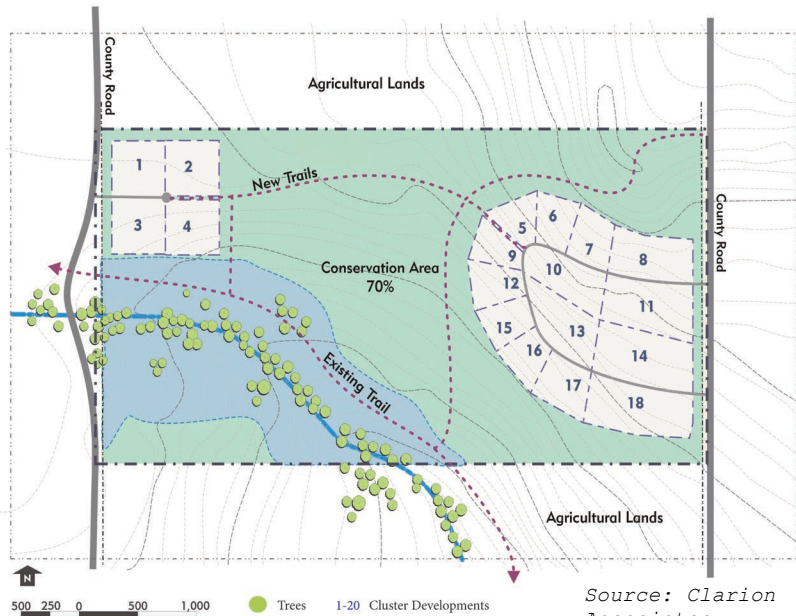


# Cluster Subdivision



## Hazards Addressed



## How it Works

**Cluster subdivisions** are a land development tool used by communities to protect open space or environmentally-sensitive lands, including hazard-prone lands. Clustering development simply means grouping or directing new development to relatively less sensitive areas within a subdivision, away from more sensitive areas like open space, steep slopes, or floodplains. Cluster subdivisions (also sometimes known as “conservation subdivisions”) generally do not increase the overall density of a development but rather allow dwellings to be grouped (or “clustered”) on smaller lots away from sensitive areas such as rivers or defined natural hazard areas. The key benefit to a developer is smaller lot sizes than otherwise permitted by the subdivision regulations in exchange for the conservation of sensitive lands. A developer also may benefit from local incentives that encourage the use of clustering, such as density bonuses, or state incentives, such as water rights.

## Implementation

Cluster subdivisions are implemented through a community’s subdivision regulations. Subdivision regulations are a community’s opportunity to address new development in terms of location and density of lots, protection of environmentally-sensitive areas, and to meet other community goals. Communities that are interested in establishing cluster subdivision provisions can do so via a new ordinance or by amending their existing subdivision ordinance. Cluster subdivisions can be mandatory or used as an optional incentive in combination with other tools such as density bonuses and/or transfer of development rights (TDRs), both of which are addressed separately in this guide.

When developing a cluster subdivision ordinance, the community should:

- Identify the purposes behind the program, such as maintaining rural character, protecting valuable resources, creating defensible space, and/or avoiding development on hazard-prone land.
- Develop a set of clear thresholds that identify when and/or where cluster subdivisions are required and the minimum requirements for approval.
- Include provisions for the ongoing maintenance of required open space.
- Include standards for acceptable cluster designs, as well as graphics similar to the one at the start of this section to illustrate such strategies.

## Where It's Been Done

**Longmont** authorizes cluster lot subdivisions in its Land Development Code. Cluster lot subdivisions must be located in certain zoning districts and be of a minimum overall site area. While not explicitly designed to avoid hazard-prone lands, they are intended to create more compact residential developments to preserve and maintain open areas and natural lands (which often can include areas prone to hazards). They must provide common open space that meets specified requirements. Cluster lots are permitted in the R-1 and R-2 zoning districts, where minimum lot sizes are normally 5,500 and 5,000 square feet, respectively, for a single-family detached dwelling, but may be reduced in a cluster development to 3,000 square feet. The maximum development density is still limited to the R-1 and R-2 standards. Other minimum dimensional standards are also reduced for cluster subdivision lots in these districts, such as lot widths and setbacks. Approval of cluster lot subdivisions must follow the procedures for standard subdivisions in Longmont (*Code of Ordinances*, 2015).

