

## **SECTION 583 CLUSTER DEVELOPMENTS**

### **APPLICABILITY**

An owner or owners of land may apply to the Commission for a Special Permit, as stated in Article Seven of these Regulations, for Cluster Development under this Section. This will exempt such land from the lot area, frontage, setback and other applicable dimensional requirements set forth in the dimensional requirements for the underlying zone as required by these regulations. As well, Cluster Developments using the common driveway design detailed in Subdivision regulation Article 4, Section 12 are exempt from the maximum two principal building limitations stated in Section 620.3 for access purposes.

### **PURPOSE**

The purpose of this regulation is to provide a Cluster method for development of land which permits a reduction in lot sizes without a significant increase in density of population or development, while at the same time providing for the protection of surrounding properties, persons and neighborhood value and allow greater flexibility and creativity in the design and layout of residential and/or commercial development in order to:

- minimize alteration of or damage to the natural and cultural features and topography of the land;
- avoid undue adverse impacts of new development on existing homes and neighborhoods;
- preserve wooded areas and other undeveloped open land particularly along Town roads;
- reduce public costs for the maintenance of roads and other public infrastructure;
- reduce the amount of impervious surfaces caused by development; and,
- preserve the existing rural appearance of the Town.

### **PROCEDURE**

A landowner seeking to create a Cluster Development of land may file with the Commission an application for a Special Permit for Cluster Development. The Application shall conform to the applicable requirements for a Subdivision Plan as set forth in the Commission's Subdivision Regulations and Cluster Development requirements contained herein and all other requirements of a Special Permit.

## Dimensional Requirements

A Special Permit for Cluster Development may authorize the creation and use of lots meeting the following dimensional requirements in lieu of the conventional dimensional requirements

**Lot Area.** Each lot shall be at least of a size capable of supporting the construction of a single-family dwelling or primary use structure and its accessory structures in accordance with all applicable state and local regulatory requirements and the purposes of Cluster Development.

**Frontage.** The frontage of each lot for a building site created in a Cluster Development shall be that necessary, in the opinion of the Commission, to provide for adequate access to the lot. Where shared driveways or other circumstances provided adequate access to an individual lot, frontage may not be required.

**Setbacks.** All structures shall be set back a minimum of twenty (20) feet from all lot lines, provided, however, that with respect to lot lines which abut land outside the Cluster Development, setbacks from said lot lines shall conform to the setback requirements applicable to conventional development in the underlying zoning district.

**Density.** The maximum number of lots for building sites in a Cluster Development shall not exceed the number of buildable lots which could be created through conventional development of the site plus any allowable density bonuses allowed. The allowable maximum density shall be based upon the maximum number of buildable lots which may be created through conventional development of the land without substantial waivers from the Commission's Subdivision Regulations and in conformance with the conventional dimensional requirements for the underlying zoning district.

**Restrictions Against Further Development.** No Cluster Development for which a Special Permit has been issued under this Section may be further subdivided. A notation to that effect shall be made on the Plan as to be endorsed by the Commission and recorded with the Town Clerk. In addition, a perpetual restriction, running with the land, and enforceable by the Town of Killingly, shall be recorded with respect to the land within the Cluster Development. Such restriction shall provide that no lot in the Cluster Development may be further subdivided into additional building lots. Said restriction shall be in such form and substance as the Commission shall prescribe and may contain such additional restrictions on development and use of the lots as the Commission may deem appropriate.

## **STANDARDS**

In reviewing an Application for a Special Permit for Cluster Development, the Commission shall consider the extent to which the Application meets the purposes of Cluster Development by satisfying the following standards:

- a. The laying out of Developed Areas, roads, storm drains, sewage disposal systems, and utilities shall be in conformance with the natural features of the parcel, minimizing changes to the topography and maximizing the amount of preserved wooded areas and other open space.
- b. The amount of land to be disturbed for the construction of buildings, driveways, septic systems, utilities, storm drainage systems, and roads shall be minimized.
- c. Important natural and historic features of the land, as determined by the Commission, shall be protected.
- d. The impacts of road and utility installations for each dwelling unit served shall be less than those generated by a conventional development of the same land.
- e. The design, number, and location of curb cuts shall be such that any conflict with existing traffic flow is minimized.
- f. Provision, satisfactory to the Commission, shall be made with regard to the ownership and maintenance of any and all private roads, common driveways, common land, or other common facilities within the Cluster Development.
- g. The design shall minimize the size of Developed Areas.
- h. The balance of the land not contained in the building lots shall be in condition, size and shape as to be readily usable for recreation or conservation, and shall be reserved by one of the following means:
  1. conveyance of fee simple ownership to the Town of Killingly;
  2. creation of a Conservation Easement in favor of the Town of Killingly;
  3. creation of a Conservation Easement in favor of the Town of Killingly reserving specific agricultural rights as approved by the Commission;

4. conveyance of fee simple ownership to a Tax-Exempt Organization approved by the Commission;
5. creation of a Conservation Easement in favor of a Tax-Exempt Organization approved by the Commission;
6. conveyance of fee simple ownership to a Connecticut non-stock corporation of which all owners of land within the subdivision or resubdivision are members, along with a conservation easement over the entire open space area; or
7. any other method which accomplishes permanent dedication in accordance with the requirements set forth in this Section.