



OGDEN VALLEY TOWNSHIP PLANNING COMMISSION

WORKSESSION MEETING AGENDA

October 07, 2014

5:00 p.m.

- 1. Discussion: Cluster Subdivision Ordinance**
- 2. Adjourn**

*The meeting will be held in the Weber County Commission Break-Out Room or as otherwise posted in the Weber Center, 1st Floor
2380 Washington Blvd., Ogden UT*



*(In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the
Weber County Planning Commission 24 hours in advance of the meeting at 801-399-8791)*



Weber County

October 7, 2014

To: Ogden Valley Township Planning Commission
From: Weber County Planning Division
Re: Weber County Cluster Subdivision Code

Dear Commissioners,

Attached you will find the most recent draft of the cluster subdivision code. One copy shows the customary strikethroughs so that you can relate proposed language to that in the existing code. The other copy is a cleaner, easier to read version that shows the proposed language only.

We ask that you read the draft and come prepared to discuss it in its entirety. Our goal will be to review the current draft and prepare for a future public meeting.

We look forward to seeing you at the work-session.

Sincerely,

Scott Mendoza

Weber County Planning Division

WEBER COUNTY LAND USE CODE

Title 108 - Chapter 3

Cluster Subdivisions

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- Sec. 108-3-1. Purpose and Intent
- Sec. 108-3-2. General Regulations Approval Procedure
- Sec. 108-3-3. Lot Area Regulations General Cluster Subdivision Design and Layout Standards
- Sec. 108-3-4. Width, Yard and Height Regulations Open Space Plan Approval, Ownership, Maintenance, Preservation, and Guarantee of Improvement Standards
- Sec. 108-3-5. Additional Design Standards and Requirements Open Space Parcel Development Standards
- Sec. 108-3-6. Bonus Density Lot Development Standards
- Sec. 108-3-7. Open Space Preservation Bonus Density
- Sec. 108-3-8. Owner's Association Required
- Sec. 108-3-9. Procedure

Sec. 108-3-1. Purpose and Intent

The intent of this chapter is to encourage the creation and permanent protection of open space, to preserve the rural character and natural beauty of unincorporated Weber County, as called for by the county's general plans. It is not the intent of this chapter to create open space subdivisions with lots sprawled over large areas, or strung out along roadways.

The purpose of this chapter is to provide flexible development standards to landowners that are committed to developing safe, attractive, conservation oriented neighborhoods that are thoughtfully designed and arranged in a manner that considers, gives deference to, and ultimately protects natural topography, environmentally sensitive areas, wildlife habitat, and/or agriculturally productive lands. It is intended to benefit those that create cluster subdivisions by offering an inherent gain, in the form of reduced infrastructure costs and possibly, in the Western Weber Township, a substantial increase in residential density. It is equally intended to benefit the residents of Weber County by promoting public welfare through the reduction of long-term infrastructure maintenance costs and the permanent preservation of the County's functional open spaces, picturesque landscapes, and rural character.

Comment [s1]: Added after planning commission comment.

Comment [s2]: Added after guidance given at the 8-26-2014 OVPC Work Session.

Sec. 108-3-2. General Regulations

The planning commission may approve a reduction in the minimum lot area required for a lot in a subdivision provided the provisions of this chapter and title 106, the Weber County subdivision ordinance are met. A cluster subdivision shall meet the requirements of the Weber County Land Use

33 Code, and shall ensure proper use and maintenance of open space and open space facilities and shall
34 result in a development superior to a conventional development in terms of its benefits to future
35 owners of the subdivision, surrounding residents and the general public.

Comment [s3]: Addressed this section in Section 108-3-3 below. Got rid of "may approve".

36 **Sec. 108-3-2. Approval Procedure**

Comment [s4]: Moved this section up from the end of the chapter at Section 108-3-9.

37 A preliminary plan of the cluster subdivision showing the areas within the subdivision to be permanently
38 reserved for recreation and/or open space, and plans showing the proposed use, improvements and
39 method of maintenance of such areas shall be approved by the planning commission and county
40 commission before the cluster subdivision proposal becomes a permitted use in the zone in which it is
41 proposed.

