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TAMECCA NEELY, DISTRICT 2
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SHEILA HINSON, DISTRICT 6
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BEN LEVINE, DISTRICT 7
CLERK: JENNIFER BRYAN

**MINUTES OF THE LANCASTER COUNTY PLANNING COMMISSION
WORKSHOP MEETING**

**June 1, 2023 5:00 P.M.
MINUTES**

Chairman Deese called the meeting to order at 5:00 p.m.

1. Roll Call:

Members Present:

Jim Barnett	Charles Deese	Sheila Hinson
Ben Levine	Tamecca Neely	Judianna Tinklenberg

Absent: Alan Patterson

Others Present:

Allison Hardin, Interim Director	Clerk: Jennifer Bryan
Ashley Davis, Senior Planner	
Matthew Blaszyk, Planner	

The following press were notified of the meeting by email in accordance with the Freedom of Information Act: The Lancaster News, Kershaw News Era, The Rock Hill Herald, The Fort Mill Times, Cable News 2, Channel 9, and the local Government Channel.

2. New Business

a. CU-2023-0695 Tommy's Car Wash

Application by The Timmons Group, TIL Holdings of Texas, George McGinn and Sallie Cooper for a Conditional Use Permit for a 2.9-acre parcel at 168 Fort Mill Highway/Highway 160 (TM# 0008-00-007.00) for development of an automated car wash facility.

Staff Presentation: Matthew Blaszyk, Planner

Discussion: [See attached location map]

- Revised site plan per TRC comments will be submitted this week, and will be updated in staff report.
- Parcel nearby at corner of 521 is a veterinarian's office.
- Commissioners expressed concern over too many small, single entrance businesses in proximity to the intersection.

- There is a concrete median preventing left turns into the proposed entrance.
- SCDOT has requested entrance alignment with Lowe's across Fort Mill Highway.

b. RZ-2023-0596 Dylan & Tammy Ellis

Application by Dylan & Tammy Ellis for a rezoning of 4.77 acres at 1993 Beacon Road (TM# 0089-00-086.01) from Rural Neighborhood (RN) to Agricultural Residential (AR) district, in order to locate a mobile home on the property.

Staff Presentation: Matthew Blaszyk, Planner

Discussion: [See attached location map]

- There is a deeded easement for ingress and utilities.

c. RZ-2023-0629 Teresa Johnson

Application by Teresa Johnson to rezone a 1.0 acre parcel at the corner of Mackey and Douglas Roads (TM# 0103F-0F-006.03) from Medium Density Residential (MDR) to Manufactured Housing (MH) District, in order to locate a mobile home on the property.

Staff Presentation: Matthew Blaszyk, Planner

Discussion: [See attached location map]

- Add copy of deed to attachments.

d. SD-2023-0161 Edgewater Phase 11

Application by True Homes LLC on behalf of owners Lancaster County Forfeited Land Commission and B & C Landholdings LLC, for a Preliminary Plat encompassing 47.08 acres at and adjacent to Edgewater Parkway and Gateway Drive (p/o TM #s 0106-00-003.02 and 0106-00-003.00) for the development of 146 detached single-family homes and 50 townhomes.

Staff Presentation: Ashley Davis, Senior Planner

Discussion: [See attached location map]

- Unit counts in description above are incorrect: new count is single-family lots 10 plus 49 townhomes.
- Staff has requested letter from bond holder approving reconfiguration and lower lot count.

e. UDO-TA-2023-0972 Sec. 2.4 MDR Standards

Chapter Two, Sec 2.4 District Standards (MDR): Application by Planning Department on behalf of County Council to amend standards for MDR district, regarding lot size, front setbacks, usable open space, block length, and density calculation.

Draft text will be provided at the Workshop.

Staff Presentation: Allison Hardin, Interim Director

Discussion: (for items **e and f**) [See attached memo and research materials]

- Review "Gentle Density" concepts
- Possible alternatives to consider: sunrise/sunset zoning (sets time limit for development before reversion to prior district); Gradient zoning; algorithmic review models; floating zones.

- Existing MDR standards are problematic because they allow CSOD essentially by right. Need more clarification of goals to be met to qualify for CSOD.
- CSOD options or other density options are needed to avoid regulatory takings challenges.

f. UDO-TA-2023-0973 Sec 4.4.1 CSOD Standards

Chapter 4, Sec. 4.4 1 Cluster Subdivision Overlay Standards: Application by Planning Department on behalf of County Council to amend standards for Cluster Subdivision Overlay District, regarding lot size, front setbacks, usable open space, block length, CSOD lot size mix, and density calculation.

Discussion: (see above under item e) [See attached memo and research materials]

g. UDO-TA-2023-0975 Sec 6.5 County Street Classification & Design

Sec. 6.5 County Street Classification & Design: Application by Planning Department on behalf of County Council to amend Section 6.5 County Street Classification & Design. Draft text will be provided at the Workshop.

Staff Presentation: Allison Hardin , Interim Director

Discussion: [See attached memo and research materials]

- Street hierarchy of construction standards will address challenges faced by families who do not have the resources that large developers draw on for road development.

h. SD-2019-001 Vested Rights Extension for Patterson Preserve

Request by Exeter Development Company to extend its vested rights for the Patterson Preserve pursuant to Section 9.2.17.A.2 of the Unified Development Ordinance.

Staff Presentation: Ashley Davis, Senior Planner

Discussion: [See attached location map]

- Ordinance allows two routes to request extension of vested rights; staff issued a denial of administrative extension on March 23, 2023.

i. New Road Name Approvals

Review new road names submitted to County E-911 Addressing. Available documents will be provided at the Workshop.

Staff Presentation: Allison Hardin

Discussion:

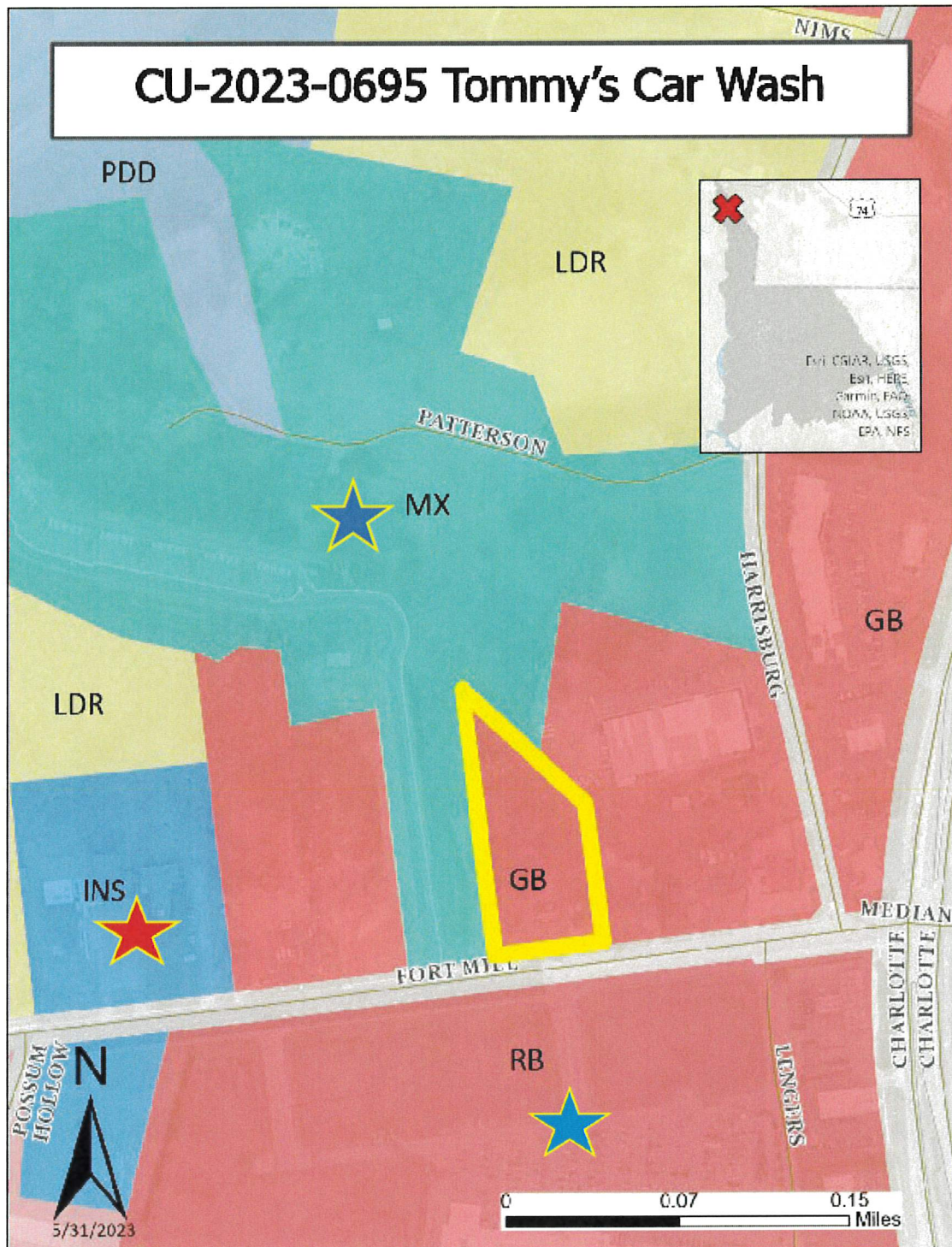
[See attached staff report with list of new road names]

3. Other:

- Above agenda items will be divided: **items a-d and item h** will be heard at 6/20/2023 PC meeting; the remainder will be heard either at a Special Called Meeting on June 27, 2023 or at July 18 PC meeting.
- Review of Next Month's Agenda: Deadline for submissions is Friday June 2, only one small rezoning has been submitted.

4. Adjourn: Meeting was adjourned at 6:25 pm.

CU-2023-0695 Tommy's Car Wash



Lancaster
County
South Carolina

Proposal:

