

# Cluster Lot Option

## Summary of Draft Recommendations

At the direction of the Metro Planning Commission, Planning staff have been evaluating the existing Cluster Lot Option standards and developing recommendations for revisions. Staff is seeking your comments and input on the proposed revisions prior to consideration of the draft proposal by the Planning Commission.

This document includes an overview of the existing Cluster Lot Option standards and a brief summary of the key elements of the Draft Alternative for Public Comment.

The full text of the Draft Alternative for Public Comment follows at the end of this document.

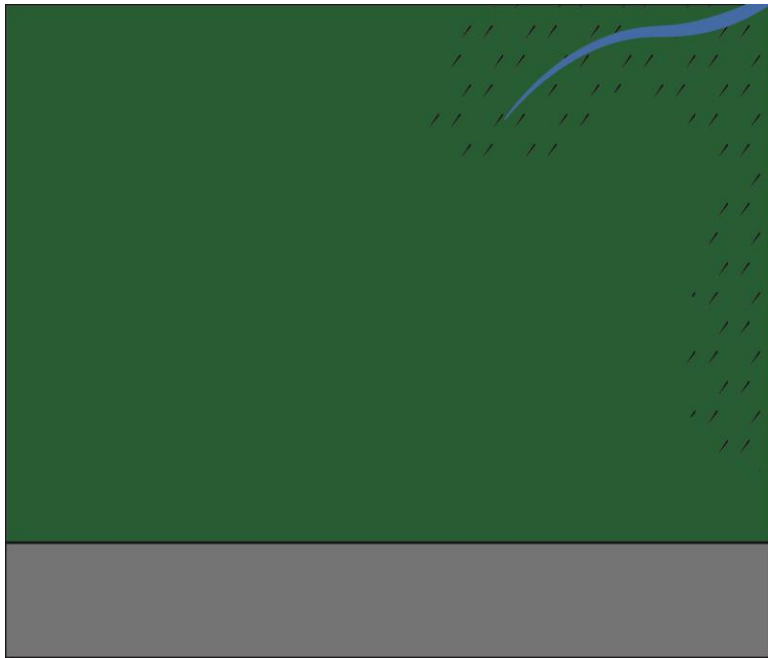
# What is the “Cluster Lot Option”?

The Cluster Lot Option is a set of alternative zoning standards that a property owner or developer may choose to use when designing a residential subdivision. These standards are already part of the Metro Zoning Code. [You may review the current standards here.](#)

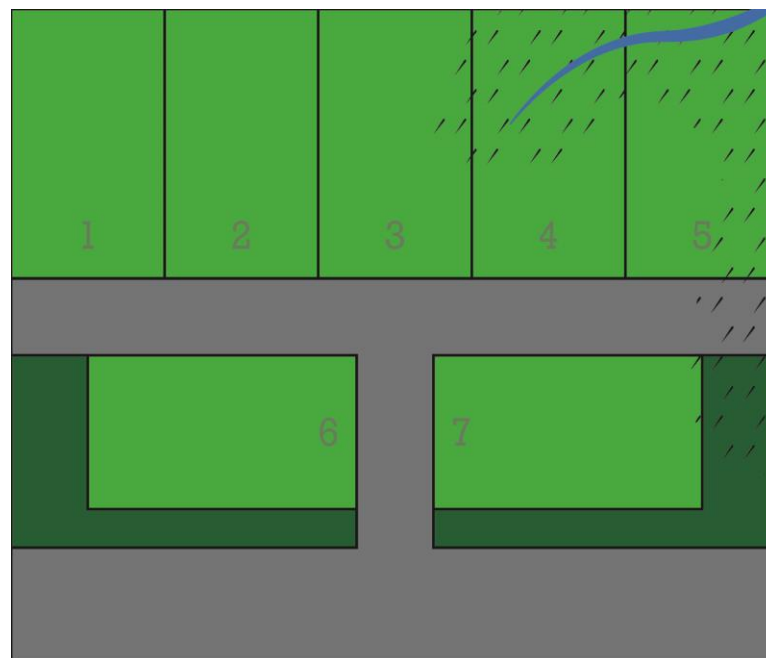
The existing Cluster Lot Option standards allow a property owner or developer to propose lots that are smaller than what is required by the current zoning for the property in exchange for the creation of common open space in the development. Reducing the minimum lot size sometimes allows lots to be grouped together on a site, leaving more area for protection of sensitive environmental features or recreation.