Many other jurisdictions also have cluster subdivision provisions. For example, **Summit County's** Rural Land Use Subdivision (RLUS) process offers developers the opportunity to create smaller lots with lower infrastructure costs. Density bonuses are available based on the amount of, and restrictions placed on, the accompanying open space (*Summit County Land Use*, 2013, p. 33).

## Advantages and Key Talking Points

The primary benefit to adopting cluster subdivision regulations is the protection of environmentally sensitive areas and, in the case of hazard mitigation, protection of areas that pose risk to development. The development community also benefits from cluster subdivisions through paired incentives such as density bonuses. Other advantages include:

- There are synergies with other community goals and assets. Clustering development allows communities to protect development from hazard areas, while also conserving other sensitive areas such as wildlife habitat and migration corridors.
- The footprint of new development is reduced. When development is clustered, the needs for grading, paving roads, and laying infrastructure are diminished.
- Long-term maintenance costs are reduced. Because cluster development has a smaller footprint, this can equate to lower costs for maintaining roads, infrastructure, and other public or private amenities.

- Cluster subdivisions can be tailored to any Colorado community. Depending on political climate and demand, cluster subdivision can be mandatory or optional, and can be implemented through rigorous or more flexible standards. Tying cluster subdivision to other incentives such as TDRs or density bonuses is also optional.
- Property values may rise. Clustering has the potential to increase property values, since individual lots will enjoy access to an increased amount of open space.
- Varied housing stock. Cluster subdivisions often mean smaller lots, which can result in smaller dwellings, meeting diverse community housing needs.
- Wildfire risk reduction in the wildland-urban interface (WUI). Clustering lots away from the wildland-urban interface can reduce the wildfire risk to property and life.

## Challenges

Developing a cluster subdivision ordinance is relatively straightforward because there are many successful models in use around Colorado; however, there are some costs and challenges associated with the process.

- Less developable land. Without other incentives, developers may be forced to build smaller homes on smaller lots, making it difficult to maximize profit.
- Significant increases in property values can displace vulnerable populations. Ensuring that residents in the community have attainable and affordable housing options can be difficult amongst competing interests. Plans described in this Guide should address these challenges.
- Higher open space maintenance costs. Depending on the particular subdivision, the burden of maintaining the protected or open areas could become the responsibility of the developer or a subsequent metropolitan district or homeowners association. If dedicated to the local government, maintaining those areas becomes the responsibility of that jurisdiction.

## Model Code Language and Commentary

While cluster subdivision regulations should be tailored to the needs of each individual community, there are some basic components found in most cluster subdivision ordinances throughout Colorado, including:

- Purpose
- Applicability
- Incentives and benefits
- Cluster subdivision standards
- Review procedures

The following sections describe each of the common elements and provide standard language that can be considered by Colorado local governments. Model language is in blue shading. Commentary is located in

### **Commentary**

***Purpose Statement:** The purpose statement is the jurisdiction's opportunity to describe the intent and benefits of the cluster subdivision procedures. Typically, the primary purpose of cluster subdivision is to allow for more compact development in exchange for preserving natural areas, open areas, or natural hazard areas. Communities also frequently tie the purpose of cluster subdivisions to their comprehensive plan policies.*

*italics* in the column at the right. The model language used in this document is based on existing ordinances from communities around the state, including municipalities and counties. The language is illustrative only; consult local counsel to tailor language for your jurisdiction.

### *Purpose*

The purpose of the cluster subdivision procedure is to:

- A.** Preserve open areas in the [town/city] planning area;
- B.** Further the goals, policies, and policies set forth in the Comprehensive Plan;
- C.** Encourage flexibility and innovation through incentives;
- D.** Encourage development patterns that promote more efficient use of land;
- E.** Avoid development in known hazard areas;
- F.** Protect and enhance environmentally-sensitive areas; and
- G.** Promote an economical layout and street design that reduces infrastructure costs.

### *Applicability*

- A.** Cluster subdivisions are permitted in the [name of district(s)] zoning districts.
- B.** Clustering of lots is required in the following:
  - 1.** New subdivisions in the [name of district(s)] zoning districts.
  - 2.** New subdivisions in a wildfire hazard area of [insert range of severity level of mapped wildfire hazard areas].