Vehicle: Minor Maintenance
& Repair



Subject Property



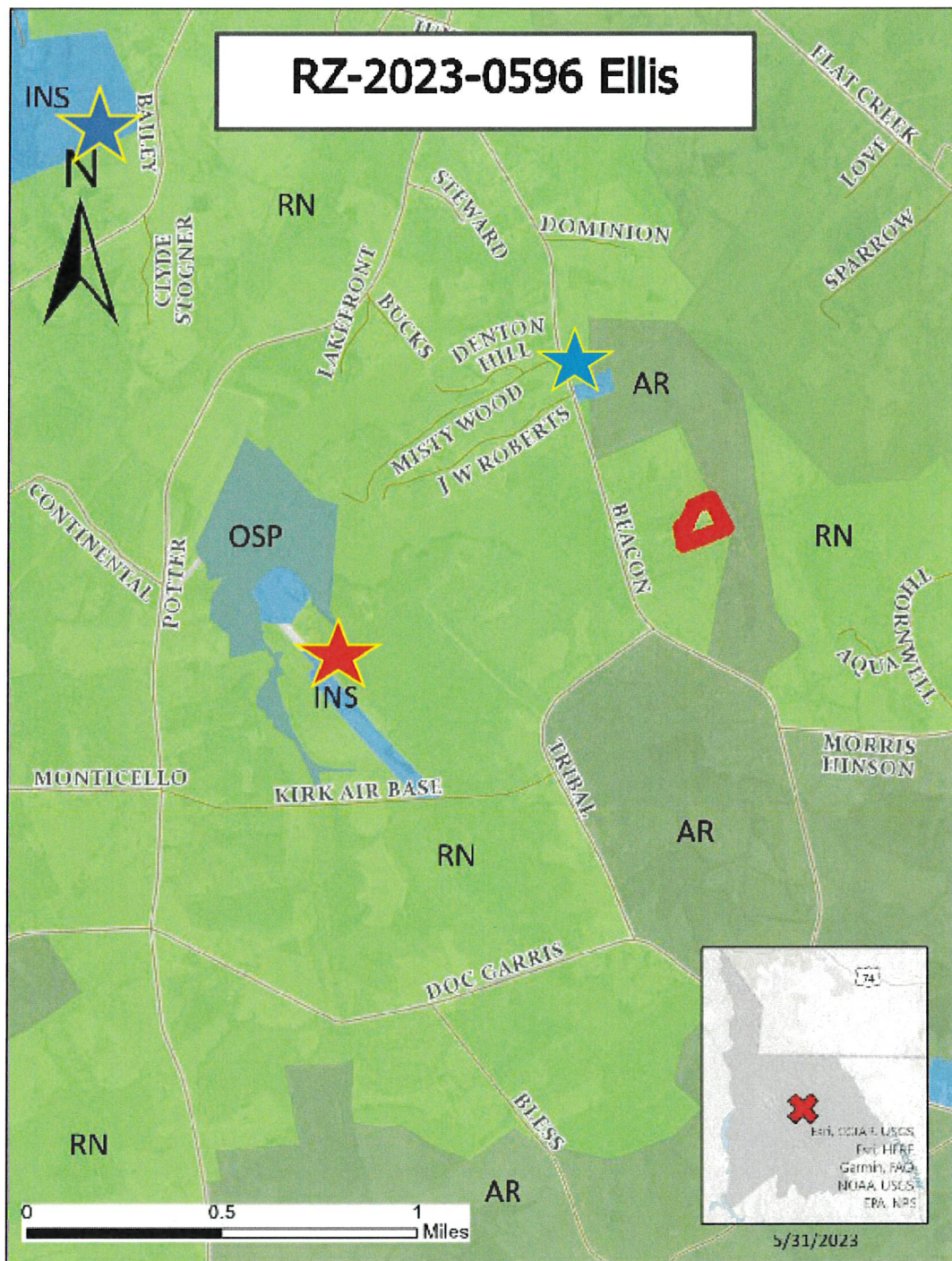
Capital Club Apartments



Pleasant Hill
Methodist Church



Lowe's



Subject Property



Lancaster Children's Home



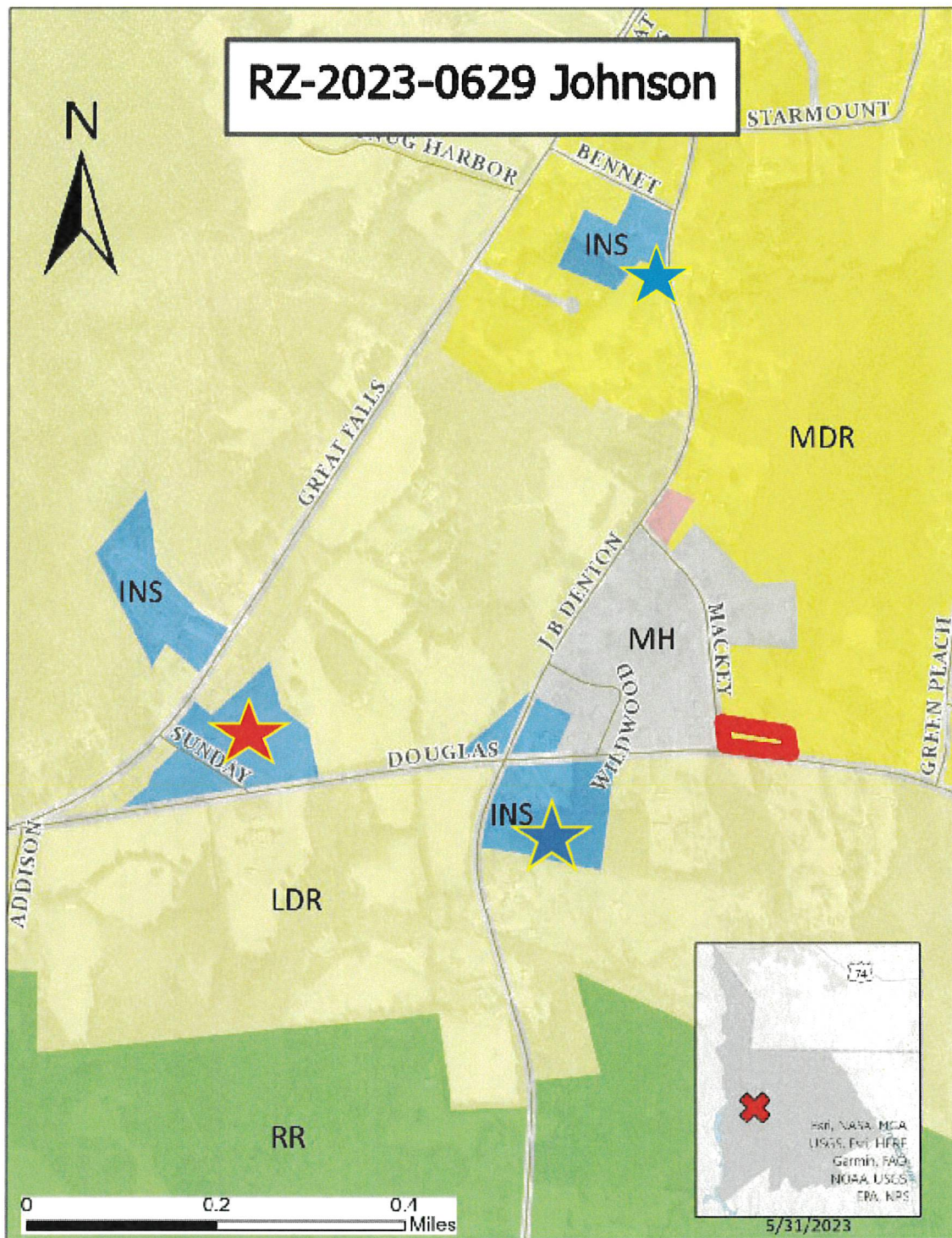
Kirk Air Base



Pilgrim Baptist Church

Proposal:

Rezoning RN to AR

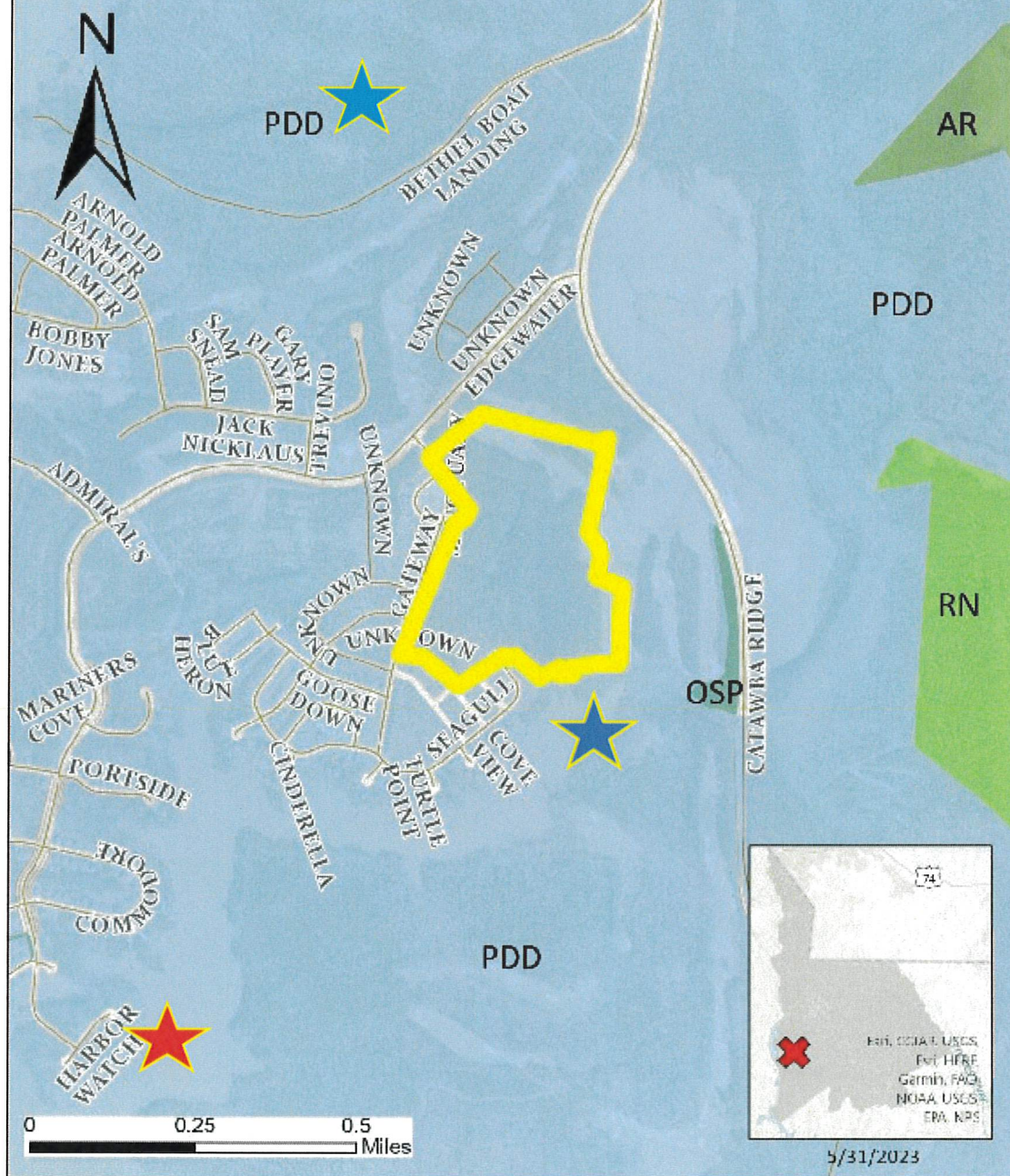


Subject Property



- Proposal:**
Rezoning MDR to MH
- Mt. Moriah AME Zion Church
 - Douglas Presbyterian Church
 - Friendship Baptist Church

SD-2023-0161 Edgewater Phase 11



Lancaster
County
South Carolina

Proposal:
Preliminary Plat



Subject Property

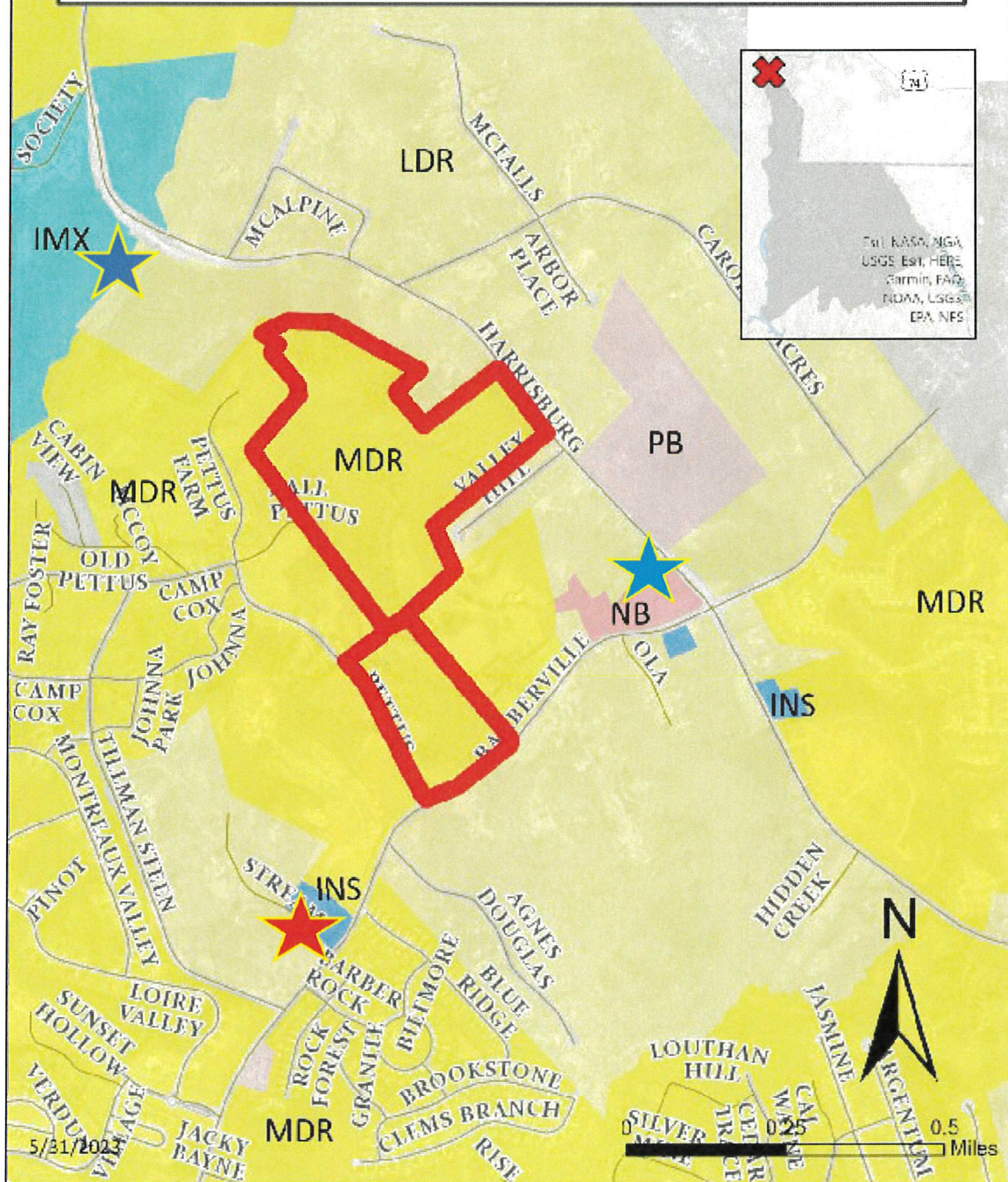


Bear Creek Inlet

Catawba River

Edgewater (Undeveloped)

SD-2019-001 - Patterson Preserve



Lancaster
County
South Carolina



Subject Property



Proposal:
Extension of Vested Rights

Pines Sugar Creek

Church of the Great God

Shamrock Landscaping



Planning Department

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721

Phone: 803.285.6005, planning@lanastercountysc.net

www.mylanastersc.org

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant
- Fees associated with Application

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended UDO Chapter Two, Sec. 2.4 District Standards

Current Text _____

Refer to Exhibit A

Proposed Text Refer to Exhibit B

Description of Need for Proposed Text The proposed amendment changes standards for
Medium Density Residential (MDR) District : Lot size and front setbacks, usable
open space, block length, and density calculation .

☒ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name Allison Hardin, by Request from County Council

Address 101 N. Main Street

City Lancaster State SC Zip 29720 Phone 803-285-6005

Fax _____ Email ahardin@lanastersc.net

APPLICATION CERTIFICATIONS

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Allison Hardin, Interim Planning Dir.

Applicant

Date

COUNTY COUNCIL REQUEST 3/27/2023 Agenda item 8b

Property Owner(s)

Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS

1. Submit Application

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Text Amendment Application Fee - \$435.00

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval

PROPOSAL: Amend Unified Development Ordinance Standards for Medium Density Residential District.

APPLICABLE CHAPTER(S): UDO Chapter 2

APPLICANT: Lancaster County Council

STATED CONCERN: “Changes are intended to address known issues...related to front setbacks, usable open space, lot sizes, ...and density calculation.”

PROJECT SUMMARY & PROPOSAL:

Growth management has been an active discussion with the County Council over the course of the last year.

In 2022, a proposed Interim Ordinance that applied flexible zoning regulations (known as the “flex” option) was denied. Afterwards, citizen engagement prompted the County Council to initiate proposed changes to the Medium Density Residential (MDR) Zoning District and the associated Cluster Subdivision Overlay District (CSOD). This also failed to pass as a joint resolution, and staff asked for time to separate the two issues in order to reach a resolution.

The underlying intent of the amendments (as understood by staff) included: 1) Decreasing density of residential developments, 2) Increasing residential lot sizes, 3) Increasing useable open space acreage in neighborhoods, 4), Breaking up residential block faces, and 5) Expanding driveway parking within neighborhoods.

OVERVIEW:

Staff is aware that two attempts in the last year to “fix” the Medium Density Residential (MDR) zoning district have not been successful. The first attempt, “flex” zoning, was drafted in 2022 after months of research. It was perceived as too complex, and there were questions about how it would fit into the pending Unified Development Ordinance (UDO) rewrite.

The second attempt, increasing the minimum lot size with variable lot options under cluster zoning, was made earlier this year. It was seen as a regulation that would increase the cost of residential housing.

In recent months, there has been some support resurfacing for the flex zoning concept, especially from developers. Staff has been investigating additional concepts, including sunrise/sunset

zoning, mandatory periodic review, and algorithmic review models (scorecards based on how a project addresses the community goals). These are being evaluated based on the impact to development, compliance with state law, and the County's capacity to implement them.

Both earlier attempts were challenged based on discussions about how the options would impact the Panhandle. Staff has combed through hours of meetings with the Council and public input, and is finalizing some recommendations that are aimed to balance the perceptions from the community, the market needs, the current housing situation, and the future growth projections that have been discussed in the comprehensive plan rewrite meetings. The draft is not yet complete, and will be forwarded to you in your packets prior to the meeting.