# What is the “Cluster Lot Option”?

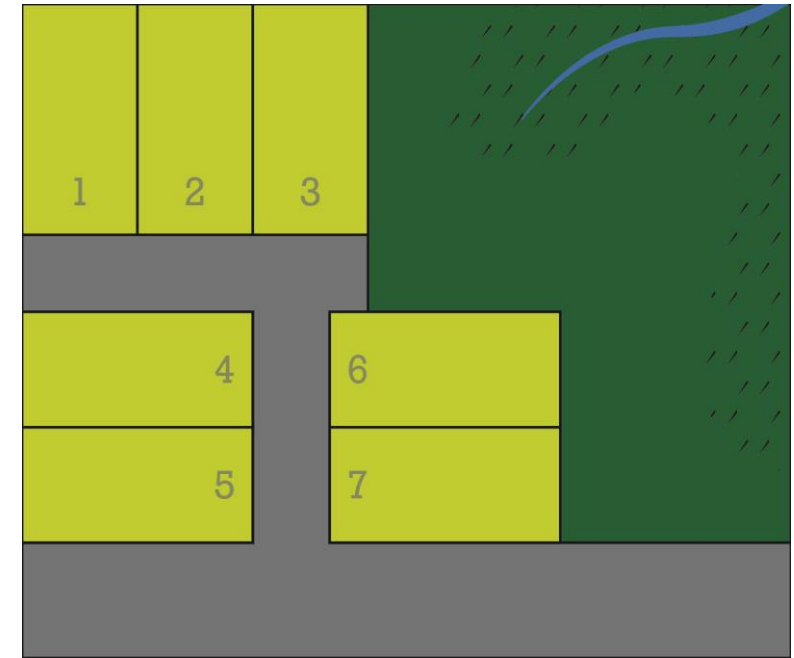
A diagram illustrating one way a subdivision utilizing the current Cluster Lot Option could work is below:



Site



Conventional  
Subdivision



Cluster  
Subdivision

# When do the current Cluster Lot Option standards apply?

ONLY applicable when a property is:

- Currently zoned for single-family or one or two-family residential AND
- Large enough to be divided into 10 or more lots that meet the minimum size of the existing zoning (e.g. a property zoned R10 [10,000 sq ft minimum lot size] must be a minimum of 100,000 sq ft to qualify) AND
- Proposed to be subdivided into individual lots with 1 or 2 units on each lot

These standards DO NOT permit or apply to:

- Multi-family residential (3 or more units on a single lot)
- Nonresidential uses (offices, restaurants, stores)
- Mixed use (multiple uses on a single property or in a single building)

# When do the current Cluster Lot Option standards apply?

- No change in zoning is required to use these standards
- Not applicable in situations where a Specific Plan (SP) zoning exists or is proposed
- These standards are optional, not required. If a property owner or applicant does not wish to utilize the Cluster Lot Option, they may still propose to subdivide their property into multiple lots following the standards and requirements of the Metro Subdivision Regulations and the Metro Zoning Code.

# Why are the Cluster Lot Option standards being evaluated?

The Planning Commission reviews and makes the final decision to approve or deny Concept Plans for residential subdivisions. The Cluster Lot Option standards are a set of alternative zoning standards that may be used when designing a concept plan for residential subdivision.

