

ARTICLE 13. RESIDENTIAL CLUSTER DEVELOPMENT

Section 13-1. Purpose and Intent; Definition

The purpose of residential cluster development is to provide an alternative development option that will:

- (A) Promote more efficient use of land resources than is otherwise possible under conventional zoning and subdivision regulations.
- (B) Reduce the per unit site development costs of dwellings by concentrating residential units on a portion of the site without increasing the overall net density above that which would normally be allowed pursuant to Article 11, Table of Area, Yard, and Height Requirements.
- (C) Preserve the natural character of the site.
- (D) Preserve farmland and scenic views.
- (E) Provide for desirable and usable open space, tree cover, and the preservation of environmentally sensitive areas.
- (F) Provide variety in residential buildings and properties and provide design flexibility that can relate the location of units to unique site conditions.

For the purposes of this section, a residential cluster development is defined as:

- (A) A development design wherein conventional zoning standards are relaxed to permit modifications in lot area, lot width, lot frontage, lot coverage, required yards, and public street access, and to save infrastructure development cost, environmental damage, energy use and land resources by concentrating dwellings in specific areas of the site without increasing the net density above that which would normally be allowed pursuant to Article 11, Table of Area, Yard, and Height Requirements; and
- (B) Such development shall provide a program for the provision, operation and maintenance of such areas, facilities and improvements as shall be required for the perpetual common use by the occupants of the development.

Section 13-2. Area; Permitted Districts, Exemption; Street Access; Open Space(s); Density; Dimensional Standards

Residential cluster developments shall contain not less than 5 net acres. For purposes of this section “net acres” shall be the total area of all lots and common area(s) exclusive of public street rights-of-way. Addition to any existing residential cluster development may be allowed provided such addition meets or exceeds all other applicable requirements.

Subject to the paragraph above, a residential cluster development may be allowed as a conditional use within any R-6, R-8, R-15, MFH-II, or PUD zoning districts. Such development shall be exempt from the conventional zoning standards relative to lot area, lot width, lot frontage, lot coverage, required yards

and public street access normally applicable to such districts, provided such development complies with the minimum standards set forth under this section.

A residential cluster development shall provide open space(s) subject to all the following requirements:

- (A) Such open space shall be greater or equal in area to the total amount of area by which each lot was reduced below the minimum lot size requirement of the prevailing zoning district, or as provided under subsection (B), below, whichever is greater. Example: 10 lots of 6000 sq ft. minimum lot size reduced by 5% = 3000 sq ft \geq required gross acreage x 15% as common open space; whichever is greater. An additional option is available to utilize pedestrian connectivity toward credit for meeting the open space requirement. (See section (C) below)
- (B) Residential cluster developments shall reserve not less than 15% of the gross acreage as common open space.
- (C) "Pedestrian connectivity" between open space areas may qualify divided areas to be considered as one continuous space. Acceptable methods of pedestrian connectivity shall have defined boundaries and may include, but are not limited to, sidewalks, pathways, bridges, trails or similar pathways. Signage to identify connectivity crossing areas may be required.
- (D) Such area shall not be used as a building site. For purposes of this section, picnic areas or shelters, ball fields, walking or jogging trails, boat ramps and docks or other similar recreational facilities may be allowed.
- (E) Such area shall not be devoted to any public street right-of-way, private driveway or parking area.
- (F) Such area shall be left in its natural or undisturbed state if wooded at the time of development, except for the cutting of trails for walking or jogging or, if not wooded at the time of development, is improved for the uses listed under subsection (C) above, or is properly vegetated and landscaped with the objectives of creating a wooded area or other area that is consistent with the objective set forth in subsection (F) below.
- (G) Such area shall be capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation or for horticulture if not devoted to other allowable uses in this subsection.
- (H) Such area shall be legally and practically accessible to the residents of the development, or to the public if so dedicated.
- (I) A minimum of one-half of the required open space shall be contained in one continuous undivided part unless the plans incorporate an acceptable method of pedestrian connectivity design that meets the open space requirement.
- (J) Not more than 25% of the required open space shall lie within any floodway zone or wetlands.

- (K) Not more than 25% of the required open space may be devoted to allowable improvements of any single item as set forth in subsection D above.
- (L) Such area shall be perpetually owned and maintained for the purposes of this Article by a homeowners association or, at the option of the Town, dedicated or deeded to the public.
- (M) The location and arrangement of any open space(s) shall be subject to Planning Board and Board of Commissioners approval.
- (N) The owner shall, pursuant to the subdivision regulations, cause a final subdivision plat to be recorded in the Brunswick County Register of Deeds which clearly describes the open space(s), required deed restrictions, and conditions thereof, prior to the issuance of any building permit(s).

