

Section 5.020 Allowed Uses

Principal uses are allowed in R districts in accordance with [Section 25.010 \(Table 25-1\)](#). Not more than one principal dwelling unit is allowed on a single lot (parcel) of land unless otherwise approved as a townhouse or multi-unit development ([amended 5-18-2015](#)).

Section 5.030 Lot and Building Regulations

5.030-A General

This section establishes lot and building regulations for all development in R districts. The standards vary based on zoning classification and sometimes by building and development type. These regulations are not to be interpreted as a guarantee that allowed densities and development yields can be achieved on every tract. Other factors, such as central water and central sewer service availability, health department requirements, other requirements of this ordinance or other factors may sometimes work to further limit development potential.

5.030-B Conventional Development ([amended 3-15-2021](#))

“Conventional development” is any development that utilizes Table 5-2 to establish minimum lot sizes.

1. Applicability

The conventional development standards established in this subsection apply to all conventional development new subdivisions in all RA and R districts.

2. Lot and Building Regulations

The lot and building regulations of Table 5-2 apply to all conventional development in R districts. Conventional developments are also subject to the supplemental regulations of this subsection (5.030-B).

3. Density Standards

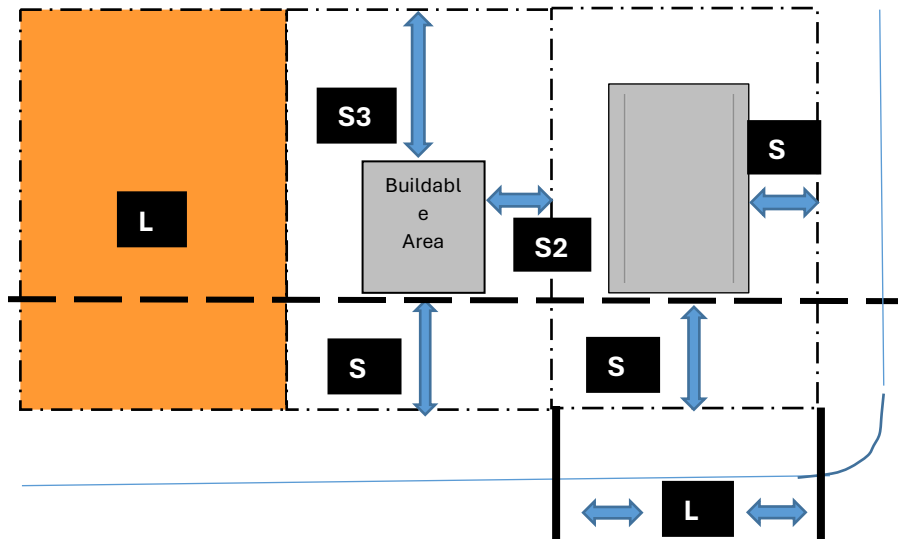
1. For Major Subdivisions utilizing conventional development standards the following density standards apply:
 - a. Density is not transferable across state roads. Existing and proposed street rights-of-way may not be counted as lot area for the purposes of calculating maximum site density.
 - b. Areas within a special flood hazard area, as shown on the Flood Insurance Rate Maps (FIRM) for Union County, and areas designated as Riparian Buffers under Article 70 of this ordinance, shall not be used to calculate maximum site density.
 - c. In areas identified as “Rural Residential” on the future land use map in the current comprehensive plan, in addition to the standard set forth above, an additional 30% of the acreage of the development site shall be set aside as common open space and shall not be used to calculate maximum site density. Common open space as required by this section shall follow the regulations set forth in Section 5.030-C(4)(b) and 5.030-C(4)(d)-(g).

Table 5-1: R District Lot and Building Regulations--Conventional Development ([amended 8-6-2018](#))

Regulations		RA-200	R-40 RA-40	R-20 RA-20	R-15	R-10	R-8	R-6	R-4
Minimum Lot Size									
L1	Area (square feet)	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Area per dwelling unit (sq. ft.)								
	Detached House	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Two-unit house	NA	30,000	15,000	11,250	7,500	6,000	4,500	3,000
	Townhouse	NA	NA	NA	NA	6,250	5,000	3,750	2,000
	Multi-unit building	NA	NA	NA	NA	6,250	5,000	3,750	2,000
L2	Width (feet) [1]	300	120	100	80	70	60	50	35
Minimum Setbacks (feet)									
S1	Street/front [2]	40	40	40	30	30	30	25	20
S2	Side [3]	15	15	12	10	10	10	8	5
S3	Rear	40	40	40	30	30	30	25	25
S4	Corner Side	20	20	20	15	15	15	12.5	12.5
	Max. Building Height (feet)	35	35	35	35	35	50	50	50
	Max. Coverage for bldgs. & structures	40%	40%	40%	40%	40%	40%	40%	40%

- [1] Lot width does not apply to townhouses
- [2] Corner lots – one street side yard shall be ½ of the required street/front setback
- [3] For townhouses, side setbacks apply to end units only.
- [4] Non-residential uses allowed in residential districts may exceed the 35 ft. height limitation, but shall not exceed 50 ft. in overall height.