In review of these types of subdivisions, the Commission sometimes receives comments from applicants or the public that the current Cluster Lot Option standards are:

- Confusing and difficult to use or understand
- Appear to allow owners/developers to achieve more density
- Create lots that are too small or too different from surrounding existing neighborhoods
- Do not create enough open space or create open space that doesn't protect the right things
- Give too much flexibility in lot size without requiring valuable enough open space

The Commission directed staff to evaluate the existing Cluster Lot Option standards and to make recommendations to better balance the flexibility of lot sizes with the open space requirements.

# What changes are proposed?

The draft staff alternative includes changes to address the following key principles:

- Housekeeping—reorganize the standards to make them easier to use
- Establish a clear purpose for the tool—a focus on protection of sensitive features that contribute to Metro Nashville’s unique character and enhance our neighborhoods
- Directly link flexibility of lot size to the open space provided in the development that protects sensitive features

# Draft Alternative for Public Comment

To view the full text of the Draft Alternative for Public Comment, please scroll to the end of this document.



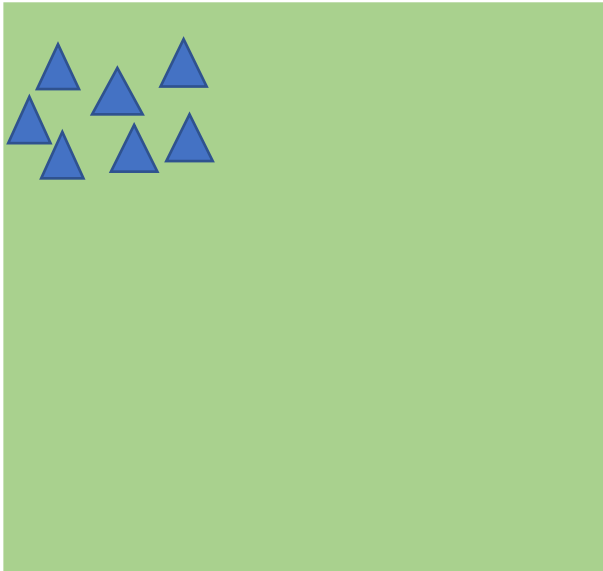
# Summary Comparison of Current Standards and Draft Alternative

	Current Regulations	Draft Alternative
Purpose and Intent	<ul style="list-style-type: none"> <li>Provide flexibility of design, creation of common open space, preservation of natural features</li> </ul>	<ul style="list-style-type: none"> <li>Provide flexibility to promote resource protection</li> <li>Preserve unique or sensitive features</li> <li>Permit clustering of lots on less sensitive areas</li> </ul>
Sensitive Features	<ul style="list-style-type: none"> <li>Not clearly defined</li> <li>Mentions “natural features” or “unique and significant vegetation”</li> </ul>	Clearly defined to include: areas of natural slopes 20% or greater of at least 10,000 sf contiguous area; streams, floodways and associated buffers; 100-year floodplain; wetlands; problem soils; cedar glades; known habitat for rare, threatened or endangered species; archaeological sites; designated historic or specimen trees
Applicability	<ul style="list-style-type: none"> <li>R/R-A, RS/RS-A</li> <li>10x base zoning</li> </ul>	<ul style="list-style-type: none"> <li>Must have sensitive features as defined in the draft proposal present to utilize</li> <li>R/R-A, RS/RS-A</li> <li>10x base zoning</li> </ul>
Maximum Lot Yield	Assign 15% to infrastructure, then 85% of gross acreage divided by base zoning minimum lot size to determine maximum number of lots permitted	Two methods to determine maximum number of lots permitted—applicant chooses which method: 1. Yield plan – prepared to demonstrate max # of lots that could be achieved in a conventional subdivision design 2. Calculation method based on removing constrained areas from the gross site acreage rather than infrastructure