### *Incentives and Benefits*

The [Planning Commission, City Council, Board of Trustees, Board of County Commissioners, etc.] may approve one or more of the following incentives in connection with the approval of a cluster subdivision application:

**Applicability:** Cluster subdivision can either be mandatory or optional. Many communities limit the districts where clustering benefits can be achieved (such as low-density residential or agricultural districts). For mapped hazard areas, communities can require clustering in certain instances (e.g., high to extreme wildfire hazard rating). Mapping can be tied to the comprehensive plan or hazard mitigation plan.

**Incentives and Benefits:** This section describes any benefits that the developer achieves by clustering development, such as reduced setbacks, additional lots, increased density, and expedited review procedures. The opening statement to this section should include the appropriate approval body for subdivisions. Other benefits, such as the potential for increased open space, increased property values, and protecting known hazard areas from development can be included in this section, if desired. Communities often allow for more flexible lot and dimensional standards such as small lot sizes and setbacks without allowing an increase in the overall net density of the development. Greater densities than shown in the table can be permitted through cluster subdivisions and PUDs than can be achieved using the cluster development procedures authorized under C.R.S. 30-28-401. The trade-off for the greater flexibility of cluster subdivisions is a more involved and lengthy review and approval process.

Greater densities than shown in the table can be permitted through cluster subdivisions and PUDs than can be achieved using the cluster development procedures authorized under C.R.S. 30-28-401. The trade-off for the greater flexibility of cluster subdivisions is a more involved and lengthy review and approval process.

- A. Expedited review process (such as 30 days for approval);
- B. Priority application review status (moves to the top of the list);
- C. Density bonuses as follows:

	[name of district]	[name of district]
Maximum density without clustering (DU/acre)	0.2	0.5
Maximum density with clustering (DU/acre)	1.0	2.0

- D. Density bonus(es) up to one additional buildable lot per 17.5 acre increment; and
- E. Reduced minimum lot sizes in the [name of district(s)] zoning districts.

**Preserving Common Open Space:** The option for preserving common open space can include other minimum percentages; however, 30 percent is common. The options for preservation (deed restrictions, land dedication, or conservation easements) should be discussed during a pre-application meeting between the local government and the applicant to determine the most effective approach.

### Cluster Subdivision Standards

This section describes the minimum requirements for designing cluster subdivisions.

#### A. Site Layout

1. In cluster subdivisions, a minimum of [30 percent] of the development shall be preserved as common open space, and shall be permanently maintained and protected as:
  - a. Common open space with deed restrictions;
  - b. Land dedication to the town; or
  - c. Protected through a conservation easement.
2. Where possible, structures shall be oriented to preserve scenic views, natural topography and drainage ways, solar orientation, and other important natural features of the site.
3. Buildable lots shall be located to minimize the impacts of clearing, grading, and infrastructure development on riparian areas, steep slopes, wetlands, woodlands, or other known natural hazard areas.

**Minimum Project Size:** The minimum size for a cluster subdivision refers to the overall subdivision, not an individual lot. Not all communities require a minimum project size for cluster subdivision. The advantage of having a minimum project size is to prevent one-off subdivisions that try to increase density on small projects without any significant benefit to the community through preservation.

**Flexible Lot Standards:** Most cluster subdivision ordinances allow for a greater degree of flexibility on individual lot dimensional standards. The table included at left is an example of how a community might communicate adjusted development standards for cluster subdivisions. This section should cross-reference other applicable district-specific regulations and/or development standards that would otherwise apply, then modify applicable standards in a table or list. This sample language suggests additional adjustments to lot standards be allowed for cluster lots when they abut required common open space areas.

**B. Dimensional Standards**

1. A cluster subdivision shall be a minimum of [10 acres].
2. All dimensional standards from [Section X.X] shall apply to cluster subdivisions unless otherwise stated in this section.
3. Buildable lots in a cluster subdivision shall follow the following standards:

	[name of district]	[name of district]
<b>Minimum lot size</b>	4,000 sf	6,000 sf
<b>Minimum lot width</b>	25 feet	40 feet
<b>Minimum setbacks</b>		
Front	15	20
Side	5	10
Rear	5	10
<b>Maximum block length</b>	600 feet	600 feet

4. Minimum setbacks may be further reduced by the [Director] where such setbacks are adjacent to required common open space areas.

*Review Procedures*

Review and approval procedures for cluster subdivisions should include similar procedural steps and approval criteria to those required for preliminary and final plats. Some codes may allow for minor subdivision approval for cluster subdivisions creating fewer than 4 or 5 lots.