ATTACHMENTS:

1. Previous Text Amendment (Feb 2023)
2. TA Application
3. *Zoning Practice*, "Practice Gentle Density", February 2023

STAFF CONTACT:

Allison Hardin, Interim Planning Director
ahardin@lancastercountysc.net

STATE OF SOUTH CAROLINA

)

COUNTY OF LANCASTER

)

ORDINANCE NO. 2023-1841

AN ORDINANCE

TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (“UDO”) CHAPTERS 2 AND 4: STANDARDS FOR MEDIUM DENSITY RESIDENTIAL DISTRICT AND CLUSTER SUBDIVISION OVERLAY DISTRICT ON THE EFFECTIVE DATE OF THIS ORDINANCE

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and Determinations.

The Council of Lancaster County (“Council”) finds and determines that:

- (a) Lancaster County initiated a full rewrite of the Unified Development Ordinance (UDO) in October 2021 to address substantive issues with the UDO, has retained a UDO consultant to assist in the full rewrite of the UDO, and the full rewrite is expected to take another twelve (12) to eighteen (18) months to complete.
- (b) Development interest and activity in Lancaster County continues to increase and development project are often presented to the Council that comply with technical requirements of the UDO, but do not fully realize the development policy goals of Lancaster County.
- (c) To address issues with development standards within the current UDO, Lancaster County directed its UDO consultants to develop an interim ordinance to address some of the larger issues associated with development projects that have been processed with the current UDO.
- (d) It is necessary and prudent to amend the UDO with these interim ordinance text amendments prior to the full UDO rewrite to ensure that high quality development projects occur in Lancaster County and that, prior to full UDO rewrite, development projects better achieve the development policy goals of Lancaster County.
- (e) The text amendment related to Chapter 2 of the UDO would increase minimum lot size in the Medium Density Residential (MDR) District from 10,000 square feet to 12,000 square feet; increase front setbacks for garages to 40 feet from 30 feet; and change density to 2.0 dwelling units ~~an~~ per acre from 2.5 dwelling units.
- (f) The text amendment will additionally provide notational changes at the bottom of the dimensional table to implement modifications related to the MDR District density calculation and open space. The amendments implementing these changes will apply to both Cluster Subdivisions and the MDR District. ~~Under.~~ Under this amendment, conventional MDR projects will meet the same open space standards as the Cluster Subdivision Overlay District (CSOD).
- (g) The text amendment related to Chapter 4 would establish a 70 foot minimum lot width per lot and 9,500 square foot minimum lot area for 51% of the lots in a subdivision; establishes an exception by allowing sing up to 49% of the lots to ~~be have~~ a minimum of 50 foot lot wide width and 7,000 square foot minimum lot area; limits the amount of floodplain being eligible ~~as for use as~~ required open space to 50%; requires block face to be broken up with

open space or a street intersection; creates net-density calculations versus gross density calculations using total site acreage; and limits Primary Conversation land and floodplain acreage to 50% in density calculation.

- (h) The text amendments will improve the quality of new subdivisions within the MDR District and its associated CSOD by virtue of increasing lot sizes while allowing variability in lot width, incorporation of more useable open space, providing more onsite parking, and reducing uninterrupted block faces.
- (i) The text amendments are consistent with the applicable provisions of the Comprehensive Plan as required by UDO Section 9.2.15.B.3, as well as applicable provisions of South Carolina Code, Title VI.
- (j) Lancaster County Planning Commission considered the proposed text amendments at its meeting on January 17, 2023 and by a unanimous vote, recommended approval of the proposed text amendments with Version 2 of the amendment related to Chapter 4 being the preferred version. This ordinance codifies their preferred version.

Section 2. Amendment of Ordinance 2016-1442 (Unified Development Ordinance)

Ordinance 2016-1442 (Unified Development Ordinance), is amended as set forth in the “Interim Ordinance - Exhibit 1” attached hereto and incorporated herein by reference.

Section 3. Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

Section 4. Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance, to the extent to of the conflict, supersede all other provisions and this ordinance is controlling.

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2023.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Billy Mosteller, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: February 27, 2023

Second Reading: March 13, 2023
Third Reading: March 27, 2023
Public Hearing: March 27, 2023

Approved as to form:

Virginia Merck-Dupont, County Attorney

FEBRUARY 2023 | VOL. 40 NO. 2

APA

ZONING PRACTICE

Unique Insights | Innovative Approaches | Practical Solutions

Practice Gentle Density



In this Issue: [The Legacy of Single-Family-Only Zoning](#) | [State and Local Responses](#) | [Gentle Density Zoning Standards](#) | [Public Involvement](#) | [Conclusion](#)

Practice Gentle Density

By Jackie Berg, AICP, and John Houseal, FAICP

Cities, towns, and counties across the country are facing a housing availability and affordability crisis. To address the issue, many are developing plans and policies that promote housing stock diversification in both new and infill development scenarios ([Figure 1](#)). However, when such development proposals are presented for review and approval, neighbors often fiercely oppose them, citing concern over a perceived change in the character of their neighborhoods and loss in property value and quality of life.

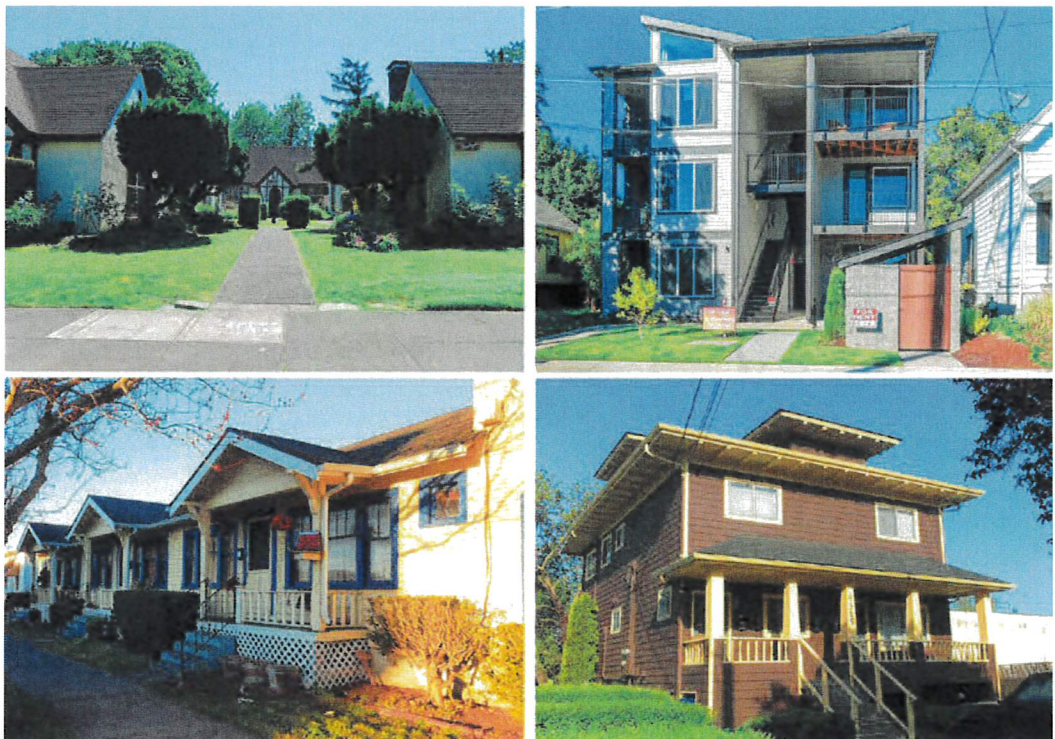
This issue of *Zoning Practice* explores zoning strategies that balance the concerns of residents and the demands of the housing market by accommodating gentle density increases in a context-sensitive manner. From historic downtown neighborhoods to modern residential

subdivisions, the tools presented can be used by planners throughout the country to implement housing policy through regulation.

The Legacy of Single-Family-Only Zoning

Beginning in the early 20th century, zoning was introduced in American cities as a means to control booming development. Beyond land-use control, however, zoning was also motivated by special interests concerned with maintaining existing community character in the face of both cultural and physical change, especially changes in cultural and ethnic makeup resulting from immigration. As written by M. Nolan Gray in *Arbitrary Lines*, “[Zoning’s] defining contribution was to enshrine

Figure 1. A range of medium-density housing types
(Credit: [Sightline Institute, Flickr](#))



the single-family house as the urban ideal, while casting apartments as mere ‘parasites’ and corner grocers as threats to public welfare.”

After the Supreme Court ruled in favor of the constitutionality of zoning in the 1926 *Euclid v. Ambler* case, the federal government incentivized municipalities across the country to adopt zoning regulations—often by tying the availability of federal funding for transportation infrastructure, housing subsidies, and disaster recovery to zoning implementation. The spread of zoning, especially single-family-only zoning, throughout the country is intimately linked to the rapid suburbanization experienced after World War II. The rise of the suburbs and the segregated, low-density land uses that define them, worsened issues of economic segregation and related racial and ethnic segregation stemming from the high cost of car and home ownership required for suburban life. This transition left many

inner-city neighborhoods in a state of disinvestment, further cementing the sentiment that high-density housing leads to crime, property devaluation, and quality-of-life decline. It also exacerbated the acute housing availability and affordability crisis since the Great Recession by limiting the amount and types of housing that can be built.

State and Local Responses

The legacy of single-family-only zoning and a severe housing affordability crisis have motivated several distinct types of state and local zoning-reform efforts. Some states and local jurisdictions have explored eliminating single-family-only zoning. Many others have taken less-drastic measures to reform regulations related to housing development in an effort to accommodate additional and affordable housing in single-family districts.

Table 1. Select State and City Actions to Eliminate Single-Family-Only Zoning

Jurisdiction	Action
California	Eliminated single-family-only zoning in cities and urbanized unincorporated areas by authorizing property owners to build two dwelling units on any single-family-zoned lot and to subdivide any single-family-zoned lot large enough to split into two lots of at least 1,200 square feet (Senate Bill 9 , 2021)
Charlotte, NC	Rezoned all previously single-family-only districts as Neighborhood 1 Zoning Districts, which permit duplexes and triplexes in addition to single-family homes (Unified Development Ordinance , 2022)
Gainesville, FL	Rezoned all previously single-family-only districts as Neighborhood Residential districts, which permit up to four dwelling units per lot (Ordinance No. 211358 , 2022)
Maine	Eliminated single-family-only zoning by authorizing between two and four dwelling units on any lot in a zoning district that permits housing, depending on whether the lot is located in a designated growth area or has an existing dwelling unit (LD 2003 , 2022)
Minneapolis, MN	Eliminated single-family-only zoning by authorizing up to three dwelling units on any lot in the lowest-intensity residential district (Table 546-1)
Oregon	Eliminated single-family-only zoning for many cities by requiring all cities with populations of at least 1,000 in metropolitan service areas and all other cities with populations of at least 10,000 to permit at least two units on each lot in areas zoned for residential use (HB 2001 , 2019)
Walla Walla, WA	Rezoned all previously single-family-only zones as Neighborhood Residential zones, which permit duplexes, triplexes, fourplexes, and cottage homes in addition to single-family homes (Ordinance 2018-53 , 2018)

Efforts to Eliminate Single-Family-Only Zoning

To combat the issues of housing availability and affordability being faced by communities across the nation, several states and local governments have taken dramatic steps toward eliminating single-family-only zoning ([Table 1](#)). Many other communities, like Seattle, have considered eliminating single-family-only zoning but have not been successful due to backlash from residents. Commonly cited concerns related to eliminating single-family-only zoning include a desire to preserve existing community character in order to protect property values, combat crime, maintain traffic conditions, not overburden schools, conserve open space, and more.

Although these concerns are understandable at an emotional level, they often do not hold water in practice. For example, according to a [study by Daniel Kuhlmann](#) published in the *Journal of the American Planning Association* in 2021, home values in Minneapolis increased three to five percent in comparison to similar homes outside of the city after local officials adopted a new comprehensive plan proposing the elimination of single-family-only zoning. The study further suggests that the increase in property value is seen most significantly in relatively inexpensive neighborhoods of Minneapolis, helping to lessen the gap between property values and to build equity for lower income homeowners.

Other Efforts to Zone for Housing Affordability

In addition to largely eliminating single-family-only zoning, California,

considered by many as a leader in housing reform, has recently passed a slew of other laws to mitigate the state's housing shortage. For example, [Senate Bill 6](#) (2019) allows for by-right multifamily housing development in all commercial and office districts; [Assembly Bill 2097](#) (2022) eliminates all parking requirements for housing within a half-mile of public transit; and [Senate Bill 478](#) (2021) requires that floor-area-ratio restrictions on multifamily housing be a minimum of 1.0 for developments with three to seven units and 1.25 for developments with eight to 10 units. This last bill also prohibits a local jurisdiction from denying a housing development proposal on the basis that the lot does not meet minimum size requirements.

Some states, such as North Carolina ([§160D-702\(b\)](#)) and Oklahoma ([SB 1713](#), 2020) have passed legislation that prohibits local governments from enacting design standards for one- and two-family housing (as defined by the building code), which includes single-family detached, duplex, and townhome development. The goal of the legislation is to reduce the costs associated with design standards, such as required building materials, roof form, façade articulation or type, glazing, and more.