	Current Regulations	Draft Alternative
Open Space	<ul style="list-style-type: none"> <li>• 15% minimum</li> <li>• No requirements for what is placed in open space or what does or does not count</li> <li>• Recreational facilities required</li> </ul>	<p>Set aside sensitive features first</p> <ul style="list-style-type: none"> <li>• If less than or equal to 15% of the site is sensitive, all sensitive features must be in open space</li> <li>• If more than 15% of the site is sensitive, then 15% must be in open space but may elect to set aside more</li> </ul> <p>Can provide open space for purposes other than protection (rec, stormwater, etc.) but those don't result in additional flexibility</p> <p>Clear standards for what is permitted or prohibited in open space and open space ownership and management</p> <p>No recreational facility requirements</p>
Flexibility of Design	<ul style="list-style-type: none"> <li>• Lot size may be reduced a maximum of the equivalent of two zoning districts (e.g. if zoned RS20, lot sizes could be reduced to RS10 sizes)</li> <li>• Maximum reduction available for as little as 15% open space</li> <li>• Perimeter lots must be 90% of minimum lot size required by current zoning</li> </ul>	<ul style="list-style-type: none"> <li>• Lot size may be reduced an equivalent % to the % of the site placed in open space protecting sensitive features</li> <li>• Absolute minimum lot size: 3,750 sq ft (must protect between 50-90% of the site, depending on zoning, to actually achieve lots this small)</li> <li>• Apply bulk and buffer standards of closest equivalent zoning district</li> </ul>

# Linking Flexibility of Design to Open Space Examples

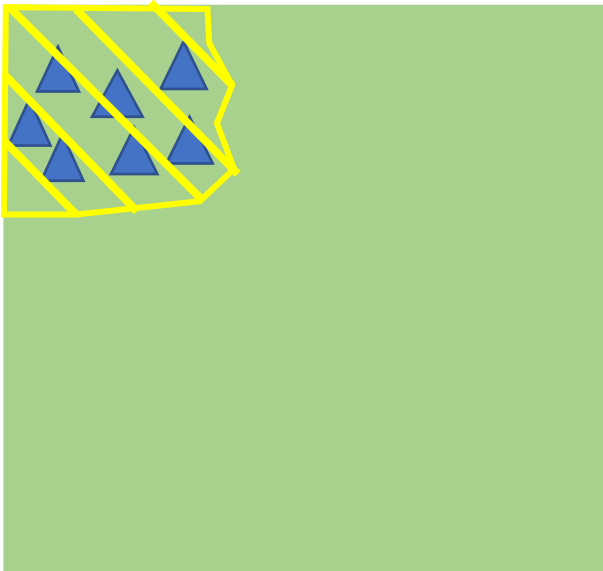
Note: Examples are simplified cartoons and not drawn to scale. These are for illustration purposes only and are not intended to represent any specific property.



Zoned One or Two-Family Residential R10  
Current Min Lot Size: 10,000sf

▲ = Slopes of 20% or greater

Assume the area in slopes represents 10%  
of this site



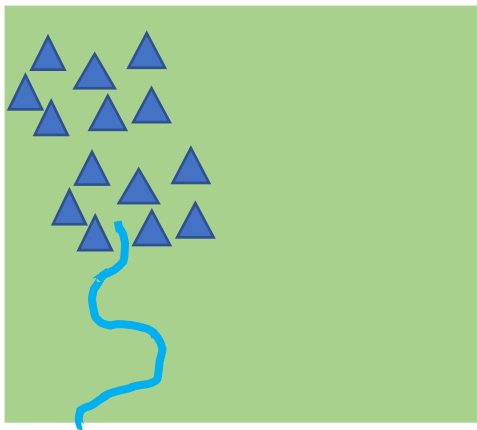
Draft Alternative

All 10% of that area must be placed in  
open space to protect those slopes

Lot size may be reduced by 10%

New Min Lot Size: 9,000 square feet

Any duplex lots permitted must meet the  
full minimum lot size of the current zoning,  
or 10,000sf.

