

1-5 CLUSTER DEVELOPMENT

DEFINITIONS

Cluster development is a variation or exception to the lot size requirements specified in the City ordinances. If approved, the subdivider can cluster or group dwelling units on part of the tract and allow the remaining part of the lot to remain in open space. This is strictly a method of transferring density. It does not allow any uses that are not specifically listed in the Zoning Ordinance of the City of Archdale.

PLAT AND SITE PLAN APPROVAL REQUIRED

Cluster projects involving minor subdivisions shall be approved by planning staff. Major subdivision cluster projects shall have a preliminary and final plat approved by the City Council.

Site Plan: Any proposed project shall have a site plan that shows the following information:

- The location of the buildings, streets, alleys, walks, parking areas, recreation areas, tree covers, and plantings.
- Number and show the dimensions of all building sites, streets, and utility easements to be dedicated and whether they will be dedicated to the public.
- All areas on the site plan other than public streets, easements, or private building sites shall be shown and designed as common areas.

MAXIMUM NUMBER OF LOTS

The maximum number of lots that may be created in a cluster development shall be computed from the gross area of land to be developed, subtract 20% that represents the approximate area needed for roadways.

Divide the remainder by the minimum lot area requirement for single-family dwellings of the zoning district where the development is located.

The result is the maximum number of lots that may be created in the development. The 20% factor shall be constant regardless of the actual amount of land used for the street system.

MINIMUM STANDARDS FOR LOTS

A cluster development with approved utility systems, including wells and septic tank systems, shall be exempt from the minimum lot sizes specified in the Zoning Ordinance except as required in Sec. 1-6 below; however, in no case shall the lot size be less than 75% of the minimum zoning lot size. At least 20% of the total project area shall be set aside as common open space. Minimum lot width and structure setbacks for the zoning district may also be reduced by 25% and may be increased if additional land area is devoted to common open space. For every additional 1% of land area devoted to common open space, above the required 20%, a 1% decrease in the minimum dimensional requirements shall be allowed. However, in no event shall these dimensional reductions exceed 50% of the zoning district requirements.

OPEN SPACE STANDARDS

At the discretion of the applicant, a cluster development may utilize a range of lot sizes not in conflict with the minimum specified above in Minimum Standards for Lots, and provided further, that all land saved shall be designated as parks or open space. Such parks or open space shall be deeded to the City of Archdale or held in nonprofit corporate ownership by the owners of lots within the development. In consideration of the purposes served by a cluster development, the title to such areas as provided shall be preserved to the perpetual benefit of the public generally or the private properties in the development and shall be restricted against private ownership for any other purposes. Improvements clearly incidental to the purpose of these provisions (i.e. greenways, benches, etc.) may be made within the open space provided that the maximum coverage of such improvements shall not exceed 25% of the open space.

Access to Open Space

All lots created within the development shall have direct access to all parks or open space as provided by means of public streets, dedicated walkways, fact of physical contiguity, other public lands, or lands in common ownership by all residents.

Open Space Provisions

Where the open space is to be deeded to Owner's Association or other such nonprofit ownership, the developer shall file a declaration of covenants and restrictions that will govern the open space and the association of nonprofit organizations. This declaration shall be submitted with preliminary plat approval and shall include, but not be limited to the following:

- The Owner's Association or the nonprofit organization shall be established before any lots are sold.
- Membership shall be mandatory for each lot buyer and any successive buyer.
- The association shall provide for liability insurance, any taxes, and maintenance of all grounds and facilities.
- Any sums levied by the Owner's Association that remain unpaid shall become a lien upon the lot owner's property.

If all or any portion of the property held by the Owner's Association is to be disposed of or if the association is dissolved, all such property shall be deeded in fee simple absolute title to the City at no cost to the City.

EXPIRATION

In any case where a cluster development has been approved and construction not begun within 1 year from the date of such approval, approval shall automatically terminate and be of no further effect provided, however, the City Council may, upon good and sufficient cause shown, extend this period for 1 year upon written request of the applicant.

PHASED DEVELOPMENTS

A cluster development may be developed in phases provided that:

- the entire project receives approval before any phase of development begins, and
- all open space or common areas for the entire project be recorded and/or provided for in the Owner's Association with the development of the first phase. However, cluster developments which do not involve a required Owner's Association and which contain open spaces deeded to the City of Archdale may be recorded provided that the open space of park land is deeded to and accepted by the City prior to development of the first phase, or contract to give the City the land is executed, or any combination.

If a corporation or association is established for the open space, it will provide for total project membership.