A larger number of municipalities and counties are adopting incremental zoning reforms, such as allowing accessory dwelling units (ADUs) in single-family zoning districts ([Table 2](#)). Known by many names, including granny flats, in-law units, backyard cottages, secondary units, carriage houses, and more, an accessory dwelling unit is a smaller, independent dwelling unit that may be detached,

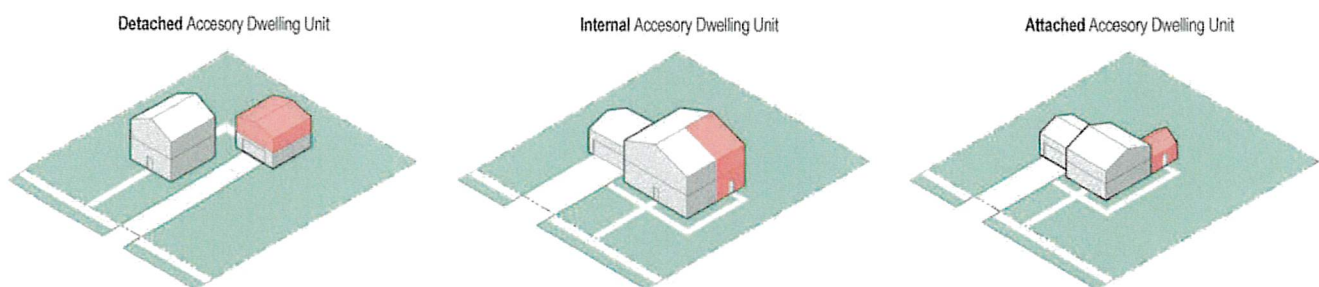


Figure 2. Examples of accessory dwelling unit types (Prepared by Houseal Lavigne)

Jurisdiction	Use Pearmissions
Amherst, MA	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in most residential districts (§5.011)
Apple Valley, MN	Permits one internal or attached ADU per single-family detached dwelling with a discretionary use permit, subject to use-specific standards, in its lowest-intensity residential district (§155.382)
Bloomington, IN	Permits one internal, attached, or detached ADU per single-family or duplex dwelling by right, subject to use-specific standards, in all residential districts (§20.03.030(g)(5))
Boise, ID	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in most residential districts (§11-06-03.1.A)
Chatham County, NC	Permits one internal, attached, or detached ADU per single-family detached dwelling by right in all residential districts (§10.13)
Columbia, MO	Permits up to two internal, attached, or detached ADUs per lot with a discretionary use permit, subject to use-specific standards, in its lowest-intensity residential district (§29-3.3(gg))
Decatur, GA	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in all residential districts (§6.8.3.A)
Fayetteville, AR	Permits one internal or attached and one detached ADU per single-family detached dwelling by right, subject to use-specific standards, in most residential districts (§164.19)
Hudson, OH	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards (§1206.03(a))
Jenks, OK	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in multiple residential districts (§16-5-12(B))
Madison, WI	Permits one internal, attached, or detached ADU per lot, subject to use-specific standards, in all districts (§28.151)
Murray, UT	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in all residential districts (§17.78)
Nashville, TN	Permits one internal or attached ADU per single-family detached dwelling by right and one detached ADU per single-family dwelling by right, subject to use-specific standards, in multiple residential districts (§17.16.030.G)
Olympia, WA	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in all residential districts (§18.04.060.A)
Oxford, MS	Permits one internal, attached, or detached ADU per single-family detached dwelling by right, subject to use-specific standards, in all residential districts (§3.5.6)

Table 2. Select Jurisdictions That Permit ADUs

attached, or internal to the primary dwelling on a parcel ([Figure 2](#)). Accessory dwelling units have several benefits, including affordability; providing a source of additional income for homeowners, making homeownership more realistic for moderate income households; and accommodating multigenerational living and supportive housing.

Other states and local governments are reversing bans or limitations on manufactured housing, an affordable alternative to traditional single-family detached homes. For example, California ([Government Code §65852.3](#)), Idaho ([§67-6509A](#)), Kansas ([§12-763](#)), Nevada ([§278.02095](#)), Ohio ([§519.212](#)), and Washington ([§35.21.684](#)) require local jurisdictions to allow manufactured homes in areas zoned for single-family residences; Huntsville, Texas, overturned a ban on the placement of manufactured housing throughout the community; and London, Kentucky, reversed a regulation that required manufactured housing to be located in manufactured home communities (parks) only.

Design standards that control the appearance of infill missing-middle housing are often an important tool to provide fair certainty to residents.

Shortcomings of These Efforts

Like all legislation and regulatory reforms, the approaches discussed in the previous sections have their shortcomings. For example, much of the legislation recently passed in California introduces blanket requirements across all communities, regardless of their characteristics. However, in a state as large as California, characteristics such as slope, wildfire hazard, and flood risk can significantly impact how new housing formats and additional housing units overall are best regulated in a community.

The North Carolina and Oklahoma prohibitions on design standards for one- and two-family housing have made it

difficult for some communities to introduce missing-middle housing as an allowed infill housing type in established neighborhoods. Infill missing-middle housing in existing single-family only neighborhoods is an effective approach to accommodating affordable housing throughout a community and leveraging existing infrastructure to serve a greater number of people. Design standards that control the appearance of infill missing-middle housing are often an important tool to provide fair certainty to residents. Knowing that the character of their neighborhoods will not be fundamentally altered, residents tend to not protest the allowance of diversified housing, streamlining initial regulation adoption and later development approval.

Just as design standards can make infill missing-middle housing more palatable for residents, design and use standards can make ADUs more acceptable as well. The vast majority of the communities that allow ADUs today have some design and use standards. The primary topics regulated are unit type (i.e., detached, attached, or internal); bulk and mass; location on a lot; location of unit entry; parking and access; design in relation to primary and adjacent dwellings; and requirements for the owner of the property to use either the principal or accessory dwelling as their primary residence. Although these standards can be helpful in ensuring that ADUs blend into the character of neighborhoods, maintaining the appearance of a single-family detached neighborhood at the right-of-way, they can also severely limit the number of ADUs that can be built. The most limiting regulations are often lot coverage restrictions and parking requirements.

Another significant barrier to the development of missing-middle housing in both infill and new development scenarios is the discretionary review process. Requiring special or conditional use approval, conditional district rezoning, architectural review commission approval, or the wide variety of other discretionary review procedures employed by municipalities and counties can add to the time and, therefore, the cost of development. Discretionary review requirements also run the risk of denying approval to development proposals that



Figure 3. Build-to zone (Prepared by Houseal Lavigne)

otherwise meet the requirements of regulations, including design standards and other measures put in place to provide fair certainty to neighbors and applicants.

Gentle Density Zoning Standards

Learning from and building off of the successes and setbacks highlighted previously, the following section focuses on how local jurisdictions can accommodate and encourage the development of missing-middle housing in new development and infill development scenarios.

Bulk and Dimensional Standards

Bulk and dimensional standards, including lot area and width standards, setback requirements, and height and coverage restrictions, can play a significant role in blending missing-middle housing types into new and existing neighborhoods.

For new neighborhoods, municipalities and counties should consider controlling density through minimum lot area and minimum lot area per dwelling unit standards. As always, the minimum lot area requirement will establish the base lot size for the district. The minimum lot area per dwelling unit standard, however, will ensure that missing-middle housing types like triplexes and quadplexes have a proportional amount of open space to their

single-family detached and duplex neighbors. The minimum lot area per dwelling unit could be set at half of the minimum lot area requirement to accommodate duplexes in the same manner as single-family detached dwellings.

Additionally, municipalities and counties should consider establishing a “build-to zone” that applies to all housing types in the same manner (Figure 3). This will ensure that the rhythm of development from the right-of-way is consistent, making the blend of housing types look more seamless.

If eliminating lot area and width requirements is not realistic, municipalities can work to promote reinvestment in existing housing, especially naturally occurring affordable housing, by minimizing nonconformities. To accomplish this, communities can conduct a nonconformities analysis that compares the existing minimum lot area and width requirements established for a zoning district with existing development within that district. Using tools such as ArcGIS, the analysis should first determine the number of parcels in each district that do not conform with the existing lot area and width requirements (Figure 4). Then the analysis should determine the number of parcels in each district that would remain nonconforming if the lot area and width requirements were reduced (Figure 5).

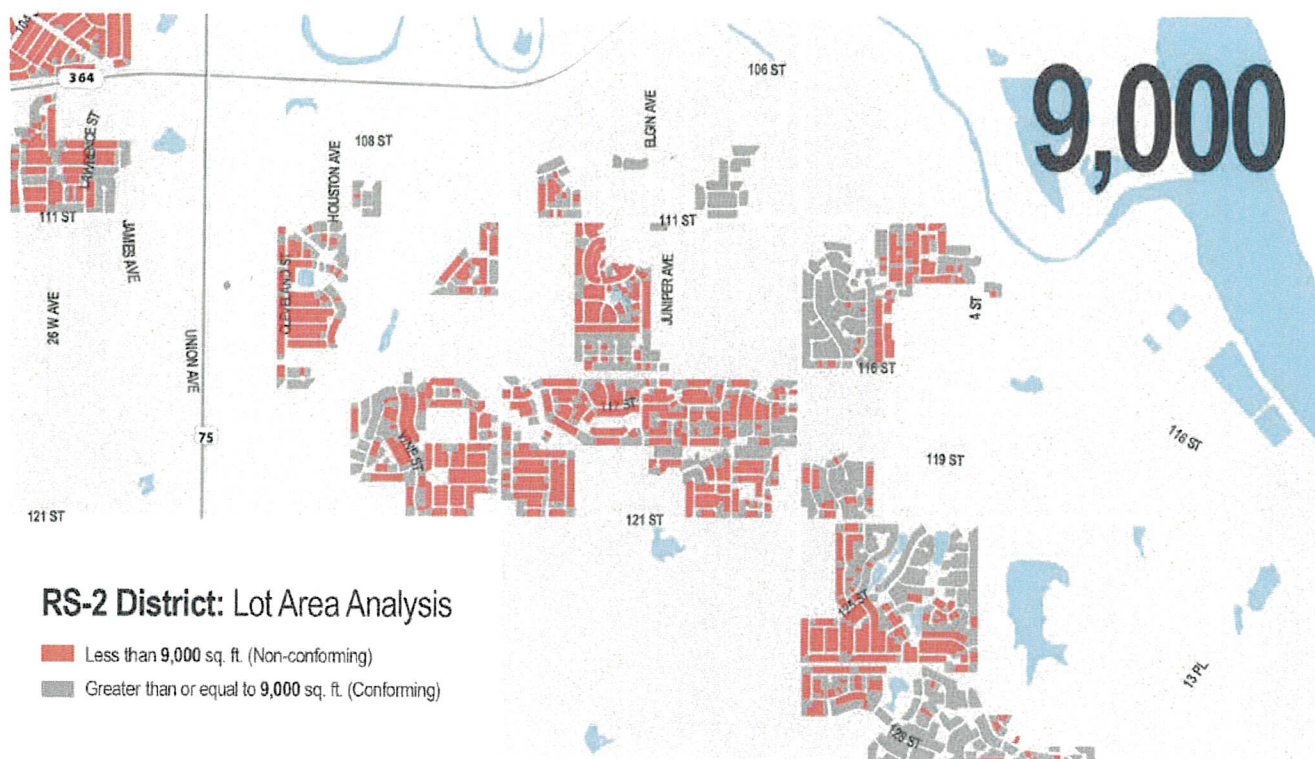


Figure 4. Nonconformities under existing lot area requirements (Prepared by Houseal Lavigne using ArcGIS Software)

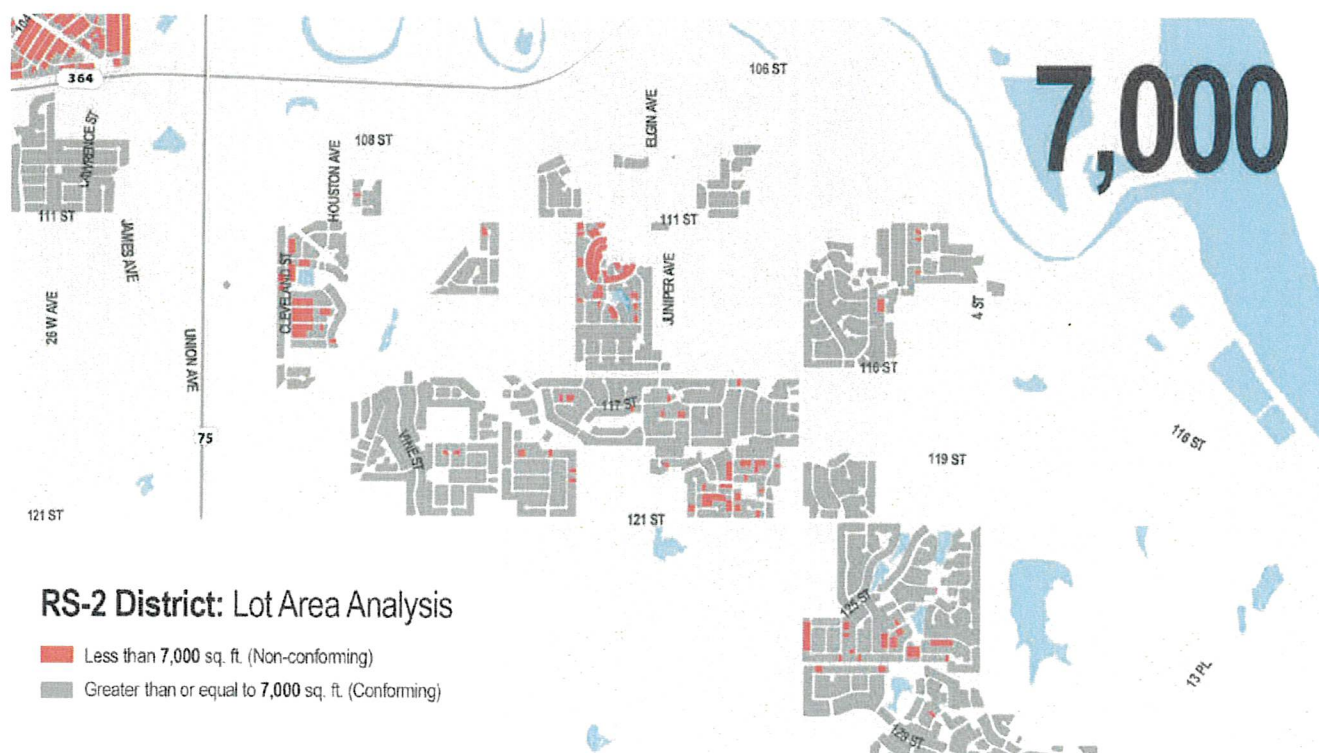


Figure 5. Nonconformities with reduced lot area requirements (Prepared by Houseal Lavigne using ArcGIS Software)

If eliminating lot area and width requirements is not realistic, municipalities can work to promote reinvestment in existing housing, especially naturally occurring affordable housing, by minimizing nonconformities.

