

**Sec. 30-190. Cluster subdivisions.**

(a) *Purpose and intent.* The purpose of this section is to establish a process by which environmentally sensitive land and infill sites may be developed for residential purposes without strict adherence to the dimensional requirements of the zoning code of the city. The intent is to encourage better site planning than would normally occur by conventional subdivision procedures. Specifically, the objectives are to better preserve valuable open spaces, environmentally sensitive areas, and/or existing tree cover on properties that have such environmental features ~~and scenic vistas~~; and/or to provide for infill development where appropriate better utilization of land for zero lot line development or development with reduced setbacks, and efficiency through design ~~which shortens street and utility lines thereby reducing required investment in such infrastructure and its maintenance~~; flexibility to meet changing market conditions. Such development will be accomplished without an overall increase in density otherwise permitted in the zoning district in which the development is located as determined by the minimum lot size.

(b) *Permitted districts; minimum size.* A cluster subdivision may be permitted in any zoning district in which single-family dwellings are allowed as a permitted use and where the parcel to be subdivided has an area of 40,000 square feet 2 acres or more.

(c) *Approval procedure; design standards; name.*

(1) Cluster developments shall be approved in accordance ~~to~~ with the procedures established for design plats and final plats under criteria provided in this article. Further, cluster subdivisions involving attached housing in zoning districts that allow such housing types, shall also secure development plan approval in accordance with Article VII. Applications for the approval of cluster subdivisions shall be processed in the same manner as design plats.

(2) Design standards for improvements shall be in accordance with the provisions and regulations of this chapter.

(3) The name of a subdivision approved pursuant to this article shall be followed by the words "cluster subdivision" which shall become and be made a part of its official name.

(4) Application for Cluster Subdivision will be classified as either environmental or infill based on the following criteria:

Environmental – development site must be located in the Significant Ecological Communities Districts or have at least ~~two~~ one or more of the following environmental features: wetlands, creeks, lakes, significant tree grouping/upland community, sinkholes, and endangered plants and animals species.

Infill – Cluster subdivision that provide for infill development where appropriate, provide for better utilization of land, provide for zero lot line development or development with reduced setbacks, and/or promote efficiency through design.

- (d) *Dwelling types permitted.* Except in the RSF-1, RSF-2, RSF-3 and RSF-4 zoning districts, all types of attached and detached single-family residential dwellings may be permitted in a cluster subdivision. In the RSF-1, RSF-2, RSF-3 and RSF-4 districts only single-family detached dwellings will be permitted in a cluster subdivision. Within cluster subdivisions, a variety of lots sizes housing types shall be encouraged.
- (e) *Modification of street, yard and lot requirements.* Modifications and variations to the lot area, lot width and depth, ~~and~~ minimum yard setback, street width and layout requirements of the applicable zone may be permitted if shown on the design plat and such plat is approved by the development review board and city commission. Each cluster subdivision may use zero lot line, regular lots or a combination of the two. However, each lot in a cluster subdivision which directly abuts developed property not in a cluster subdivision shall not:
- (1) Have an abutting side or rear yard which is less than that required for the abutting property; and
  - (2) Have a lot width, which is less than 75 percent of the minimum lot width required in the zoning district for the abutting property.
  - (3) Have a minimum lot size that is not less than the following for single family districts:
    - RSF-1 (8500 square feet minus 25%) 6375 square feet
    - RSF-2 (7500 square feet minus 25%) 5625 square feet
    - RSF-3 (6000 square feet minus 25%) 4500 square feet
    - RSF-4 (4300 square feet minus 25%) 3225 square feet
- (f) *Number of dwelling units permitted.* The total number of dwellings permitted in a cluster subdivision shall not exceed the number of dwelling units which would have been otherwise permitted by the density standards in the zoning district in which it is located. In the RSF-1, RSF-2, RSF-3, RSF-4, RMF-5 and RC district categories the permitted number of dwelling units may be calculated by dividing the total land area of the cluster subdivision by the minimum lot size required for the applicable zoning district not to exceed the density allowed by the zoning district.
- (g) *Cluster open space requirement.*
- (1) Each cluster subdivision that reduces lot sizes below the minimum area required by the zoning district in which it is located shall provide cluster open space to be preserved and maintained for its scenic value, for recreational or conservation purposes and other related uses. This space

shall be clearly indicated on the plat by the use of the words "cluster open space." The minimum amount of land to be designated as cluster open space shall be equivalent to seventy-five (75) percent of the total amount of area by which each lot was reduced below the minimum lot size required in the zoning district plus any required wetland, creeks and associated buffer acreage in which the subdivision is located. Cluster open space is not required unless lot sizes are reduced below the minimum area required in a zoning district.

(2) Land area devoted to public or private vehicular streets and sidewalks, rights-of-way and drainage structures shall not be included towards meeting cluster open space requirements except when such land is being jointly used for a greenway corridor as specified by subsection 30-187(o). For the purposes of this section "drainage structures" shall be defined as culverts, storm drains and stormwater retention or detention ponds. with side slopes that must be stabilized by artificial means. Drainage facilities that utilize existing topography, have side slopes that are stabilized by sod, grass or other plantings, or that provide a recreational or aesthetic amenity to the development may be included towards meeting cluster open space requirements.

