

Exhibit A-1

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, existing tree cover; to provide for infill development where appropriate; to provide for better utilization of land; to provide for zero lot line development; to promote efficiency through design; and to provide for design 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 five acres or more.~~

(c)

Approval procedure; design standards; name.

(1)

Cluster developments shall be approved in accordance 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 contain regulated surface waters and wetlands, or regulated natural and archaeological resources, or it must be within a planning parcel that includes regulated natural and archaeological resources.

Infill—Cluster subdivision that provide for infill development where appropriate, provide for better utilization of land, provide for zero lot line development, 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 lot sizes and architectural typologies shall be encouraged.

(e)

Modification of street, yard and lot requirements. Modifications and variations to the lot area, lot width and depth, 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 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.

The provisions of subsections (1) and (2) above may be waived if the subdivision provides a 35-foot buffer around the subdivision to which no variance will be permitted.

No cluster subdivision of 50 acres or less shall have lot sizes that are less than the following for single family districts:

RSF-1 (8,500 square feet minus 25 percent) 6,375 square feet

RSF-2 (7,500 square feet minus 25 percent) 5,625 square feet

RSF-3 (6,000 square feet minus 25 percent) 4,500 square feet

RSF-4 (4,300 square feet minus 25 percent) 3,225 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. The number of dwelling units shall not 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 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. Fifty percent of drainage facilities (unfenced) that utilize existing topography, have side slopes that are stabilized by plantings, provide a recreational or aesthetic amenity, provide environmental quality and ecological value, and utilize native plants to create an aquatic or a temporary aquatic type of ecosystem to the development, may be included towards meeting cluster open space requirements. 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.

(3)

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 must be designated as cluster open space. Notwithstanding any contrary language contained in section 30-301 or other city regulations, all wetlands mitigation for a cluster subdivision must be done on site.

(4)

The cluster subdivision shall strive to protect healthy heritage trees. The restrictive covenants for the cluster subdivision shall require that homes and other improvements are designed 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 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 utilizes the land better than a standard subdivision. 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 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 50 percent of all heritage trees must be protected.

- (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 any 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 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.
- (6) 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 and dedicated as specified by subsection 30-187(o).
- (7) 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. Garage doors if forward facing must be set back at least 20 feet from the back of sidewalk and shall not be forward of the front facade of the building. Sidewalks must be included on both sides of the street internal to the cluster subdivision.
- (8) To the extent practical, cluster open space shall contain regulated surface waters and wetlands, and set-asides of regulated natural and archaeological resources.
- (9)

When lots abut wetlands or buffer areas, the property owner shall provide a ten-foot building construction setback from those areas for a construction work area, so that wetlands and buffer areas are not disturbed during any construction process.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 050255, § 1, 6-25-07; Ord. No. 120314, §§ 3, 4, 1-3-13)