To ensure that reducing the lot area and width minimums would not alter the character of established neighborhoods (a common argument against this type of zoning reform), alternative minimums can be tested to see if they would create new opportunities for existing lots to be subdivided. New opportunities for subdivision include lots that are at least two times greater in area and twice the width of the alternative lot area and width minimums being considered. Again, using a tool such as ArcGIS, new opportunities for subdivision can be examined to determine whether they could lead to a change in neighborhood character. For example, if there is a concentration of parcels in a neighborhood that could be subdivided due to the proposed standards changing, would such an amendment result in a shift in neighborhood character. In some instances, it may be most appropriate for these parcels to be rezoned to another zoning classification that requires larger lots, thus preventing the creation of several new lots in an established area. In other circumstances, the alternative minimums should be increased district wide to prevent opportunities for subdivision. However, if the parcels that represent new subdivision opportunities are scattered throughout neighborhoods, rather than clustered together, and surrounded by parcels that are more consistent with the alternative minimums, the new subdivision opportunities would not result in a shift in neighborhood character.

Infill development is most common in older neighborhoods where it is economically viable to tear down aging structures and build new ones. These

types of neighborhoods were often developed organically over time, in some cases before zoning regulations were put in place, and do not have consistent bulk and dimensional standards from one property to another. In these circumstances, municipalities should consider eliminating or amending minimum lot area and width requirements to encourage and accommodate reinvestment. Additionally, municipalities should consider adopting an averaging or variable approach to yard setbacks. For example, in Bloomington, Illinois' Downtown Residence District, the required front yard setback is the average of the front yard setbacks along the same side of the street and on the same block ([§44-403.B\(2\)](#)).

Use Standards

Use standards are supplementary requirements for uses regardless of whether they are allowed by-right or by discretionary approval. The use standards highlighted below are equally appropriate in both new and infill development.

Both new and existing neighborhoods can benefit from standards for higher-density missing-middle housing types that regulate the allowed location of the housing type on a block and its related siting. For example, Bentonville, Arkansas' Downtown Neighborhood (DN) districts distinguish between block-end and mid-block locations and allows higher densities at the former more liberally than the latter ([§401.07-B](#)). The DN districts also require that all residential buildings be oriented toward a public street and that all parking garages, lots, or spaces be located in the rear or interior side yard, rather than in the front yard ([Figure 6](#)).

Municipalities and counties should also consider allowing single-family homes to be converted to multifamily buildings. Converting homes, especially historic properties, can help to extend the economic life of existing structures, beneficial in both maintaining neighborhood character and minimizing environmental impacts related to development. Use standards for single-family to multifamily conversions should require that the outward appearance of the structure be maintained in substantially the same manner and that parking be accommodated on-site.

For Townhouse Cluster - End of Block

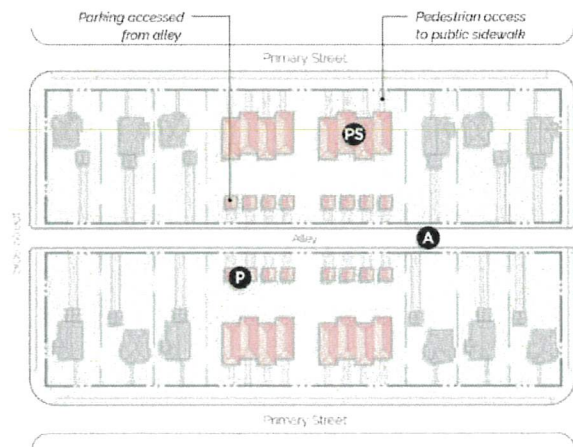


Figure 6. End of block versus mid-block townhouse parking standards (Prepared by Houseal Lavigne)

For Townhouse Cluster - Mid-Block

Key

- PS Primary Structure
- P Parking Garage
- A Maintained or Reconfigured Alley



Design Standards

Objective design standards can help to provide fair certainty as to the appearance and function of new and infill development for both current residents and developers. Objective design standards can also streamline development approval since they can be reviewed for compliance by municipal staff rather than subjectively debated at discretionary review hearings.

For new neighborhoods, design standards do not need to reflect and be complementary with existing development. Therefore, a municipality should consider facilitating robust community outreach before standards are drafted to ensure they meet the preferences and expectations of the community. Communities

should consider focusing on three to five key design features that can provide streamlined, but not cookie-cutter development. Key design features could include roof type, building material mix, and porches and other entry features.

Design standards for infill development should reflect and be complementary with existing neighborhood development. However, in many infill development scenarios, there is not a consistent architectural style utilized throughout a neighborhood or even on the same block. In these circumstances a combination of objective and subjective design standards may be needed. Objective design standards, like those discussed for new development above, should regulate key design features

that are consistently seen throughout a neighborhood, such as dormers, wood siding, and front porches. Subjective design standards, such as requiring architectural features in keeping with existing neighborhood character, should allow for flexibility if the design of adjacent properties warrants such and should be an administrative approval.

Transition Standards

Ensuring an adequate transition between lower-density and higher-density housing is often the most important planning consideration when contemplating how to accommodate diverse housing within communities and neighborhoods.

When starting with a clean slate, mixed-density residential neighborhoods should integrate natural buffers, such as large stands of mature trees, creeks, and wetlands, into the site design to provide a visual and physical transition between higher- and lower-density uses as well as preserve valuable environmental features. To accomplish this, communities should consider adopting conservation design

standards that allow flexibility in bulk and dimensional standards in exchange for environmental feature preservation.

Transition standards for infill development should consider the relationship of new residences to surrounding development. For example, Morrisville, North Carolina, has transition standards that apply to buildings with a height that exceeds that of neighboring existing homes by one story or more ([§5.9.6.C.3](#)). Four transition techniques are established, and three are required to be met ([Figure 7](#)). The techniques include stepping down the structure height and mass along the shared property line; increasing the side yard setback a minimum of 10 feet beyond what is required; providing variations in side-building-wall and roof form; and utilizing dormers and sloping roofs to accommodate upper stories.

Public Involvement

Zoning ordinance reform to accommodate and encourage the development of missing-middle housing should include



Figure 7. An example of infill transition standards (Credit: Town of Morrisville, North Carolina)

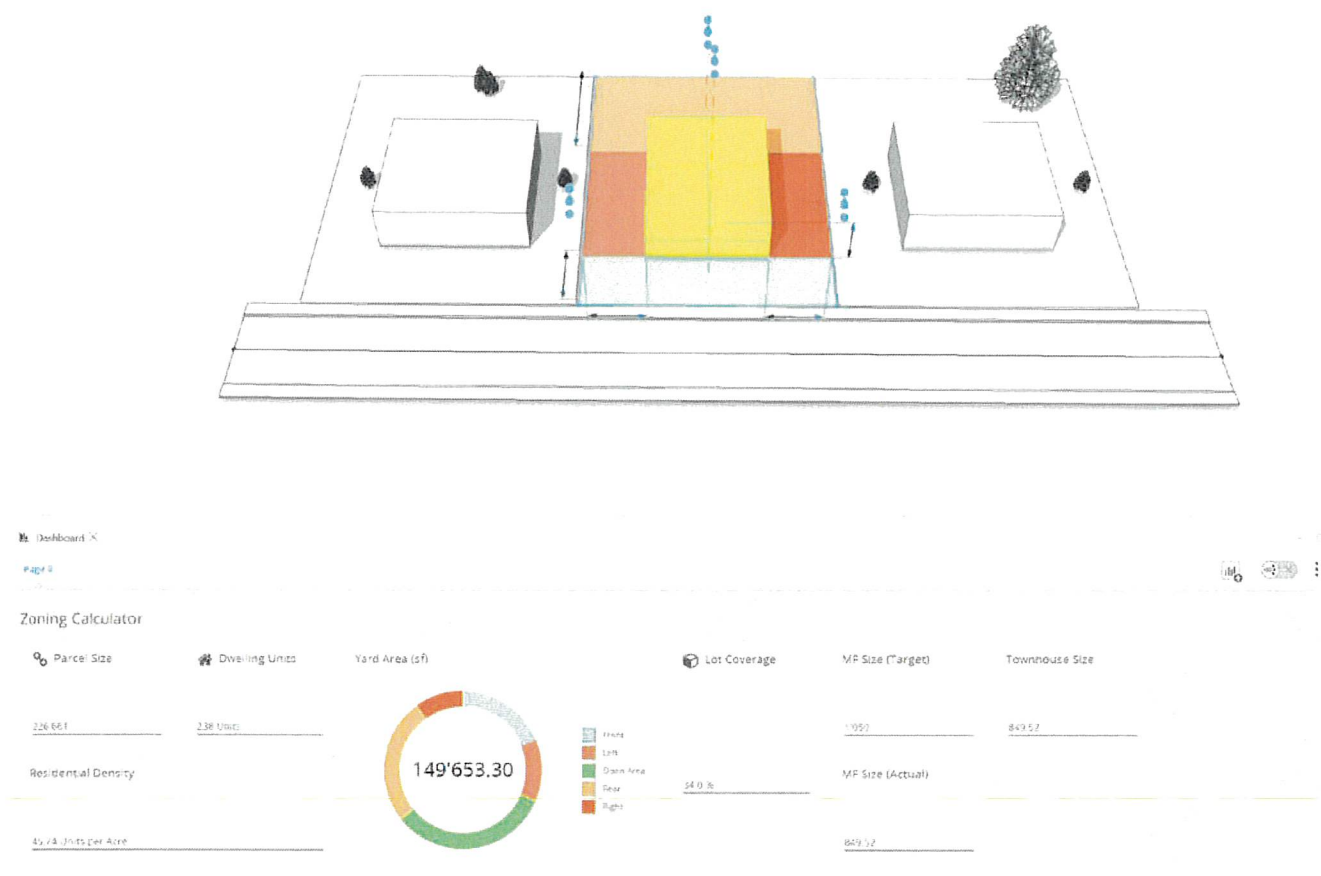


Figure 8. Procedurally modeled density calculator and dashboard (Prepared by Houseal Lavigne using ArcGIS Software)

robust public involvement. Time spent at the beginning of the reform process to build community consensus often pays dividends in project adoption and implementation. Changes in zoning that could impact the character of people's neighborhoods can be scary, and without adequate understanding as to the reasoning behind the changes and their potential impacts, residents push back, and reform fails.

Public involvement for zoning reform initiatives should focus on visualizing the potential impacts of proposed changes. Procedural modeling tools, such as ArcGIS CityEngine, can be used to test and compare building envelopes and built form for higher density infill housing in the context of existing single-family houses (Figure 8). This type of visualization can help residents understand that density can be on the inside of a building without showing evidence of such on the outside.

By utilizing procedural modeling, live testing at community meetings can allow consensus to be reached more easily.

Conclusion

To combat the housing availability and affordability crisis facing the nation, zoning reform will need to be considered by states, counties, and municipalities. Not all of the strategies presented in this article will be applicable in every community, as housing and development, resident sentiment, established neighborhood character, and so much more differ city to city. However, if the approach to zoning does not change, housing issues will likely not be addressed in a meaningful and impactful way. As a first step, jurisdictions should consider doing a chapter-by-chapter assessment of their zoning and subdivision ordinances to identify barriers

to housing development. Utilizing the results of the assessment, community conversations should then be conducted to gather feedback on the best ways to eliminate identified barriers and create new housing opportunities. Then, based on the feedback received, recommendations for ordinance amendments should be developed and presented to elected and appointed officials for consideration. Refined with elected and appointed official feedback, recommendations should be converted to text amendments, supported with graphics and illustrations, and brought through the adoption process. This process will help to ensure that amendments address the barriers to housing the community is facing and are vetted by residents and community leadership – ideally making the adoption process go more smoothly and the resulting ordinances more responsive to local needs.

About the Authors



Jackie Berg, AICP, is a Practice Lead with Houseal Lavigne. She is focused on working with municipalities to develop actionable plans and useful implementation tools that reflect the vision and goals of the community. Her experience with both planning and zoning grounds all her work in the realities of the market and effectively balances community aspirations with what it takes to get good development done.



John Houseal, FAICP, is a Partner and Founder of Houseal Lavigne and is regarded as one of the nation's top urban planning professionals with a reputation as a leader in urban planning, contemporary development practices, and community outreach. He has worked with hundreds of communities across the country and has received multiple national and state level awards for a variety of urban planning and design related projects.

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Creating Great Communities for All

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www.mylancastersc.org

TEXT AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant
- Fees associated with Application

GENERAL INFORMATION

UDO Section(s) Proposed to be Amended UDO Chapter Four, Sec. 4.4.1

Current Text _____

Sec. 4.4.1, Cluster Subdivision Overlay District (Refer to Exhibit A)

Proposed Text Refer to Exhibit B

Description of Need for Proposed Text The proposed amendment changes standards for

Cluster Subdivision Overlay District : Lot size and front setbacks, usable

open space, block length, CSOD lot mix, and density calculation .

☒ Additional pages attached for more information

CONTACT INFORMATION

Applicant Name Allison Hardin, by Request from County Council

Address 101 N. Main Street

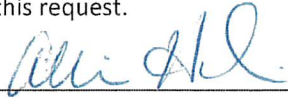
City Lancaster State SC Zip 29720 Phone 803-285-6005

Fax _____ Email ahardin@lancastersc.net

APPLICATION CERTIFICATIONS

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

Allison Hardin, Interim Planning Dir.



5-24-23

Applicant

Date

COUNTY COUNCIL REQUEST 3/27/2023 Agenda item 8b

Property Owner(s)

Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number _____ Date Received _____ Receipt Number _____

Amount Paid _____ Check Number _____ Cash Amount _____

Received By _____ Planning Commission Meeting Date _____

SCHEDULE/PROCESS

1. Submit Application

- The deadline for this application is at least 45 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.
- Text Amendment Application Fee - \$435.00

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval

PROPOSAL: Amend Unified Development Ordinance Standards for Cluster Subdivision Overlay District (CSOD) standards.

APPLICABLE CHAPTER(S): UDO Chapter 4

APPLICANT: Lancaster County Council

STATED CONCERN: “Changes are intended to address known issues...related to front setbacks, usable open space, lot sizes, CSOD lot mix, block face lengths, and density calculation.”

PROJECT SUMMARY & PROPOSAL:

Growth management has been an active discussion with the County Council over the course of the last year.

In 2022, a proposed Interim Ordinance for the cluster design standards, including changes to minimum lot size, front yard setbacks, open space requirements, and open space in relation to block length, was denied. Afterwards, citizen engagement prompted the County Council to initiate proposed changes to the Medium Density Residential (MDR) Zoning District and the associated Cluster Subdivision Overlay District (CSOD). This also failed to pass as a joint resolution, and staff asked for time to separate the two issues in order to reach a resolution.

The underlying intent of the amendments (as understood by staff) included: 1) Decreasing density of residential developments, 2) Increasing residential lot sizes, 3) Increasing useable open space acreage in neighborhoods, 4), Breaking up residential block faces, and 5) Expanding driveway parking within neighborhoods.