Figure 5-1: Residential Lot and Building Regulations (Conventional Development) (amended 8-6-2018)



5.030-C Cluster Development

“Cluster development” refers to a subdivision of detached houses that allows for smaller lot sizes than conventional developments but that results in greater preservation of common open space and no overall increase in residential density. Cluster development regulations require that a specified portion of each subdivision be set aside and permanently preserved as open space. Cluster development designs allow more compact and less costly networks of streets and utilities. They can also help reduce stormwater runoff and non-point source pollutant loading rates and can be used to help preserve an area’s semi-rural character. Cluster developments are intended to reduce stormwater runoff and flooding, preserve

natural resources, protect water quality and encourage the provision of needed open space and recreational amenities for residents.

1. Applicability

The cluster development option established in this subsection is available for new subdivisions in RA-200, RA-40, RA-20, R-40, R-20 and R-15 districts.

2. Lot and Building Regulations

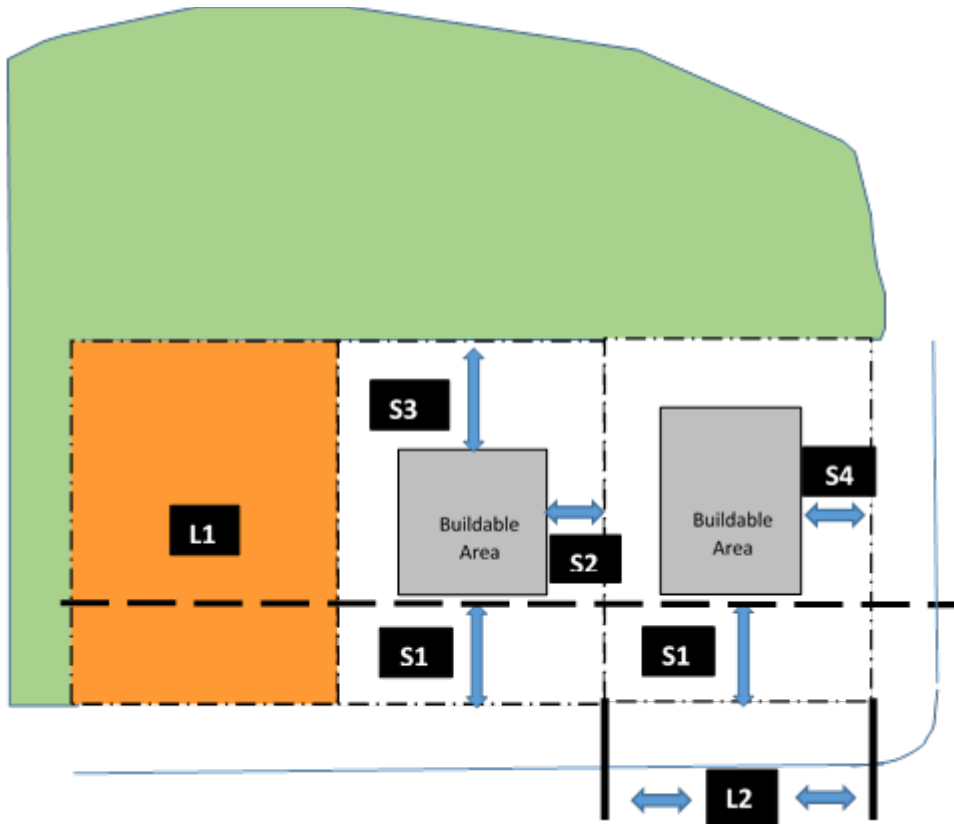
The lot and building regulations of

Table 5-3 apply to all cluster developments in R districts. Cluster developments are also subject to the supplemental regulations of this section (5.030-C).