Many communities include cluster subdivisions as part of a subdivision exemption procedure. The review procedures for subdivisions, including cluster subdivisions, often follow the statutory language closely. This allows statutory counties to regulate cluster subdivisions while ensuring that they remain in compliance with state law. It is important for city and county attorneys to review any changes to state statutes that would necessitate an update to their cluster subdivision regulations.

This section describes the procedures for cluster subdivision review and approval.

- A. Review and approval of a cluster subdivision shall follow the procedures for a sketch plan, preliminary

plat, and final plat in [Section X.X, Subdivision Approval Procedures].

- B.** The following additional approval criteria shall apply for cluster subdivisions:
- 1.** The proposed development will preserve [*in perpetuity (or at least 40 years)*] high-priority environmental resources, agricultural land, natural hazard areas, or open space;
  - 2.** Density bonuses will not result in adverse impacts to adjacent properties, or such impacts have been identified and appropriately mitigated (through tools such as landscaping buffers, building stepbacks, screening, etc.);
  - 3.** Existing infrastructure is available, or will be available, to serve the proposed cluster subdivision.

## Key Facts

<b>Administrative capacity</b>	Experienced planners with city or county attorney to write regulations and normal capability to administer the standards once adopted
<b>Mapping</b>	Not required, but sample cluster subdivision layout drawings help illustrate the desired result through the cluster subdivision process
<b>Regulatory requirements</b>	Subdivision ordinance required to effectively administer cluster subdivisions
<b>Maintenance</b>	Minimal
<b>Adoption required</b>	Yes
<b>Statutory reference</b>	The adoption of subdivision regulations is authorized for municipalities and required for counties through detailed enabling legislation (C.R.S. § 30-28-133 for counties and § 31-23-214 for municipalities). Local governments may adopt cluster subdivision provisions as part of this general enabling authority
<b>Associated costs</b>	Staff time and ordinance development or amendment costs

## Examples

<b>Archuleta County</b> Subdivision Regulations	<a href="http://archuletacounty.org/247/Land-Use-Regulations">http://archuletacounty.org/247/Land-Use-Regulations</a>
<b>City of Aurora</b> Small Lot Development Standards	<a href="https://library.municode.com/co/aurora/codes/building_and_zoning">https://library.municode.com/co/aurora/codes/building_and_zoning</a>
<b>DOLA Model Codes</b> Cluster Subdivision Regulations	<a href="colorado.gov/pacific/dola/land-use-codes">colorado.gov/pacific/dola/land-use-codes</a>
<b>City of Durango</b> Cluster Development	<a href="online.encodeplus.com/regs/durango-co">online.encodeplus.com/regs/durango-co</a>
<b>Larimer County</b> Rural Land Use Process	<a href="https://www.larimer.org/planning/development/division/rural-land-use-process">https://www.larimer.org/planning/development/division/rural-land-use-process</a>
<b>City of Longmont</b> Cluster Lot Subdivisions	<a href="https://library.municode.com/co/longmont/codes/code_of_ordinances">https://library.municode.com/co/longmont/codes/code_of_ordinances</a>
<b>Town of Pagosa Springs</b> Conservation Subdivisions	<a href="https://library.municode.com/CO/pagosa_springs/codes/code_of_ordinances">https://library.municode.com/CO/pagosa_springs/codes/code_of_ordinances</a>
<b>Routt County</b> Land Preservation Subdivision	<a href="http://www.co.routt.co.us/194/Regulations">http://www.co.routt.co.us/194/Regulations</a>
<b>San Miguel County</b> Areas and Activities of Local and State Interest	<a href="https://co-sanmiguelcounty-old.civicplus.com/DocumentCenter/View/214/Article-5---Standards-PDF?bidId=">https://co-sanmiguelcounty-old.civicplus.com/DocumentCenter/View/214/Article-5---Standards-PDF?bidId=</a>
<b>Summit County</b> Rural Land Use Subdivision Process	<a href="https://co-sanmiguelcounty-old.civicplus.com/DocumentCenter/View/214/Article-5---Standards-PDF?bidId=">https://co-sanmiguelcounty-old.civicplus.com/DocumentCenter/View/214/Article-5---Standards-PDF?bidId=</a>

## For More Information

EPA's Essential Smart Growth Fixes for Rural Planning, Zoning, and Development Codes

[epa.gov/smartgrowth/essential-smart-growth-fixes-communities](http://epa.gov/smartgrowth/essential-smart-growth-fixes-communities)