OVERVIEW:

Staff has had concerns that the cluster subdivision overlay district was not being used in the way that cluster subdivisions are intended, and is seeking to address this.

Cluster subdivisions are generally used to accommodate a specific goal of the community and/or comprehensive plan. For example, cluster design flexibility is provided in many communities in exchange for natural resource protection, transit-oriented neighborhoods, or to achieve affordable housing. The Lancaster County conservation subdivision code references this, but does not specifically require or call out the objective.

Earlier attempts were challenged based on discussions about how the options would impact the Panhandle. Staff has combed through hours of meetings with the Council and public input, and is finalizing some recommendations that are aimed to balance the perceptions from the community, the market needs, the current housing situation, environmental considerations, and the future growth projections that have been discussed in the comprehensive plan rewrite meetings. The draft is not yet complete, and will be forwarded to you in your packets prior to the meeting.

ATTACHMENTS:

1. Previous Text Amendment (Alternative 2, as recommended by Planning Commission – Feb 2023)
2. TA Application
3. *Zoning Practice*, "Cluster Development," August 2007

STAFF CONTACT:

Allison Hardin, Interim Planning Director
ahardin@lanastercountysc.net

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~~

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

*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	= Total Units Allowed	(dwelling units)
TP	= Total Parcel	(acres)
DUA	= Maximum Dwelling Units per Acre	(dwelling units/acres)

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

$$TU = 125 \text{ Total Lots or Dwelling Units Allowed}$$

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

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

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

$$TO = \text{Total Open Space Set Aside}$$

$$TP = 50 \text{ acres Total Parcel}$$

$$PC = 5 \text{ acres Primary Conservation Areas}$$

$$OSP = 25\% \text{ (or .25) Open Space Percentage}$$

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

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

$$TO = (11.25) + 5$$

$$TO = 16.25 \text{ acres of Total Open Space Set Aside}$$

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 MFH, 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.

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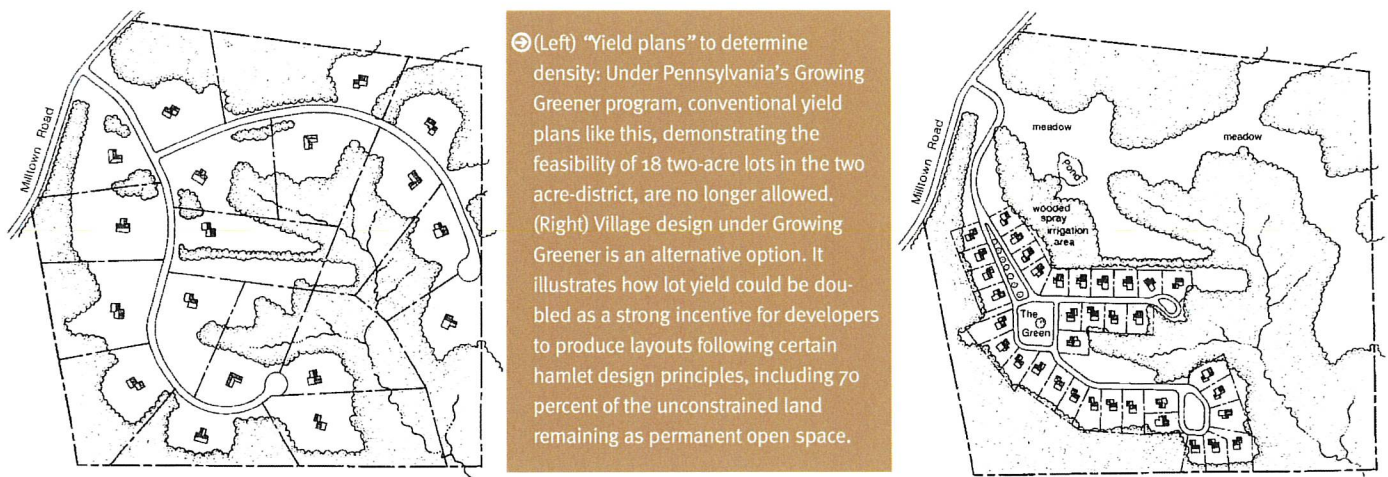
PRACTICE CLUSTER DEVELOPMENT

8

Cluster Development: Modern Application of an Old Town Form

By Stuart Meck, FAICP

Residential cluster development is a form of land development in which principal buildings and structures are grouped together on a site, thus saving the remaining land area for common open space, conservation, agriculture, recreation, and public and semipublic uses.



All images by Randall Arendt. Adapted from PAS Report 523/524: *Crossroads, Hamlet, Village, Town: Design Characteristics of Traditional Neighborhoods, Old and New*, revised edition, 2004.

In many respects, cluster development dates back to one of the earliest town forms. In primitive early settlements, dwelling units were often organized to form a common area or enclosure that residents could use together and readily defend if necessary.

In the United States, the 1928 development of Radburn, New Jersey, represented the first formal introduction of the cluster development concept. It drew on English town planning principles, notably those of the Garden Cities movement. In Radburn, single-family homes and garden apartments are sited in “superblocks” of 35 to 50 acres. The superblocks have no through traffic and are interspersed with parks and related green spaces on which the residences face. Clustering also became the basic site design concept in such contemporary new towns as Reston, Virginia, and Columbia, Maryland.

Cluster development has a number of distinct advantages over conventional subdivision

development. A well-planned cluster development concentrates dwelling units on the most buildable portion of the site and preserves natural drainage systems, vegetation, open space, and other significant natural features that help control stormwater runoff and soil erosion.

The common areas function as a trap for nutrients dissolved or suspended in stormwater runoff. Cost savings during construction are achieved by the reduction in street lengths and utility installations. Later savings can be realized in street and utility maintenance (less surface area that needs repaving and fewer feet of water and sewer line to maintain). Because dwelling units are placed closer together, refuse and other service vehicles do not have to negotiate over as much street mileage, thus reducing travel time.

Where clustering is accompanied by higher-density residential land uses and the provision of pedestrian pathways and bike ways, especially those that link to off-site

activity centers, residents of the cluster development may walk and exercise more.

Clustering also enhances the sense of community, allowing parents better supervision of children playing in common areas and promoting social interaction among neighbors.

The model ordinance featured in this issue of *Zoning Practice* is intended to encourage developers to use cluster development as an alternative to conventional lot-by-lot development, and authorizes cluster development as of right either in all residential districts or in selected ones. Section 110 of the ordinance (see page 7) also offers density bonuses of up to 25 percent when a developer: (a) provides affordable housing as part of the cluster development (thereby helping the local government achieve housing goals that may have been established by the state) and (b) conveys land for open space, recreation, or other purposes that is accessible to the public.

Under Section 107 of the model (see page 6), the local planning commission has the primary responsibility for reviewing and approving a cluster development, although such a function could also be assigned to a hearing examiner. The model ordinance sets forth criteria for the commission to apply in deciding whether to approve the cluster development. (Remember that the responsibilities of the local planning commission vary from state to state.)

The model does not include a severability clause because it assumed this ordinance will be incorporated into a zoning code that will have one already.

This model is based on a sample ordinance appearing in *Nonpoint Source Pollution: A Handbook for Local Governments* by Sanjay Jeer, Megan Lewis, Stuart Meck, Jon Witten, and Michelle Zimet, Planning Advisory Service Report No. 476 (Chicago: American Planning Association, 1997). Local policy makers, such as mayors, city council members, and planning commissioners, can use this article to familiarize themselves with the contents of land development regulations, alternative ways to update such regulations, methods to incorporate smart growth objectives, and types of smart growth ordinances.

The model cluster development ordinance provides a starting point for discussion among policy makers as to the desirability and general approach to such regulations. In some cases, the model ordinance provides several regulatory alternatives among which policy makers can select or, by working with their planners, devise a hybrid approach that suits their community.

Professional planners can use the options discussed in the article to help policy makers understand land development regulation and how to meet smart growth objectives in the formulation of a town center ordinance. The article contains enough model language for planners to understand the technical and administrative complexities of smart growth



☺ Homes fronting directly onto parks: A view showing the direct relationship between houselots and the formal open space. These lots have no street frontage and are accessed only by foot from the front, with driveways leading to rear service lanes. These homes possess greater “curb appeal” than similar houses fronting onto curbs and streets.

ordinances and get into the details of drafting and administering one for cluster developments. The primary smart growth principle addressed with cluster development is the preservation of open space and farmland. Secondary smart growth principles include creating distinctive and attractive places.

Model provisions are followed by commentary and remarks concerning the locally adopted ordinances used as a basis for drafting them.

THE MODEL TOWN CENTER ORDINANCE WITH COMMENTARY

101. Purpose

(1) *It is the purpose of this ordinance to permit residential cluster development in order to:*

(a) *encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;*

(b) *protect environmentally sensitive areas of a development site and preserve on a permanent basis open space, natural features, and prime agricultural lands;*

(c) *decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development;*

(d) *promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets; and*

(e) *provide opportunities for social interaction and walking and hiking in open space areas.*

Remember to consult your state statutes to employ definitions that are consistent with those statutes. These definitions were drawn from different sources and, while useful, may differ from those already established by your state legislation. Definitions of “affordable,” “low-income household,” and “moderate-income household” may need to be changed to comply with current requirements of the applicable federal or state construction or rehabilitation program. In particular, the

THE MODEL CLUSTER DEVELOPMENT ORDINANCE

This issue of *Zoning Practice* provides an overview of the structure of cluster development regulations and is part of a larger effort by the American Planning Association on the development of model smart growth ordinances. The original report was prepared under the direction of APA's research department in Chicago. Stuart Meck, FAICP, was the principal investigator and coauthor. He is the director of the Center for Government Services in the Edward J. Bloustein School of Planning and Public Policy at Rutgers University. Coauthor Marya Morris, AICP, a former APA senior research associate, is now a senior associate with Duncan Associates in Chicago. Rebecca Retzlaff, AICP, assistant professor in Auburn University's community planning program, assisted the authors. Other coauthors include Kirk Bishop, executive vice president of Duncan Associates, Chicago, and Eric Damian Kelly, vice president of Duncan Associates and a professor of planning at Ball State University in Muncie, Indiana. The editor was James Hecimovich, the editor of APA's Planning Advisory Service. Lisa Barton, design associate, designed the report. William R. Klein, AICP, APA's director of research, provided overall project administration.

bracketed percentages may be modified to affect the scope of the definition.

102. Definitions

As used in this ordinance, the following words and terms shall have the meanings specified herein:

Affordable means either a sales price that is within the means of a moderate-income household or a rental amount for housing that is within the means of a low-income household, as those terms are defined in this Section. In the case of dwelling units for sale, housing that is affordable is housing for which the mortgage, taxes, insurance, and fees are no more than [30] percent of the adjusted income for a household whose gross annual income is at or below [80] percent of the median for the area based on household size. In the case of rental housing, housing that is affordable is

limited to, reduction in lot areas, setback requirements, and bulk requirements, with the resultant open space being devoted by deed restrictions for one or more uses.

Cluster development, residential refers to a land development project in which the site planning technique of clustering dwelling units is employed.

Common open space is the portion of the site set aside in perpetuity as open space. This area may include coastal and freshwater wetlands, floodplains or flood-hazard areas, stream corridors, prime agricultural lands, habitats of endangered wildlife as identified on applicable federal or state lists, scenic views, historical or cultural features, archaeological sites, or other elements to be protected from development, as well as easements for public utilities.

recreational, open space, and or/mixed uses as are provided for in the zoning ordinance.

Lot means either: (a) the basic development unit for determination of area, depth, and other dimensional variations; or (b) a parcel of land whose boundaries have been established by some legal instrument, such as a recorded deed or map, and recognized as a separate legal entity for purposes of transfer of title.

Low-income household is one whose gross annual income does not exceed [50] percent of the area median as adjusted for household size.

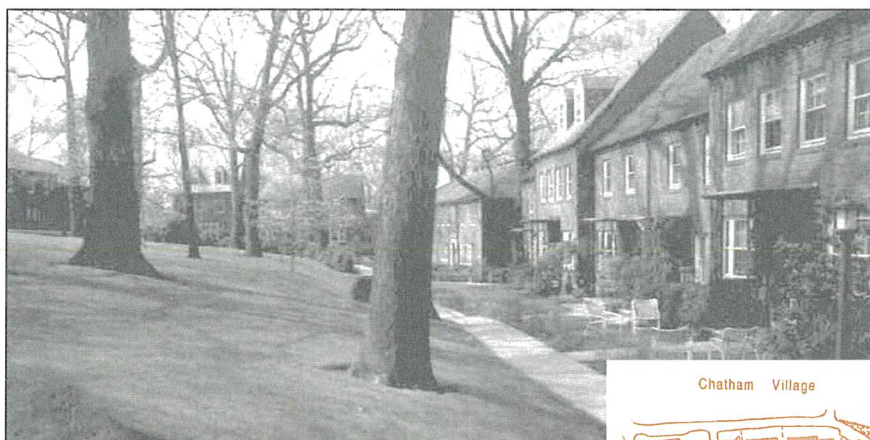
Moderate-income household means a household whose gross annual income is less than [80] percent of the area median as adjusted for household size.

Net buildable area means the portion of the cluster development that may be developed or used for common open space, whether publicly dedicated or private, but excluding private streets, public streets, and other publicly dedicated improvements.

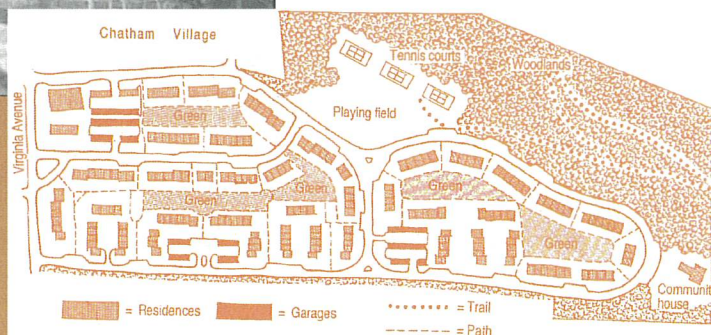
Site plan means the development plan for one or more lots on which is shown the existing and the proposed conditions of the lot.

Street, private is a local roadway serving only abutting lots, not publicly dedicated or maintained by the [local government] but meeting specific municipal improvement standards and providing access for service and emergency vehicles.

Street, public means all public property reserved or dedicated for street traffic.