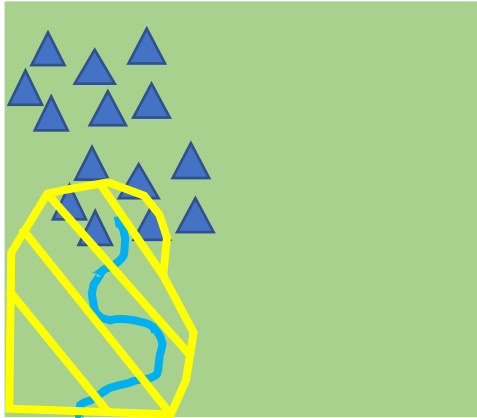


Zoned Single-Family Residential RS10  
Current Min Lot Size: 10,000sf

▲ = Slopes of 20% or greater

~ = Stream and associated buffers

Assume that the area in slopes and stream represents 35% of the site

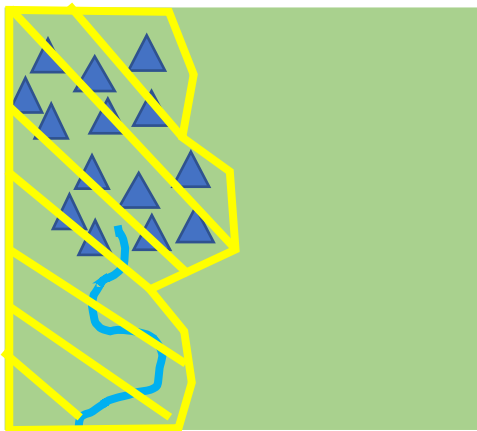


Draft Alternative

At least 15% of that area must be placed in open space to protect sensitive features

