

Cluster Development

Packet Synopsis

Cluster development is a land use planning concept and tool for subdivision platting, and is an alternative to the so-called traditional or Euclidian land use planning approach of creating generally equal sized subdivision lots as permitted by the applicable zoning for the area. “Euclidian” does not derive from Euclidian geometry, although regular grid-like patterns seem to dominate in many land use development patterns, but rather from the defining U.S. Supreme Court decision of *Ambler Realty vs. The City of Euclid*, Ohio which upheld the right of communities to establish controls for land uses.

Cluster development concentrates the physical development of the area to be subdivided to minimize development impacts and to preserve desirable terrain features, sensitive ecological features or open space while still permitting building the number of housing units that the zoning code and map permits being built on the tract of land.

Cluster development is not a sword to fight urban/suburban sprawl. It is a tool for better land use as more land is required to meet a growing community’s residential housing needs. It is a tool that a community can use to help preserve its physical values which it sees as contributing to the community quality of life.

The contents of this packet selected on the basis of clarity and germaneness to the topic. They are as follows:

“Cluster Development”, *Ohio State University Fact Sheet*. – A good, brief explanation of what **cluster development** is, its advantages and disadvantages, the difference between a **cluster development** and a **Planned Unit Development** and whether they protect farmland, a frequently given purpose for them.

“Residential Cluster Development”, *Fact Sheet Series*, University of Minnesota Extension, 1998. – This paper presents Minnesota and rural perspectives and covers four topics that must be considered for successful **cluster development**: An Overview of Key Issues; Alternative Wastewater Treatment Systems; Storm Water Management; and Management Options.

“Cluster Residential Development”, *Technical Bulletin 4*, New Hampshire Office of State Planning, Summer, 1989. – This contains a good sample zoning ordinance or amendment to an existing zoning code to permit and regulate **cluster residential development**. It also makes excellent comments and suggestions for adapting the sample to another community.

“An Examination of Market Appreciation for Clustered Housing with Permanent Open Space”, Lacy, Jeff, University of Massachusetts/Amherst, 1990. – Is homeownership in a **cluster development** financially advantageous to the property owner and does it support community property values? This question is invariably asked when a community looks

at adopting **cluster development**. This empirical study of several New England communities indicates that Cluster Development properties do maintain and even appreciate in value relative to comparable conventional development housing.

“Clustering for Resource Protection”, Maryland Office of Planning, October 1994. – Selected here are the first seven pages of an extensive paper on **cluster development** for Maryland communities, but which repeats much of what is contained in the other selected papers. It presents good illustrations of **cluster development** versus conventional development approaches and what can be achieved by **cluster development** in terms of preserving open space and natural amenities.

“Protecting the Rural Landscape: Cluster Development in Washington County and Lessons from the Washington County Plan”, *Land Patterns*, Winter/Spring 1998. – An at-home, Minnesota example which also borrows the idea of “bonus densities” in exchange for “public benefits” to encourage developers to use **cluster development** in subdivision planning. The “Lessons” are germane to any community considering adopting and implementing **cluster developments** in their land use planning.

INTERLIBRARY LOANS MATERIALS

The following on **cluster development** can be borrowed via MnLINK.

- The Cluster Subdivision: A Cost-effective Approach, Welford Sander, *Planning Advisory Service*, American Planning Association, Chicago, IL 1980.

LEGAL NOTES

Cluster Development ordinances can be adopted by counties, cities and townships under Minnesota Statutes which convey to them the power to plan and zone. These are:

For Townships - Minnesota Statutes § 366.10 through § 366.18 convey to townships the authority to enact zoning regulations, zoning districts and establish zoning commissions and prescribes the manner in which this is to be done. Minnesota Statutes § 394.33 also conveys to townships the authority to plan and zone with the stipulation that any official controls, after adoption, must not be inconsistent nor less restrictive than any adopted official controls of the county within which it belongs. Minnesota Statutes § 462.352 Definitions, subd. 2. Municipality defines "municipality" to mean any city, including a city operating under a home rule charter, and any town, thereby extending all of the authority granted to municipalities to plan per Minnesota Statutes Chapter 462 - Housing, Redevelopment, Planning, Zoning - to townships as well.

For Counties - Minnesota Statutes § 394.21 specifically grants to all counties, except those in the defined seven-county metropolitan Area, the authority to “carry on county planning and zoning.” Minnesota Statutes § 394.23 gives county boards the power and authority to prepare and adopt by ordinance, a comprehensive plan, “a comprehensive

plan or plans when adopted by ordinance must be the basis for official controls adopted under the provisions of sections 394.21 to 394.37.”

For Municipalities - Minnesota Statutes § 462.353 grants municipalities their authority to plan. Subdivision 1. states, “A municipality may carry on comprehensive municipal planning activities for guiding the future development and improvement of the municipality and may prepare, adopt and amend a comprehensive municipal plan and implement such plan by ordinance and other official actions in accordance with the provisions of sections 462.351 to 462.364.”

The seven metro counties are governed by Minnesota Statutes Chapter 473, the Metropolitan Planning Act.

For cities in the seven-county metropolitan area, Minnesota Statutes § 473.858 - Comprehensive Plans – governs.

Minnesota Statutes Chapter 515B, Minnesota Common Interest Ownership Act will apply if “common ownership elements” are created in the **cluster development**.

Minnesota Rules, Chapter 6105 and § 6015.0354, Definitions, Subparagraph 17 defines Planned Cluster Development as “a pattern of subdivision development which places dwelling units into compact groupings while providing a network of commonly owned or dedicated open space.”

The **Local Planning Assistance Center at the Department of Administration** helps local governments with planning efforts, including comprehensive planning, zoning, hazard mitigation planning, GIS applications and development issues.

Upon request, this document will be made available in an alternate format, such as Braille, large print or audiotape. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for the Department of Administration.

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