☺ (Above) A typical green at Chatham Village in Pittsburgh. Occupying the highest ground on this hilltop site, it is framed by buildings that are two stories high in front and three in the back, with garages on the lowest level. (Right) Homes in Chatham Village are accessed from the rear via a loop road, and face each other across smaller and more formal greens.



housing for which the monthly rental amount plus utility costs do not exceed [30] percent of the adjusted income for a household whose gross income is [50] percent of the area median household income adjusted for household size.

Buffer is land maintained in either a natural or landscaped state and used to screen or mitigate the impacts of development on surrounding areas, properties, or rights-of-way.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Cluster (or Clustering) is 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 recreation, open space, or preservation of features or structures with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings may include, but shall not be

Development means the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mine, excavation, landfill or land disturbance; and/or any change in use, or alteration or extension of the use, of land.

Gross area is the total area of the site, including the net buildable area and public rights-of-way.

Infrastructure refers to the facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

Land development project means a project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned development and/or cluster development for residential, commercial, institutional,

Structure means anything constructed or erected that requires location on the ground or attached to something having location on the ground.

There is a fair degree of debate about whether the area of a cluster development should be limited. Because cluster development is fundamentally a design review process, in theory the approach should be applicable to a site of any size. However, it may be that, for smaller sites, a cluster development may not yield any appreciable benefits over conventional subdivisions. Consequently, the decision to authorize cluster development will depend on the policy preferences of the individual local government.

103. Applicability; General Provisions

(1) A residential cluster development shall be permitted [as of right in any residential zoning district pursuant to this ordinance or as of right in the following zoning districts: list district names]:

(a) All principal and accessory uses authorized in the applicable residential zoning district(s) shall be allowed in the cluster development. In addition, multifamily dwellings, duplexes, and town houses may be permitted for a cluster development located in a residential zoning district that does not otherwise allow attached dwelling units.

(b) Maximum lot coverage, floor area ratios, building height, and parking requirements for the applicable zoning district shall apply to the cluster development. Maximum lot coverage, floor area ratios, and parking requirements, however, shall be applied to the entire site rather than to any individual lot.

(2) The following provisions shall apply to any residential cluster development, regardless of the general requirements of the applicable residential zoning district:

(a) The minimum area of the cluster development shall be [two to five] acres.

In some states, the identification of floodplains and coastal or freshwater wetlands occurs routinely as part of the land development and subdivision review process. Optional language in Section 103(2)(g) above requires that at least 50 percent of the floodplains and wetlands must be included as part of the common open space. By including the land designated as common open space, the calculation of net buildable area gives credit for the land area in which floodplains and wetlands that meet state criteria are located. This is intended to serve as an incentive to employ clustering by allowing the area represented by lands in floodplains and wetlands to be used in determining the maximum number of dwelling units.

(b) No minimum width or depth of a lot shall apply.

(c) A minimum separation of [10] feet shall be provided between all principal buildings and structures.

(d) A minimum yard or common open space of at least [25] feet in depth shall be provided, as measured from all public streets and from the side and rear lot lines of the entire cluster development.

(e) Each lot shall have a minimum access of [12] feet to a public or private street. Such access may be shared with other lots.

(f) More than one principal building or structure may be placed on a lot.

(g) Not less than [25] percent of the site shall be conveyed as common open space in the manner provided for in Section [110]. [Where the site contains floodplains and/or coastal or freshwater wetlands, not less than [50] per-

cent of such floodplains and/or wetlands shall be included in calculating the common open space.]

Uses other than residences may be located on the site. For example, the cluster development may include storage facilities, garages, and recreational buildings. Conceivably, a very large cluster development could also include sites for schools.

104. Contents of Site Plan

(1) The preliminary and final site plan for a residential cluster development shall include, but shall not be limited to, the following information:

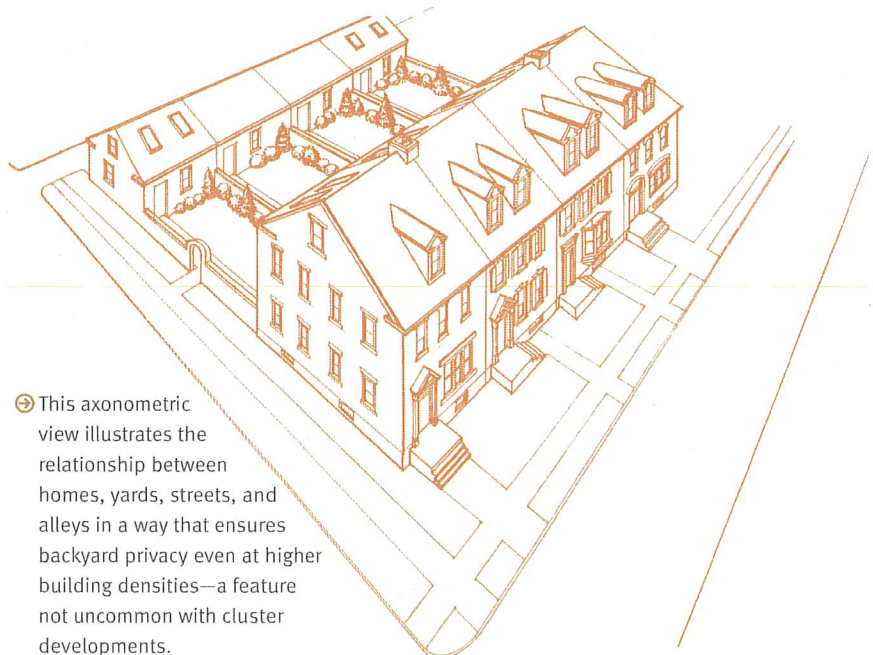
(a) The maximum number and type of dwelling units proposed

(h) The location of sidewalks, trails, and bike paths

(i) The number of acres that are proposed to be conveyed as common open space

(j) [Cite any other plans or information otherwise required by the local government for a major land development or subdivision in its land development or subdivision regulations, such as a plan for landscaping and screening.]

The calculations in Section 105 (2) below are intended to mirror those that a local government would normally employ for determining the maximum number of dwelling units permitted for nonclustered development. Some communities may subtract from the gross area of the cluster development land area in wetlands and



➡ This axonometric view illustrates the relationship between homes, yards, streets, and alleys in a way that ensures backyard privacy even at higher building densities—a feature not uncommon with cluster developments.

(b) The areas of the site on which the dwelling units are to be constructed or are currently located and their size (this may take the form of the footprint of the dwelling unit or a building envelope showing the general area in which the dwelling unit is to be located).

(c) The calculations for the permitted number of dwelling units, derived pursuant to Section [105]

(d) The areas of the site on which other proposed principal and accessory uses may be located and their size

This model assumes the local government will require sidewalks as part of the public improvements required for subdivision.

(e) The areas of the site designated for common open space and their size

(f) The areas of the site designated for parking and loading and the size of individual spaces

(g) The number and percentage of dwelling units, if any, that are proposed to be affordable

floodplains, which will reduce the maximum number of dwelling units in the development.

105. Calculation of Permitted Number of Dwelling Units; Density Bonuses

(1) Except as provided in paragraph (3) below, the maximum numbers of dwelling units proposed for a residential cluster development shall not exceed the number of dwelling units otherwise permitted for the residential zoning district in which the parcel is located.

(2) Except as provided in paragraph (3) below, the number of permitted dwelling units on a site shall be calculated in the following manner:

(a) Measure the gross area of the proposed cluster development site in acres and tenths of an acre.

(b) Subtract from the gross area determined in subparagraph (a) the area of public and private streets and other publicly dedicated improvements, measured in acres and tenths of an acre, excluding common open space

(whether or not it is conveyed pursuant to Section [110] below). The remainder shall be the net buildable area.

(c) Convert the net buildable area from acres to square feet (SF), using the equivalency of 43,560 SF = 1 acre.

(d) Divide the net buildable area by the smallest minimum lot size (in square feet) per unit for a dwelling unit permitted in the zoning district. This figure shall be rounded to the nearest lower number to establish the maximum number of dwelling units to be permitted in the cluster development.

The bonus provisions in Section 105 (3) below are a means by which a local government can ensure that new housing will benefit low- and moderate-income households and implement state goals for affordable housing. Indeed, should a local government decide it wants to more aggressively provide for affordable housing through cluster development (as well as open space conveyance) it might increase the density bonus from the suggested figure of 25 percent.

(3) The [local planning commission] may approve an increase of up to [25] percent of the maximum number of dwelling units in the cluster development, as calculated in paragraph (2) above, if:

Note that only when the common open space is both conveyed and is accessible to the public is a density bonus justified. If the common open space was simply conveyed to a private entity (as opposed to the local government), but there was no public access, a density bonus could not be approved.

(a) the percent of density bonus is no greater than the percent of dwelling units in the cluster development that are affordable units; and/or
(b) the percent of density bonus is no greater than the percent of the gross area of the cluster development that is both:

1. set aside as and conveyed as common open space pursuant to Section [110]; and
2. accessible to the public.

While these review criteria are intended to guide the planning commission in the evaluation of the proposed cluster development, they cannot replace a sensitive and creative site planner who has the responsibility of designing cluster development or an experienced professional planner whose responsibility it is to review the proposal and advise the planning commission on necessary design changes.

106. Procedures for Review

(1) The [local planning commission] shall review and approve a residential cluster development and any amendments thereto as a land development project in the manner provided for in [cite

applicable state statute], together with any ordinances and regulations adopted pursuant thereto and appearing in [cite applicable local land development regulations].

107. Review Criteria

(1) In reviewing a residential cluster development, the [local planning commission] shall determine whether:

- (a) the site plan satisfies the requirements of Sections [103], [104], and [105];
- (b) buildings and structures are adequately grouped so at least [25] percent of the total area of the site is set aside as common open space. To the greatest degree practicable, common open space shall be designated as a single block and not divided into unconnected small parcels located in various parts of the development;



⊕ (Above) Terminal vista: "Reverse-frontage" lots should never be allowed to be created at the end of a cul-de-sac, causing the back end of houses to face directly onto the cul-de-sac "circle." (Below) Neighborhood freeway design: The combination of excessively wide streets and the absence of shade trees is an unattractive combination, despite some engineers' claims that wider streets are safer and that trees constitute "fixed deadly objects."

- (c) pedestrians can easily access common open space;
- (d) the site plan establishes, where applicable, an upland buffer of vegetation of at least [50] feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes, and ponds;
- (e) individual lots, buildings, structures, streets, and parking areas are situated to minimize the alteration of natural features, natural vegetation, and topography;
- (f) existing scenic views or vistas are permitted to remain unobstructed, especially from public streets;
- (g) the site plan accommodates and preserves any features of historic, cultural, or archaeological value;
- (h) floodplains, wetlands, and areas with slopes in excess of [25] percent are protected from development;

(i) the cluster development advances the purposes of this ordinance as stated in Section [101]; and

(j) [other, such as contiguity requirement for common open space].

(2) The [local planning commission] may, in its opinion, apply such special conditions or stipulations to its approval of a residential cluster development as may be required to maintain harmony with neighboring uses and to promote the objectives and purposes of the comprehensive plan and the zoning and subdivision ordinances.

(3) If the [local planning commission] finds that the requirements of paragraph (1) above are satisfied, it shall approve the residential cluster development, subject to any special conditions or stipulations pursuant to paragraph (2) above, any density bonus pursuant to Section [105], and any reductions [and/or waivers] pursuant to Section [108].

Most local governments have adopted standard design specifications for streets. This allows the planning commission to reduce street pavement widths in order to minimize impervious surfaces on the site, as well as to limit the portions of the site that must be regraded to accommodate wider streets. If a street proposed in a cluster development is to be used as a connector from an adjoining development or as a through street, it is probably not a candidate for a reduction in width. There is no firm rule, however, on when a reduction or waiver should be allowed, and determinations should be made on a case-by-case basis.

The 22-foot pavement width shown in brackets assumes a 15-foot travel lane and a seven-foot parking area. If parking were desired on both sides of the street, a 28-foot pavement would accommodate two seven-foot parking lanes and a 14-foot wide travel lane.

108. Reduction [and/or Waiver] of Certain Physical Design Requirements

(1) In approving a residential cluster development, the [local planning commission] may reduce the pavement width of any public or private streets that would otherwise be required by the [subdivision regulations or other design specifications for roads] to [22] feet.

(2) An applicant who wants the reduction of pavement width of public or private streets as provided for in paragraph (1) above, shall submit a statement of justification for the reduction [and/or waiver] along with the final site plan.

If the density bonus is to be given on the basis of a guarantee of the provision of affordable housing, there must be a mechanism to ensure that the housing, whether it is for sale or for rent, will remain affordable for a reasonable period of time. This is done through a

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deed restriction and mortgage lien approved by the local government's law director.

109. Controls on Resale and Re-rental of Affordable Housing Units Used as Basis for Density Bonus

(1) Affordable dwelling units used as the basis for approving a density bonus in Section [105] shall be subject to a deed restriction and a mortgage lien to ensure that newly constructed low- and moderate-income sales and rental units remain affordable to low- and moderate-income households for a period of not less than [30] years, which period may be renewed.

(2) The deed restriction and mortgage lien shall be approved by the [local government] law director and shall be enforceable by the [local government] through legal and equitable remedies.

110. Conveyance of Open Space

(1) Common open space provided by a residential cluster development shall be conveyed as follows:

(a) To the [local government] and accepted by it for park, open space, agricultural, or other specified use or uses, provided that the conveyance is approved by the [local planning commission] and is in a form approved by the [local government] law director; or

(b) To a nonprofit organization whose principal purpose is the conservation of open space, to a corporation or trust owned or to be owned by the owners of lots or dwelling units within the residential cluster development, or to owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units. The conveyance shall be approved by the [local planning commission] and shall be in a form approved by the [local government's] law director.

(2) In any case, where the common open space in a residential cluster development is conveyed pursuant to subparagraph (1)(b) above, a deed restriction enforceable by the [local government] shall be recorded that provides that the common open space shall:

(a) be kept in the authorized conditions(s); and

(b) not be developed for principal uses, accessory uses (e.g., parking), or roadways.

CONCLUSION

This overview of the structure of cluster development is part of larger effort by the American Planning Association to develop model smart growth ordinances, including models that may be adapted by local governments to implement special planning policies (e.g., multimodal transportation, affordable housing, etc.). As used in this effort, smart growth ordinances and development codes mean regulations intended to achieve a variety of objectives (e.g., encouraging mixed uses, preserving open space and environmentally sensitive areas, providing a choice of housing types and transportation

modes, and making the development review process more predictable). In addition, because smart growth ordinances provide more transportation options and more compact, mixed use development, they inevitably have public health implications; they encourage walking, bicycling, and human interaction, with the potential to support more active, socially engaged lifestyles that result in better physical and mental health.