If 15% is protected, lot size can be reduced 15%

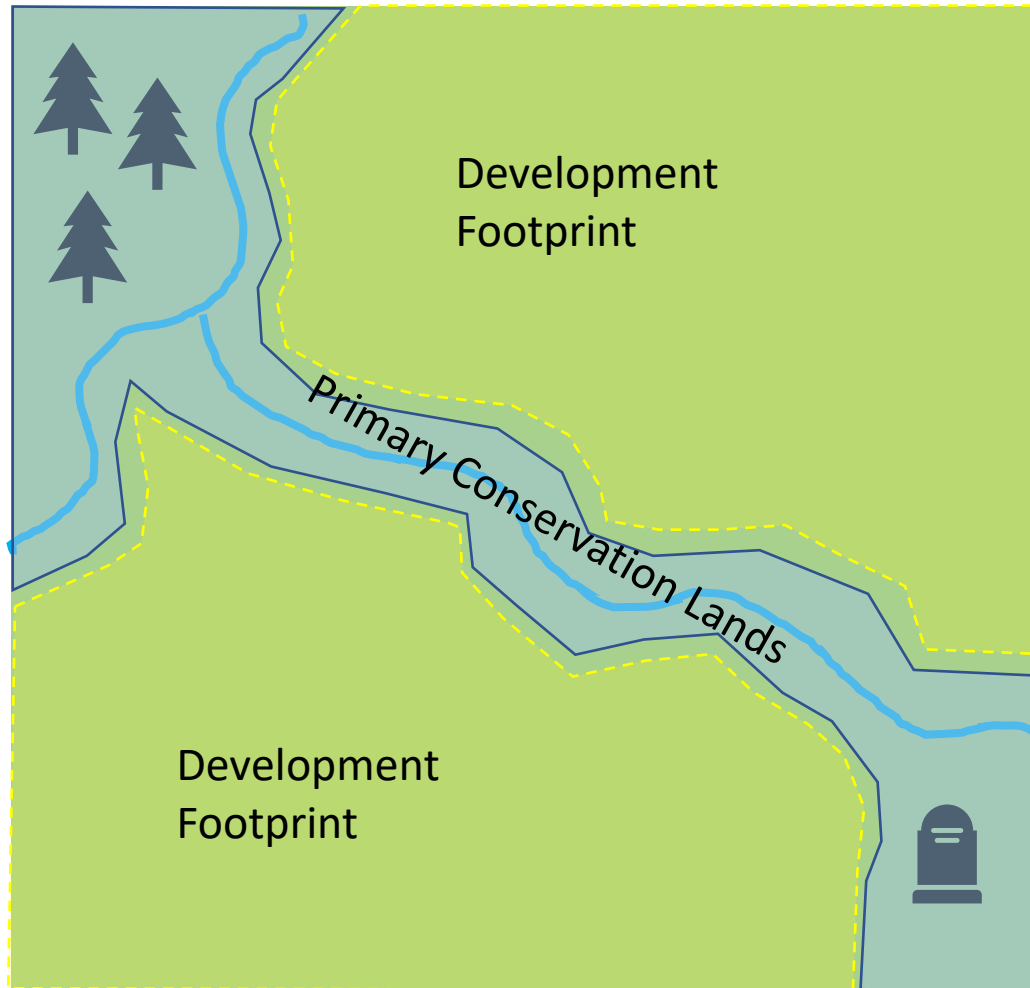
New Min Lot Size: 8,500 square feet



If applicant elects to place all 35% of the area into open space to protect sensitive features, then lot size may be reduced 35%

New Min Lot Size: 6,500 square feet

# Rural Character Subdivision Example



Site in T2 Rural policy area

Zoned Single-Family Residential RS20

Current Min Lot Size: 20,000 square feet

All Primary Conservation Lands must be identified and placed in open space per Rural Subdivision Regulations  
Assume Primary Conservation Lands are 36% of the site

Lot size may be reduced 36%

New Min Lot Size: 12,800 square feet

All lots, regardless of size, must be located in Development Footprint areas, consistent with Rural Subdivision Regulations requirements

## **DRAFT ALTERNATIVE FOR PUBLIC COMMENT**

This draft includes language for Section 17.12.090 for purposes of preliminary public review and comment only. This is not draft legislation. Housekeeping amendments to additional sections of the Zoning Code and Subdivision Regulations may be necessary for consistency of references.

### 17.12.090 Residential Conservation Development Option

- A. **Purpose and Intent.** The residential conservation development option is a set of alternative zoning standards that may be utilized in the design of residential subdivisions. The purpose of these standards is:
1. To provide flexibility in design of subdivisions within residential zoning districts to promote environmental resource protection.
  2. To preserve unique or sensitive natural resources such as steep slopes; hillsides; streams, wetlands, floodways and floodplains; problem soils; archaeological resources; and unique vegetation or native forests.
  3. To permit clustering of lots on less environmentally sensitive areas of the site.
- B. **Applicability.** Subdivisions in the R/R-A and RS/RS-A zoning districts may utilize the provisions of this section subject to the following:
1. Sensitive Conservation Features. To be eligible to utilize the residential conservation development option, one or more of the following features must be present on the site:
    - a. Areas of natural slopes of 20% or greater of at least 10,000 square foot contiguous area;
    - b. All perennial and intermittent streams, floodways and associated buffers, as determined by Metro Stormwater;
    - c. Area shown on FEMA maps as part of the 100 year floodplain or identified in local studies as confirmed by Metro Stormwater;
    - d. Wetlands, as determined by Metro Stormwater;
    - e. Areas containing problem soils as established by Section 17.28.050
    - f. Areas containing a protected Cedar Glade plant species as established by Section 17.28.060;
    - g. Known habitat for rare, threatened or endangered species;
    - h. Archaeological sites, cemeteries and burial grounds; or
    - i. Designated historic and specimen trees, as required by Section 17.40.450 of the Metro Zoning Code.
  2. The minimum site area within a subdivision utilizing the residential conservation development option shall be no less than ten (10) times the minimum lot area for the base zoning district as established by Table 17.12.020A. For example, in the R10 district the minimum area for the subdivision would be one hundred thousand square feet. (Ten thousand square feet minimum lot size times ten).
- C. **Maximum Lot Yield.** The maximum number of lots permitted within a subdivision utilizing the residential conservation development option shall be determined by either of the following two methods, at the discretion of the applicant:
1. Yield Plan Method. The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. This plan does not have to



meet formal requirements for subdivision review but it must be capable of being constructed given site features and all applicable regulations.

