and Building Requirements

Min Lot Size:	6,000 sf
Min Lot Width:	50 ft
Primary Setbacks:	
Front	25 ft

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Corner Lot Secondary Frontage	15 ft
Side	5 ft
Rear	15 ft
Detached Garage Setbacks:	
Corner Lot Secondary Frontage	20 ft
Side and Rear	5 ft
Rear (if measured from alley right-of way)	10 ft

1) Steps may encroach into setbacks but cannot be located in easements
2) Eaves may extend 18 inches into setbacks if properly fire rated.
3) Minimum lot width is measured at setback.
4) Minimum lot width around cul-de-sac may be reduced to 35'.

All lots created using (Table 2) Lot and Building Requirements must be served by a rear alley with a minimum private right-of-way of 20 feet **or** be designed wide enough to accommodate a slide-by driveway that serves a garage located behind the primary dwelling.

The building program within the cluster subdivision may utilize the standards in Table 2 as follows:

a. Subdivisions with a gross calculated developable acreage between 10-25 acres may provide up to 80% of total lots using Table 2.
b. Subdivisions with a gross calculated developable acreage between 26-50 acres may provide up to 60% of the total lots using Table 2.
c. Subdivisions with a gross calculated developable acreage above 51 acres may provide up to 40% of the total lots using Table 2.

(Table 2) Minimum Lot and Building Requirements

Min Lot Size:	4,000 sf
Min Lot Width:	40 ft
Primary Setbacks:	
Front	10 ft
Corner Lot Secondary Frontage	15 ft
Side	5 ft
Rear	15 ft
Detached Garage Setbacks:	
Corner Lot Secondary Frontage	20 ft
Side and Rear	5 ft
Rear (if measured from alley right-of way)	10 ft

1) Steps may encroach into setbacks but cannot be located in easements
2) Eaves may extend 18 inches into setbacks if properly fire rated
3) Minimum lot width is measured at setback.
4) Minimum lot width around cul-de-sac may be reduced to 30'.

B. The lot and building requirements in Table 3 and Table 4 may be used in R-1 Single-Family Residential Zoning District.

(Table 3) Minimum Lot and Building Requirements

Min Lot Size:	8,000 sf
Min Lot Width:	60 ft
Primary Setbacks:	
Front	25 ft
Corner Lot Secondary Frontage	15 ft
Side	7.5 ft
Rear	20 ft
Detached Garage Setbacks:	
Corner Lot Secondary Frontage	20 ft
Side and Rear	5 ft
Rear (if measured from alley right-of way)	10 ft

1) Steps may encroach into setbacks but cannot be located in easements
2) Eaves may extend 18 inches into setbacks if properly fire rated.
3) Minimum lot width is measured at setback.
4) Minimum lot width around cul-de-sac may be reduced to 45'.

The building program within the cluster subdivision may utilize the standards in Table 4 as follows:

a. Subdivisions with a gross calculated developable acreage between 10-25 acres may provide up to 80% of total lots using Table 2.
b. Subdivisions with a gross calculated developable acreage between 26-50 acres may provide up to 60% of the total lots using Table 2.
c. Subdivisions with a gross calculated developable acreage above 51 acres may provide up to 40% of the total lots using Table 2.

(Table 4) Minimum Lot and Building Requirements

Min Lot Size:	6,000 sf
Min Lot Width:	50 ft
Primary Setbacks:	
Front	25 ft
Corner Lot Secondary Frontage	15 ft
Side	5 ft
Rear	15 ft
Detached Garage Setbacks:	
Corner Lot Secondary Frontage	20 ft
Side and Rear	5 ft
Rear (if measured from alley right-of way)	10 ft

1) Steps may encroach into setbacks but cannot be located in easements
2) Eaves may extend 18 inches into setbacks if properly fire rated.
3) Minimum lot width is measured at setback.

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4) Minimum lot width around cul-de-sac may be reduced to 35'.

10.7.7 Bonus Density

The following bonus density may be added to the Cluster Yield Plan as a matter of right. Bonus Densities are additive in nature up to 25% per subdivision. Percentages are applied against the calculated base units allowed.

A. Additional Open Space
   a. For every 5% additional open space from land included within the net calculated developable acreage (including wetland buffers), a 2% bonus density may be applied, or fraction thereof up to 8%.

B. Additional Buffers (these areas cannot count toward required or additional open space)
   a. For every 12.5 feet of additional roadside buffer (up to 100 feet in total including the required 50 feet) a 1% bonus density may be applied.
   b. For every 15 feet of additional perimeter buffer (up to 45 feet in total including required 15 feet) a 1.5% bonus density may be applied.

C. Housing Architectural Standards
   a. If housing products built in the neighborhood meet the following architectural design standards, a total bonus density of 15% may be applied. Features may be incorporated individually or as a whole. Failure to achieve minimum architectural standards during building permit application will result in a forfeiture of density bonus applied using this standard and will require a revised Cluster Yield Plan and plat approved by the Planning Commission.
      i. Neighborhoods that use fiber cement siding, brick, stone, stucco, or materials of equal quality as approved by the Zoning Administrator, a 5% bonus density may be applied.
      ii. Neighborhoods that incorporate a minimum 8 foot deep x 15 foot long front porch, a 2.5% bonus density may be applied.
      iii. Neighborhoods that provide a minimum 5 foot recessed garage from the building facade, a 2.5% bonus density may be applied, or fraction thereof up to 10 feet.
      iv. Neighborhoods that incorporate a raised foundation with a minimum of 1 foot above the highest grade elevation around the house, a 2.5% bonus density may be applied. Homes built in a floodplain that require elevated homes to meet FEMA requirements cannot use this bonus density.

D. Land for Community Facilities Uses
    a. For land set aside totaling five (5) acres a 2.5% bonus density may be applied, or fraction thereof.
    b. For land set aside totaling between five (5) acres but below ten (10) acres a 5% bonus density may be applied.
    c. For land set aside totaling above ten (10) acres a 7.5% bonus density may be applied.

E. Community Consideration Neighborhood Design
    a. If cul-de-sacs or dead end roads (not including connections for future connectivity) are not utilized within the subdivision, a 5% bonus density may be applied.
    b. For every point of connection to an existing subdivision, neighborhood, or a secondary entrance, not including the main entrance, a 2.5% bonus density may be applied per connection, not to exceed 7.5%.
    c. If the development includes a trail system throughout the neighborhood passive open space, a 2% bonus density may be applied per the Zoning Administrator.
    d. If the development includes a minimum 8 foot paved multi-use trail through the length of the required roadside buffer, a 1% bonus density may be applied.
    e. If pedestrian connections to nearby community facilities such as schools, parks, churches and other community facilities are provided, a 2.5% bonus density may be applied per the Zoning Administrator.
    f. If the trail or sidewalk system within the neighborhood connects to an off-site trail or sidewalk that is greater than 1,000 feet from the property line, a 2.5% bonus density may be applied, or fractions of minimum 1,000 foot distance may be considered by the Zoning Administrator.
    g. If the site qualifies for a conservation easement as determined by authorized agencies for lands that are not already required or additional open space by this ordinance, a 2.5% bonus density may be applied per the Zoning Administrator.