

## ***Standards for Cluster Development***

*See the **Cluster Development Application** for submittal requirements.*

1. Conformance with the Comprehensive Plan. The residential cluster development shall be consistent with and conform to the goals, policies, and implementation ordinances of the borough's comprehensive plan, comprehensive trails plan, comprehensive road plan, and any other borough plans.
2. Permitted Uses. Any use or combination of uses allowed in the underlying zoning districts established by this title shall be permitted. Conditional uses shall also be permitted through the conditional use process. Multiple family structures are permitted in any zone in which a cluster development is allowed.
3. Land Area. A residential cluster development shall not be less than the minimum lot size permitted in the underlying zone.
4. Owner Association and Maintenance Agreement. A legal instrument that requires individual owners of land within the cluster development to be responsible for the maintenance of the open space, common areas, and facilities serving the development and to ensure that the purpose, intent, and specifications of the residential cluster development are met. Said instrument shall create an ownership association where:
  - a) A plan providing for the permanent care and maintenance of open spaces, recreation areas, and commonly owned facilities and parking lots is established;
  - b) The ownership association is established prior to any interest within the cluster development being sold;
  - c) Membership in the association is mandatory for each property owner;
  - d) Restrictions on open space are permanent;
  - e) The ownership association is made responsible for liability insurance, and maintenance of open spaces, recreation areas, and commonly owned facilities and parking lots;
  - f) The ownership association is given power to levy assessments or require fees or dues, which can become a lien on individual premises, for the purpose of paying operating and maintenance costs, liability insurance, and other expenses;
  - g) The governing board of the ownership association consists of at least three members who are owners of property in the cluster development;
  - h) Said instrument and the articles of incorporation and bylaws of the association shall be reviewed by the borough attorney for compliance with this subsection.
5. Master Plan and Phasing Schedule. A cluster development may be constructed in two or more phases; provided, that a master plan and phasing schedule have been

submitted to and approved by the platting authority. The master plan and phasing schedule shall delineate the improvements proposed for each phase, the expected completion date of each phase, and shall demonstrate that each phase can function independently. Adequate access, buildable areas, utility provisions, lot size, open space, etc. must be available to the property designated for future phases. This will ensure that the property does not become undevelopable should the cluster development plan be abandoned.

6. Density. In a cluster development, where a variety of housing types may be provided including single-family, two-family or multiple-family structures, the maximum number of dwelling units allowed shall be determined by the total number of dwelling units that can exist if the property is subdivided to its greatest potential under its current zoning designation. The maximum number of dwelling units may be reduced because of, but not limited to, the following:
  - a) Environmental factors such as topography, soils, slope, drainage patterns, wetlands, and permafrost;
  - b) The character and nature of surrounding residential areas;
  - c) Inconvenient or unsafe access to the development;
  - d) Traffic congestion for streets adjoining the development;
  - e) An excessive burden imposed on parks, recreational areas, schools, and other public services and utilities which serve or are proposed to serve the development.
7. Setbacks. Setbacks from the perimeter of the cluster development shall not be less than specified by the underlying zone. Spacing between buildings shall be a minimum of 20 feet.
8. Lot Size. Individual lot sizes and dimensions within the cluster development may be freely arranged.
9. Height. Heights of buildings and structures shall be limited by the underlying zoning district.
10. Common Open Space. In any residential cluster development, common open space, varying in amount and location, shall be provided to offset what would otherwise be a perceived\_substantial increase in density as a result of a proposed variety of housing types, an increase in building height in comparison to that of the surrounding neighborhood, or a substantial decrease in interior building setback distances. "Common open space" means the portion of the site set aside in perpetuity as open space, and may consist of land, wet land and water areas. The characteristics of the common open space shall include, but are not limited to, the following:
  - a) The total area of common open space shall be located within the boundaries of the cluster development designation and shall not be less than 50\_percent of the total cluster development area.

- b) Further subdivision of common open space or its use for other than recreation, conservation or agriculture, except for easements for underground utilities and septic systems, shall be prohibited. A restriction enforceable by owners of property in the development and by the borough shall be recorded to ensure that such space shall be kept in open or natural state and not be built for residential use or developed for accessory uses such as parking or roadways. Such restrictions shall further provide for maintenance for the common open space in a manner which will ensure its suitability for its function, appearances, cleanliness, and proper maintenance of drainage, utilities, and the like.
  - c) Recreational facilities or structures and their accessory uses located in common areas shall be considered as usable open space as long as the total impervious surfaces such as paving and roofs constitute no more than 10 percent of the total open space.
  - d) Common open space shall be suitably improved for its intended use, but common open space containing natural features, existing trees, and groundcover worthy of preservation may be left unimproved.
  - e) The use and improvement of common open space shall be planned in relation to any public or semi-public open space which adjoins the perimeter of the cluster development.
  - f) Areas devoted to streets and roads, parking facilities, storage, or service areas, or any buildings or structures shall not be considered in calculating the required common open space area.
  - g) Each cluster development lot shall have an undivided interest in the common and open space areas. The sum of all ownership interests in the common and open space areas shall total 100 percent.
11. Access. The cluster development shall be accessible by dedicated public access as provided by FNSBC Title 17. Each lot within the cluster development shall have adequate and legally enforceable rights of access to a public or private street.
12. Parking. Required off-street parking areas shall be provided and shall adequately serve the entire cluster development. Each required parking space that is unheated shall be equipped with an electrical receptacle.
13. Drainage. Drainage shall be designed so that run-off shall not be increased, groundwater recharge is maximized, and neighboring properties will not be adversely affected.