2. Calculation Method. The maximum number of lots is determined by dividing the gross acreage of the site proposed for subdivision by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall be excluded from the gross acreage of the site:
  - a. All area within existing road rights-of-way;
  - b. All area within perennial or intermittent streams, floodways, wetlands and associated buffers as determined by the Stormwater Division of Metro Water Services (Metro Stormwater);
  - c. Fifty percent (50%) of all area shown on FEMA maps as part of the 100 year floodplain or identified in local studies as confirmed by Metro Stormwater; and
  - d. All area within contiguous natural slopes of 25% or greater.

**D. Conservation and Flexibility of Design.** In order to accomplish the purposes of this section, flexibility in lot sizes may be proposed in exchange for protection of sensitive conservation features present on the site according to the following standards:

1. Subdivisions subject to the Rural Character Subdivision Regulations shall follow the procedures of those regulations for identification and protection of Primary Conservation Lands.
2. For all other subdivisions, those portions of the site in sensitive conservation features shall be set aside as common open space for purposes of conserving those resources.
  - a. If less than or equal to 15 percent of the site contains these sensitive conservation features, then all sensitive conservation features present must be set aside in common open space.
  - b. If more than 15 percent of the site contains these sensitive conservation features, then a minimum of 15 percent of the site containing sensitive conservation features must be set aside as open space. The applicant may elect, but is not required, to set aside areas of common open space in excess of 15 percent in exchange for additional design flexibility.
3. Common open space may be provided for other purposes besides protection of sensitive conservation features, but such open space shall not contribute to the flexibility of lot sizes afforded by this section.
4. Lot sizes for single-family lots may be reduced in size from the minimum required by the base zoning district by equivalent percentage to the percentage of the site that is in sensitive conservation features protected in common open space (or in Primary Conservation Lands if applicable). For example, on a site zoned RS15 with ten percent of the site set aside as open space protecting sensitive conservation features, the lots may be reduced in size by ten percent, or to a minimum of 13,500 square feet in area. On a site zoned RS15 with 35 percent set aside as open space protecting sensitive conservation features, the lots may be reduced in size by 35%, or to a minimum of 9,750 square feet.
5. In no case shall the minimum lot size be reduced below 3,750 square feet.
6. Lots proposed for duplexes must meet the minimum lot size of the base zoning district (no reduction in area permitted) and shall comply with the standards of 17.16.030.D of this title.
7. Standards for development of single-family and two-family lots in hillside and floodplain areas shall be as set out in Chapter 17.28.