(3) Unless otherwise restricted, cluster open space may contain accessory structures and improvements necessary for the educational, cultural, recreational or social enjoyment of the residents or citizens plus any necessary utility services. The appropriateness of accessory structures will be reviewed and considered in terms of their enhancement of the cluster open space, the purposes as provided in subsection (a) of this section, and the criteria as provided in subsection 30-190(i). Accessory structures may be approved during the design plat review process, or during the development plan review process subject to the provisions of this section and the provisions of Article VII. Accessory structures are prohibited within wetlands, creeks, lakes and associated buffers.

(4) For environmental cluster subdivisions, cluster open space must contain environmentally significant features such as but not limited to creeks, creek setback buffers, wetland, wetland setback buffers, flood channels, floodplain areas, major tree groupings and individual trees of significant size. All wetland mitigation must be done on site.

(5) The Cluster subdivision must protect all healthy heritage trees. Special provision shall be made a part of the restrictive covenants that homeowners must design their homes to protect the trees.

(h) *Ownership of cluster open space.*

(1) *Public ownership.* Cluster open space may be conveyed to the city unless the city commission finds that the size, location, nature and type of development, or fiscal impact (i.e., the cost and maintenance of development or open space) would make public use undesirable or unnecessary. Such conveyance shall be by statutory warranty deed free and clear of all liens and encumbrances, and shall take place on or before the recordation of the subdivision plat. In some instances, the city

commission may authorize the conveyance of the cluster open space by a conservation easement as provided in F.S. § 704.06, when the nature and character of the cluster open space is suitable for such easement. Where the cluster subdivision encompasses lands designated for greenways or other forms of public ownership or access under the recreation; conservation, open space and groundwater recharge; and stormwater management elements of the comprehensive plan, the city may require dedication of such areas to the city as specified by subsection 30-187(o).

(2) *Private ownership.* Where open space is not dedicated to the city or public use, it shall be protected by legal arrangements satisfactory to the city attorney sufficient to assure its maintenance and preservation for the purpose(s) intended. Covenants or other legal agreements shall specify, at a minimum, the ownership of the cluster open space, method of maintenance, maintenance of taxes and insurance, compulsory membership and assessment provisions; guarantees that any homeowners' association formed to own and maintain cluster open space will not be dissolved without the consent of the city; and any other provisions deemed necessary by the city attorney to meet the requirements of this section.

(i) *Criteria for review of cluster subdivisions.* A cluster subdivision shall provide for the better utilization of land and for a total environment which is improved over that which could be achieved under standard regulations. The applicant must present evidence that the proposed cluster subdivision better utilizes the land that can be achieved under standard subdivision requirements. If the city commission finds that a subdivision will be improved by the reasonable modification of the location, design or configuration of open space, building lots, streets and parking areas, the subdivision will be modified or denied. The following criteria shall guide the development review board and city commission City in review of the proposed subdivision and in making any modifications thereof:

(1) Individual lots, buildings, streets and parking areas shall be designed and situated to minimize alteration of the natural site features and topography. A minimum of at least 50% of all heritage trees must be protected. All native tree species are designated Heritage trees when they reach the size of 20 inches in diameter when measured at 4 ½ feet above ground level. Exception are Water Oaks (quercus nigra), Laurel Oaks (quercus hemispherica), Sweetgums (liquidambar styraciflua) and Loblolly Pine (pinus taeda), which become Heritage trees only when they are larger than 30 inches in diameter when measured at 4 ½ feet above ground. All lot shall be designed so that heritage trees 20 inches or larger lie fully outside of the building setback lines and buildable area.

(2) Individual lots, buildings and other structures shall be arranged and situated to relate to surrounding properties and to improve the view from, and the view of, buildings, lots and structures.

- (3) Individual lots, buildings, streets and parking areas, and any accessory structures and improvements located in the cluster open space, shall be situated to avoid the adverse effects of shadows, noise and traffic on the residents of the site and to minimize the area devoted to motor vehicles.
- (4) Cluster open space shall include irreplaceable natural features located on the tract such as, but not limited to, stream beds and adjacent banks, wetlands, flood channels, floodplain areas, major tree groupings and individual trees of significant size.
- (5) ~~The suitability of cluster open space intended for scenic value shall be determined by its visibility from a significant number of units or buildings or streets.~~
- (6) The usability of cluster open space intended for recreation or public use shall be determined by the size, shape, topographic and location requirements of the particular purpose proposed for the open space. Further, such space intended for recreation or public use shall be easily accessible to trail users including the elderly and handicapped, be integrated to form unbroken trail linkages between uses within the subdivision, and take advantage of opportunities to establish off-site linkages to nearby land uses, bikeways, sidewalks and greenways.
- (7) To the extent practical, lands designated for greenways or other forms of public ownership or access in the conservation, open space or recreation element shall be included as cluster open space as specified by subsection 30-187(o).
- (8) Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between the development and the land. The cluster subdivision shall be designed using traditional neighborhood planning principals. Garage doors if forward facing must be set back at least 20 feet from the back of sidewalk. Sidewalks must be included on both sides of the street internal to the cluster subdivision.
- (9) To the extent practical, cluster open space shall contain designated surface water or upland environmental features.
- (10) When lots abut wetland and buffers, the developer/homeowner shall provide a 10-foot setback from those designated areas for work area to construct residential structures, including principal and accessory structures.

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