Table 5-2: R District Lot and Building Regulations—Cluster Development (amended 8-6-2018)

Regulations	RA-200	R-40 RA-40	R-20 RA-20	R-15
Overall Site				
Minimum contiguous area (acres, gross)	100	25	25	25
Minimum open space (% site)	See §5.030-C4			
Minimum Lot Size				
Minimum Lot Area (sq. ft.)	87,120	20,000	15,000	10,000
Minimum Setbacks (feet)				
Street	25	25	25	25
Side	10	7.5	5	5
Rear	25	25	25	25
Corner Side	12.5	12.5	12.5	12.5
Max. Building Height (feet)	35	35	35	35

Figure 5-2: Residential Lot and Building Regulations (Cluster Development) (amended 8-6-2018)



3. Site Area and Density

- a. Lots split by state roads are considered separate lots and may not be combined to meet applicable minimum site area requirements.
- b. Density is not transferable across state roads. As required with conventional (non-cluster) subdivisions, existing and proposed street rights-of-way may not be counted as lot area for the purposes of calculating maximum site density.
- c. Areas within a special flood hazard area, as shown on the Flood Insurance Rate Maps (FIRM) for Union County, and areas designated as Riparian Buffers under Article 70 of this ordinance, shall not be used to calculate maximum site density.
(amended 3-15-2021)
- d. In areas identified as "Rural Residential" on the future land use map in the current comprehensive plan, in addition the standards set forth above, an additional 30% of the acreage of the development site shall be set aside as common open space and shall not be used to calculate maximum site density.

4. Open Space

- a. Each cluster development must include permanently protected common open space equal to at least ~~30~~30% of the gross area of the subdivision or the difference

between the cumulative total lot area that would have been required under the conventional development minimum lot area requirements of [§5.030-B](#) and the actual cumulative total area provided within the cluster development, whichever results in a greater amount of open space.

- b. Required open space must be directly accessible to residents of the development.
- c. Street rights-of-way and waste water disposal fields may not be counted toward satisfying minimum common open space requirements, and no more than 50% of the required minimum open space area may consist of FEMA-regulated floodplain area.
- d. At least 50% of the common open space required to be set aside must be usable open space, meaning an area that is capable of being used and enjoyed for passive recreation and that:
 - (1) Is left in its natural or undisturbed state (as of the date development began), if wooded, except for the cutting of trails for walking or jogging (see below), if not wooded at the time of development is property vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective of providing passive recreational opportunities; or
 - (2) Consists of a pond, lake or other natural or human-made body of water.
- e. Common open space must be protected in perpetuity by a binding legal instrument that is recorded with the deed. The legal instrument must be one of the following:
 - (1) A permanent conservation easement in favor of either:
 - (a) A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization must be bona fide and in perpetual existence and the conveyance instruments must contain an appropriate provision for transfer in the event the organization becomes unable to carry out its functions;
 - (b) A governmental entity (if the entity accepting the easement is not the county, then a third right of enforcement favoring the county must be included in the easement);
 - (2) An open space tract protected by a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or
 - (3) An equivalent legal tool that provides permanent protection, as approved by the county attorney.

- f. The applicant must identify the owner of the open space. The designated owner and the owner's successors are responsible for maintaining the open space and any associated facilities. If a property owners association is the owner, membership in the association is mandatory and automatic for all property owners within the development and their successors.
- g. The applicant must submit a management plan for the open space and all common areas. The management plan must:
 - (1) Allocate responsibility and guidelines for the maintenance and operation of the open space and any associated facilities, including provisions for ongoing maintenance and for long-term capital improvements;
 - (2) Estimate the costs and staffing requirements needed for maintenance, operation and insurance and outline the means by which necessary funding will be obtained or provided; and
 - (3) Describe means of enforcing the management plan.

5. Subdivision Design Improvements

Unless otherwise expressly stated, cluster developments are subject to the same infrastructure and public improvement requirements (e.g., streets, trails, street trees, street lights, etc.,) as conventional developments (subdivisions).

6. Stormwater Management

Post-development stormwater discharge rates at the property boundary may not exceed the pre-development rate for the 2- and 25-year storm events. This regulation does not apply if discharging directly into a FEMA-regulated floodplain.

7. Central Water and Central Sewer

Cluster developments must have water service from a central water source and sewer service from a central sewer service provider. *(amended 5-18-2015)*

8. Streets

All lots shall be served by newly created interior streets. *(amended 5-18-2015)*

9. Recreational Facilities

Cluster developments must have at least one recreational amenity including but not limited to neighborhood pool/club house, or other recreational facilities such as bike paths, ball fields, pocket parks, walking trails, or basketball courts. These facilities must be constructed before releasing more than 75% of the lots for final plat. *(amended 5-18-2015)*