8. The bulk standards and landscaping requirements of a comparable zoning district which most closely resembles the alternative lot sizes proposed for any given phase of development shall be employed for that phase of the subdivision.
- E. **Open Space.** Open space provided for the purposes of protecting sensitive conservation features and in exchange for flexibility of design, as described above, shall be subject to the standards below. These standards are not applicable to common areas or open spaces that may be provided for other purposes, including but not limited to, stormwater management areas or recreational or amenity open space areas.
1. All open space provided in accordance with this section shall be platted with the first phase of development that includes any lots utilizing alternative lot sizes as provided for above.
  2. Clearing, grading or disturbance of open space protecting sensitive conservation features shall be prohibited, except for essential infrastructure. Roadways and other essential utilities necessary to serve the development may be permitted to cross or be located within common open space protecting sensitive conservation features provided that development of the infrastructure minimizes impacts to the features. Preliminary grading and construction plans that demonstrate limits of disturbance, feasibility of construction and overall impacts to the sensitive features at a level of detail beyond that normally required at the concept plan (preliminary plat) phase may be required prior to approval of a plan incorporating such infrastructure. The portion of the open space protecting sensitive conservation features that must be disturbed to accommodate essential infrastructure shall not contribute toward the flexibility of lot size afforded by the previous section.
  3. Configuration and Access. To the maximum extent practicable given the natural configuration of sensitive conservation features, the open space shall be in a contiguous tract. Open space shall be designated to adjoin neighboring areas of open space, other protected areas, and non-protected sensitive conservation features that would be candidates for inclusion as part of a future area of protected open space in an adjacent development. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with pedestrian access to the open space via an access easement designated on the plat.
  4. Permitted Uses of Open Space. The following uses may be located or installed within open space protecting sensitive conservation features without affecting the contribution of those areas to flexibility of lot size afforded by the previous section:
    - a. Conservation of natural resources;
    - b. Paved greenway trails or trailhead facilities identified in the Metropolitan Parks and Greenways Master Plan and located within publicly accessible greenway conservation easements to the benefit of the Metropolitan Greenways Commission or Metro Parks;
    - c. Walking or bicycle trails provided they are constructed of porous paving materials;
    - d. Passive recreation areas such as picnic shelters, gazebos, or shared docks;
    - e. Required stormwater mitigation measures such as reforestation, landscaped bioretention, or other low impact development features;
    - f. Other conservation-oriented uses compatible with the purposes of this section.
  5. Prohibited Uses of Open Space.

- a. Clearing, grading, disturbance, or tree removal except as specifically authorized in previous sections;
  - b. Roads, parking lots, and impervious surfaces except as specifically authorized in previous sections;
  - c. Active recreational or play facilities including but not limited to tennis courts, basketball courts, swimming pools, playgrounds, baseball/softball diamonds or volleyball courts or other facilities that incorporate impervious surface; and
  - d. Impoundments, such as retention and detention basins, and other conventional stormwater facilities.
6. Ownership and Management.
- a. Open space areas within a residential conservation development option shall be owned and maintained by an incorporated association for the mutual benefit of residents or property owners within the development and shall be adequately described on a recorded plat of subdivision approved by the planning commission. All property owners within a subdivision utilizing the residential conservation development option shall be a member of the association which shall be responsible for the assessment of dues to cover the recurring costs of maintaining all open space areas.
  - b. In limited circumstances where the open space is identified on the Greenways Master Plan or within the Parks Master Plan, the developer may offer the open space for dedication to Metro Parks subject to approval and acceptance by Metro Parks Board and Metro Council as appropriate.
  - c. Open Space Management Plan. Applicants shall submit a plan for the management of the open space and common facilities which allocates responsibility and guidelines for maintenance and operation of the open space and any facilities located within the open space areas. If the open space is restricted via a conservation easement in the favor of a bona fide land trust or other permanently established organization legally able to accept such easements, a stewardship plan or other management plan associated with the conservation easement may be provided in lieu of the open space management plan.
  - d. Failure to maintain. When the failure of an association or other responsible party to properly maintain a common open space results in a public nuisance, the zoning administrator is empowered to initiate appropriate measures to eliminate the nuisance. If public funds are utilized to remove a nuisance and/or maintain common open space, those costs shall be assessed proportionally against all property owners within the development in the form of a tax lien. This provision shall not apply to any open space that has been dedicated to and accepted by the metropolitan government.

**F. Application Requirements.**

- 1. The subdivision concept plan (preliminary plat) shall clearly indicate that use of the residential conservation development option is proposed and shall be prepared in accordance with the procedures and requirements of the Metro Subdivision Regulations.
- 2. Concurrent with the submittal of the concept plan, the applicant shall prepare and submit a site analysis map that identifies the sensitive conservation features qualifying the proposal to utilize this option. Documentation of or determinations regarding the

sensitive conservation features from appropriate Metro, State or Federal agencies or official maps or resources should also be provided. The site analysis map shall also identify all features utilized in calculation of the maximum lot yield, if the Calculation Method is selected.

DRAFT