Section 13-3. Maximum Density Requirements

- (A) Residential density shall not exceed that which would normally be permitted under single-family standards within the prevailing zoning district on a net land area basis. (See Article 2 Definitions).
- (B) Public street rights-of-way and public street easements shall not be included or count towards the total net area for purposes of calculating allowable density.
- (C) Area dedicated or deeded to the Town pursuant to the sections above shall count towards net area for purposes of density calculation.

Section 13-4. Minimum Dimensional Standards

- (A) Lot area. Not less than 60% of the minimum lot area which would normally be required under the single-family standards of the prevailing zoning district.
- (B) Lot width. 40 feet as determined at front setback line. On a case-by-case basis, flag lots may be allowed with a minimum street frontage of 10 feet.
- (C) Lot frontage. 35 feet, except on the radius of a cul-de-sac and major curves where such distance may be reduced to 20 feet. (Note: This reduction below lot width accounts for curves in streets.)
- (D) Public street setback. No principal or accessory structure shall be closer than 10 feet to a public street right-of-way or as further provided herein, but in no case shall the placement of the structure at the driveway be less than 20 feet from back of road curb or to sidewalk. Note: The intent of this reduction is to allow reduction in the setback while providing a 20 foot guest parking in front of garage door that does not impede the road or to sidewalk, if applicable.
- (E) Side yard setback. Shall be subject to Section 13-5 (zero lot line) or not less than 10 feet, provided however, that no structure shall be located on more than one side lot line.

Dwellings which do not utilize the provisions of Section 13-5 (zero lot line) and are not located adjacent to a lot line subject to Section 13-5 shall maintain a minimum side setback of not less than fivefeet.

- (F) Rear yard setback. Shall be subject to Section 13-5 (zero lot line) or not less than 12 feet.

- (G) Building separations. No portion of any principal structure shall be located less than 12 feet from any other principal structure or less than 10 feet from any accessory structure as measured to the closest point. (This excludes building overhangs of 12 inches or less.)
- (H) Periphery boundary setback. Except as further provided no principal or accessory structure shall be located less than 25 feet from the peripheral boundaries of the residential cluster development.
- (I) Transition area setback. Where a residential cluster development adjoins or borders an existing single-family zoning district or other predominantly single-family development sharing common frontage on the same or opposite side of a public street, the minimum right-of-way and/or easement setback requirement of said single-family zone or development shall be utilized for the entire opposite frontage and 300 feet from such common border.
For purposes of this subsection, “other predominantly single-family development” shall be that area within 100 feet of the external boundary of the residential cluster development in which 50% or more of the conforming land uses are detached single-family residential.
- (J) Maximum height. 35 feet. NOTE: Refer to Section 2-2, Building Height Definition.
- (K) Detached accessory structure requirements.
 - (1) Shall not be located within any front yard setback;
 - (2) Shall not be located within 10 feet of any other principal structure or within five feet of any other accessory structure;
 - (3) Shall not cover more than 20% of any side or rear yard; and
 - (4) The side or rear yard requirement for detached accessory structures shall be subject to the provisions of Section 13-5 (zero lot line) or not less than five feet.

Section 13-5. Zero Side Yard Setbacks

A zero side yard setback as permitted herein, may be permitted, subject to the following provisions:

- (A) Any wall, constructed on the side or rear lot line shall be a solid doorless and windowless wall. Such wall shall contain no electrical, mechanical, heating, air conditioning, or other fixtures that project beyond such wall. If there is an offset of the wall from the lot line, such offset shall be subject to the applicable provisions of Section 13-4 (E) and (F). Roof eaves may encroach two feet into the adjoining lot;
- (B) A five foot maintenance and access easement with a maximum eave encroachment easement of two feet within the maintenance easement shall be established on the adjoining lot and shall assure ready access to the lot line wall at reasonable periods of the day for normal maintenance;
- (C) Where zero side yard setbacks are proposed, the buildable area for each lot shall be indicated on the preliminary and final subdivision plat.

Section 13-6. Compliance with Subdivision Standards

All development regulated in accordance with this Article shall be subject to the requirements, conditions, and restrictions of the subdivision regulations, see Article 24.