The following should have been included in About the Authors in last month's issue. *Zoning Practice* regrets the accidental error:

"This article is distilled by the authors from material in a forthcoming PAS Report, *Zoning as a Barrier to Multifamily Housing Development*, co-authored by Gerrit Knaap, Stuart Meck, Terry Moore, and Robert Parker, released by APA in July 2007. Copyright APA 2007. Research for the report was supported by the Lincoln Institute of Land Policy, the Fannie Mae Foundation, and the U.S. Department of Housing and Urban Development."

Single-family homes clustered around a common green. ©iStockphoto.com/ Joe Gough

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DOES YOUR CLUSTER
DEVELOPMENT ORDINANCE
HAVE THE ESSENTIALS?

8



PROPOSAL:	Amend Unified Development Ordinance Standards for Road Hierarchy.
APPLICABLE CHAPTER(S):	6.14 (Road Construction Standards)
APPLICANT:	Lancaster County Council

STATED CONCERN: Appeal from the public to amend regulations relating to subdividing heirs property in rural areas.

PROJECT SUMMARY & PROPOSAL:

Earlier in 2023, the County received requests from two separate families who were interested in subdividing their rural properties for distribution among family members. Both were impacted by sections of the code that related to street length and design.

In April 2023, the County Council passed an ordinance (after recommendation from the Planning Commission) that amended Section 6.4.1 – Connectivity, essentially grandfathering in streets that were built at the time the current UDO was adopted in 2016 from meeting current block length, block width, through-block connections, and cul-de-sac design standards. This permitted one family to move forward, but the other remains impacted by regulations that result in additional cost to subdivide; namely, road construction.

Current UDO guidance in Section 6.14 includes required width for three types of rights-of-way: local, collector, and commercial/arterial roads. Road projects in the County have previously been classified as one of these three. Each requires a certain width of pavement.

Two potential changes have been discussed in development meetings:

1. For family subdivisions in rural areas where traffic is not a concern, ***is it possible to reduce the street design requirement from pavement to an all-weather surface***, like gravel?
 2. There is a conflict regarding “alley” design between the limited choices of road type and other sections of code (specifically Chapter 3 and Detail R8 in Appendix C). Alleys are one-way, one-lane roads but are not accommodated in the geometric criteria of 6.14.1, forcing all alleys to be constructed as two-lane paved areas with 50-foot rights-of-way. ***The road type list should include “alley” roads with dimensions that match Detail R8 of Appendix C*** (12’ paved road minimum and 1.5’ gutter on each side, for a minimum of 15’ ROW).
-

HEALTHY NEIGHBORHOOD STREET DESIGN STANDARDS (Source: *Street Design Guidelines for Healthy Neighborhoods* by Dan Burden, Michael Wallwork PE, Ken Sides PE, Ramon Trias, and Harrison Rue):

Street Type	Max Width	Max Design Speed	Max Corner Radius	Max Centerline Radius	Curb	Median	Max Street Length	Vehicle Volume	Walk Way	Bike Lanes	Trees	2-Way Traffic	Parking
Trail	8-14'	20 mph	n/a	95'	no	n/a	n/a	na	n/a	n/a	yes	yes	no
Alley	10-12'	10 mph	15'	50'	no	n/a	400'	200	no	no	no	yes	no
Lane	16-18'	20 mph	15'	90'	option	no	600'	200	both	no	yes	option	1 side
Street	26'	20 mph	15'	90-120'	option	no	1,320'	600	both	no	yes	yes	2 sides
Avenue	varies	30 mph	15-25'	250'	yes	option	n/a	3-20K	both	yes	yes	yes	option
Main Street	varies	15-25 mph	15-25'	600'	yes	option	2,600'	3-10K	both	option	yes	yes	option
Boulevard	varies	30-35 mph	25'	500'	yes	yes	n/a	20-40K	both	yes	yes	yes	option
Parkway	varies	45+ mph	25'	1,000' +	no	yes	n/a	20-60K	no	trails	yes	yes	no

Full staff report will follow in your packet.

STAFF CONTACT:

Allison Hardin, Interim Planning Director
ahardin@lanastercountysc.net

Agenda Item Summary

Ordinance # / Resolution #: Vested Rights Extension for Patterson Preserve

Contact Person / Sponsor: A. Hardin

Department: Planning

Date Requested to be on Agenda: 6/1/2023

Points to Consider:

ATTACHMENTS:

Description	Upload Date	Type
Memo	5/25/2023	Exhibit
Timeline of Work	5/25/2023	Exhibit
Report on Expenditures	5/25/2023	Exhibit
UDO Sec. 9.2.17 Vested Rights	5/25/2023	Exhibit

March 23, 2023

Christine Early
Director of Acquisitions
Exeter Development Company
Suite 9250
1905 Woodstock Rd
Roswell, GA 30075

Dear Christine:

This letter is in response to your request for a one-year vested rights extension for the Preliminary Plat for Patterson Preserve, which was first received in my office February 10, 2023. We reviewed your request pursuant to the Lancaster County Unified Development Ordinance (UDO), Section 9.2.10.B (Administration Review Procedures, Subdivisions, Subdivision (Major) – Preliminary Plat).

We respectfully decline to extend the existing vested rights for Patterson Preserve, based on Section 9.2.10.B.10: "The administrator may grant a single extension of this time period of up to one year upon submittal by the applicant of sufficient justification for the extension."

The information used to form this opinion includes the following:

Two Year Extension Argued and Approved, 2019 – 2021

- **2/4/19:** Application to subdivide property identified as 0003-00-049.00, 0003-00-049.13, and 0003-00-049.17 was signed on February 1, 2019 and received by Lancaster County on February 4, 2019. Page 6 of the application indicates that the project, called Patterson Preserve, is a cluster subdivision.
- **6/4/19:** Staff provided comments through the Technical Review Committee (TRC) process, including two "not approved" letters sent in March 2019 with TRC comments that needed resolution. On June 4, 2019, the TRC gave conditional approval for the plat to move forward to the Planning Commission for preliminary plat review; outstanding comments, considered minor in nature, would have to be addressed.
- **6/18/19:** The Preliminary Plat for the development known as Patterson Preserve was approved by the Lancaster County Planning Commission (PC) June 18, 2019. This approval was pursuant to UDO section 9.2.3, which establishes the Planning Commission as the approving agency for Preliminary Plats and establishes a two-year permit period (consistent with S.C. Code, § 6-29-1530).
- **3/9/21:** Despite the minor staff comments pending, Exeter did not resubmit to resolve staff comments until March 9, 2021 (nearly 2 years after the Planning Commission approval).
- **4/2/21:** Once staff comments were addressed, Patterson Preserve plans were stamped, then issued on April 2, 2021.

- **7/26/21:** Joe Neal (Attorney with Morton and Getty's) contacted county staff on July 26, 2021 on behalf of the property owners requesting formal information on the vesting status of Patterson Preserve
- **10/27/21:** County Staff issued a formal notice to Exeter Development that their vesting for the approved Patterson Preserve Preliminary Plat had expired based on the Planning Commission approval date of June 18, 2019.
- **10/28/21:** Jeff Smerko (Chief Acquisitions Officer for Exeter Development) replied, stating that they [Exeter] were *"weeks away from making full submittals to all agencies."*
- **11/4/21:** Chaplin Spencer (Attorney with Spencer and Spencer) issued a rebuttal to county staff's assertion that the beginning of the vesting came from Planning Commission approval (6-18-2019). Mr. Spencer opined that the beginning of vesting should be derived from the date of full preliminary plat approval (4-2-2021).
- **11/24/21:** John Dubose (County Attorney) issued a response stating that the prior County assertion was withdrawn and that *"Exeter Development Company, LLC ("Developer") has a vested right to develop the Patterson Preserve for two years from final Preliminary Plat approval by the TRC on April 2, 2021."*

Advance Knowledge of What Was Needed to Make the April 2023 Deadline

- Jeremy Wethington (Land Development Project Manager for Exeter) emailed on March 29, 2022, stating the following: *I need to know the requirements for platting and what options are available for bonding. For our Patterson Preserve Community we were approved April of 2021. It is my understanding that we need to have ALL plats recorded by April of 2023 and there may a chance for a one-year extension. Even with the extension it will be very tight for us to have the community 100% complete for all platting to be recorded.*
 - County Staff responded: *"...so long as you are making substantial investment and progress into the site with 50-75% of lots final platting by April 2023 you should be okay from a vesting standpoint"*
- Your letter, dated February 20, 2023, that states the anticipation of *"full submittal of construction documents in April or May, 2023"*- knowing that the vesting ends on April 2, 2023, this indicates that the company does not anticipate being able to complete the civil review step by the deadline, much less the 50-75% final platting as staff indicated in 2022.

While we have determined that your project falls under the Preliminary Plat review process, your letter also points to the vested rights section (9.2.17). Even under this section of the UDO, there is a block to extending the vested rights for Patterson Preserve.

Section 9.2.17.A.2 states that *"The Planning Commission must approve applications for at least five annual extensions of the vested right if a timely and proper application has been filed with the Planning Commission unless an amendment to the UDO has been adopted that prohibits approval."*

- The initial application for Patterson Preserve (submitted February 4, 2019) states on page 6 that the development was submitted under the "cluster subdivision" design standards.
- On December 19, 2021, the Lancaster County Council approved Ordinance #2019-1623, amending the UDO to require all cluster subdivisions to have a development agreement.

- There are no development agreements on record for Patterson Preserve to fulfill that requirement, and as such, approval of the cluster subdivision would not be available.

When you're ready to re-apply, our staff stands ready to assist you.

Please feel free to reach out to me if you have any questions.

Regards,

Allison Hardin, CFM

Interim Planning Director

Lancaster County, SC

PROPOSAL: Approve road/street names in Lancaster County

APPLICABLE LAWS: Chapter 6 of Lancaster County Unified Development Ordinance (UDO); SC Code of Laws 6-29-1200

APPLICANT: Lancaster County

PROJECT SUMMARY & PROPOSAL:

Proposal to approve street names in Lancaster County

BACKGROUND:

The South Carolina Code of Laws, Section 6-29-1200 (A), states the following:

(A) A local planning commission created under the provisions of this chapter [the South Carolina Local Government Comprehensive Planning Enabling Act of 1994] shall, by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the commission has jurisdiction. It is unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking or in a deed or instrument without first getting the approval of the planning commission.

In April 2023, the Planning Commission approved the road names that were include in the Master Street Address Guide (MSAG) to date. Since that time, there have been 58 additional road names sorted and prepared for Planning Commission review.

The attached list will be on your agenda for approval in June.

STAFF RECOMMENDATION:

Staff will recommend **approval** of the street names listed, to be included in the County's master street address guide.

ATTACHMENTS:

1. List of road & street names, May 2023

STAFF CONTACT:

Allison Hardin,
Interim Planning Director
ahardin@lancastersc.net

ROAD NAME	SUBDIVISION	LAST PHASE APPROVED
FORMATION CT	KINSDALE	CIVIL PLAN-BIB-SUB OR SUBDIVISION, < 150 LOTS PHASE 1
Kilgus Loop DR (Phase 1 & 2)	KINSDALE	
MILLENIUM DR	KINSDALE	
RAPPORT CT	KINSDALE	
PEDIGREE CIR	KINSDALE	CIVIL CONSTRUCTION PLAN, > 150 LOTS PHASE 2
INTEGRITY LN	KINSDALE	
PARTNER CT	KINSDALE	
UNISON LN	KINSDALE	
ACCORD CT	KINSDALE	
ROYAL CT	KINSDALE	
DANNY DR (VAN WYCK COMMUNITY)	PRIVATE DRIVE	
AMARILLO CT	Roselyn	Preliminary Plat
BARN BEN TER	Roselyn	Preliminary Plat
BEACHWOOD AV	Roselyn	Preliminary Plat
BEACON RIDGE RD	Roselyn	Preliminary Plat
BEAR BLUFF RD	Roselyn	Preliminary Plat
BEAVER TRACK CT	Roselyn	Preliminary Plat
BENTWIND RD	Roselyn	Preliminary Plat
BOAR TUSK TER	Roselyn	Preliminary Plat
BOWFIN RD	Roselyn	Preliminary Plat
BRIGHT SKY RD	Roselyn	Preliminary Plat
CAMDEN GLEN RD	Roselyn	Preliminary Plat
Canyon Gate ST	Roselyn	Preliminary Plat
CHAPEL RIDGE RD	Roselyn	Preliminary Plat
COTTON CREST LN	Roselyn	Preliminary Plat
COYOTE GLEN DR	Roselyn	Preliminary Plat
CREEK RUN LN	Roselyn	Preliminary Plat
CROOKED BRANCH RD	Roselyn	Preliminary Plat
DEER JUMP DR	Roselyn	Preliminary Plat
EASY CROSS CT	Roselyn	Preliminary Plat
FAWN CHASE DR	Roselyn	Preliminary Plat
FIELD BEND DR	Roselyn	Preliminary Plat
FOGGY CREEK CT	Roselyn	Preliminary Plat
FOREST FLOOR RD	Roselyn	Preliminary Plat
FRANKLIN OAK DR	Roselyn	Preliminary Plat
GATE TRAIL TER	Roselyn	Preliminary Plat
GOLDEN FALLS RD	Roselyn	Preliminary Plat
GOODDAY DR	Roselyn	Preliminary Plat
HAWKS LANDING PL	Roselyn	Preliminary Plat
HAZY HILL WAY	Roselyn	Preliminary Plat
HIDDEN NEST CT	Roselyn	Preliminary Plat
LOCUST LN	RIVERCHASE	Currently on Section 3 preliminary plat
CEDAR RIDGE WAY	RIVERCHASE	Currently on Section 3 preliminary plat
Down Grove Pl	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Albany Mews Pl	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Barberry Dr	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2

Ravenscroft Close Way	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Lindores Rd	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Tucker Hill Way	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Charter Way	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Granby Pl	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Grosbeak Ter	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Parrot Way	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Parakeet Ct	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Kite Dr	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Flicker Rd	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Goshawk Pl	Creek Water	CIVIL CONSTRUCTION PLAN, > 150 LOTS - R2
Badley Hill Dr	Arbor Hills	To be placed on Civil Plans