42 The cluster subdivision approval process shall consist of four phases which include a conceptual sketch
43 plan endorsement from the appropriate township planning commission, a preliminary approval and a
44 recommendation for final approval from the appropriate township planning commission, and a final
45 approval/acceptance by the Board of Weber County Commissioners. An application related to
46 preliminary, final, and County Commission approval/acceptance shall meet all applicable standards
47 including, but not limited to, those outlined in this chapter, Title 106 (Subdivisions), and others found
48 within the Weber County Code. An application, related to a conceptual sketch plan endorsement, shall
49 meet the standards and consist of the following as provided below:

- 50 1. Payment of a fee, as required by Title 16, Chapter 2 of the Weber County Code of Ordinances,
51 and submittal of a complete Sketch Plan Endorsement Application at least 14 calendar days
52 prior to the planning commission meeting at which the landowner and/or authorized
53 representative wishes to be heard.
- 54 2. One (8.5"x11") vicinity map, underlain by an aerial photo, showing the subject property,
55 surrounding streets, and relevant landmarks.
- 56 3. One (11"x17") conceptual plan that is drawn at a reasonable scale and, to the best of its ability,
57 demonstrates compliance with all applicable codes. The plan shall include, but not be limited
58 to, a north arrow and scale, subdivision boundary according to Weber County records,
59 approximate location(s) of proposed streets, lots (with approximate area calculations), common
60 areas and/or open space parcels (with approximate area calculations), easements, waterways,
61 suspected wetlands, flood plain, existing structures, and contour lines. Information related to
62 topography and contour lines may be submitted on a separate map. Contour information may
63 not be required if the Planning Director determines that the subject property lacks topographic
64 characteristics that warrant representation.
- 65 4. An electronic copy of all forms, documents, and information required above.

66 Sec. 108-3-3. Lot Area Regulations General Cluster Subdivision Design and
67 Layout Standards

Comment [s5]: Moved Section 108-3-2 (General Regulations) –type standards to this location and expanded on the standards to better describe the Planning Commission's vision for cluster subdivisions. See buffer requirement, max cluster of lots, and cluster spacing standards.

68 An application for a cluster subdivision shall be approved provided that the Planning Commission and
69 County Commission can find that the subject proposal meets all applicable standards including, but not
70 limited to, those specifically listed below:

71 1. A cluster subdivision shall have a general design that concentrates residential building lots
72 (along with and including their adjoining road rights-of-ways and/or approved Access
73 Exceptions) into separate and individual clusters or groups that are entirely surrounded by open
74 space dedicated as common area and/or individually owned agricultural preservation parcels.
75 The open space area in between one cluster of lots and another shall not be less than 75 feet in
76 width and the open space area in between lots and an exterior subdivision boundary shall not
77 be less than 50 feet in width. This standard, related to open space in between lots and a
78 subdivision's exterior boundary, shall be waived if:

- 79 a. Lots, sharing a common line with the subdivision boundary, contain 15,000 square feet
80 or more; or
- 81 b. Lots are located along an internal phasing line when that phasing line is acting as a
82 temporary external boundary; or
- 83 c. The proposed cluster subdivision lies adjacent to a previously recorded and existing
84 subdivision that is similar and contains lots that are alike in size. An existing subdivision
85 shall be considered similar if it contains a lot that is smaller or larger, by no more than
86 5,000 square feet, in comparison to the smallest lot lying within the proposed cluster
87 subdivision; or
- 88 d. Lots located along an external boundary lie adjacent to an undeveloped parcel. A parcel
89 shall be considered undeveloped if it does not contain an existing dwelling/residence. A
90 parcel shall also be considered undeveloped if it contains a dwelling/residence that lies
91 further than 150 feet away from all external boundaries of a proposed cluster
92 subdivision.

Comment [s6]: NEW LANGUAGE TO ADDRESS COMMISSION COMMENTS RECEIVED 8/5/2014.

93 2. Clusters or groups of lots shall, in no case, contain be clustered into groups of not less than five
94 three lots and no more than 20 lots in subdivisions consisting of 60 lots or more. Subdivisions
95 consisting of fewer than 60 lots shall cluster lots into groups that do not exceed one-third of the
96 total number of lots in the subdivision. Weber County may approve up to a five lot increase in
97 the number of lots in a cluster if:

Comment [s7]: Original language previously in 108-3-5 entitled "Additional design standards and requirements".

- 98 a. The total number of lots cannot be equally divided into thirds and leaves a remaining
99 number of lots that does not meet the minimum standard for lots in a cluster; or
- 100 b. There are unusual circumstances (e.g., topography, complications with infrastructure,
101 and/or soil conditions that warrant an increase.

102 3. To ensure that encourage quality open space a cluster subdivision reflects the characteristics of
103 the zone in which it is located, that promotes the intent of the chapter, the a minimum
104 percentage of a cluster subdivision's Adjusted Gross Acreage left in open space shall be

Comment [s8]: This standard should address the confusing standard found in paragraph 7 (below) where is wants open space area based on "net developable area". Keeping paragraph 7 would mean that the code has two existing standards for open space area preservation.

105 preserved as open space and dedicated as described in Section 108-3-3(1) above. The minimum
106 percentage for each zone is as follows:

- 107 a. In the Forest-40 (F-40) Zone F-40, a minimum of 90 percent of a cluster subdivision shall
108 be preserved as permanent open space.
- 109 b. In the Forest-5 (F-5) and Forest-10 (F-10) Zones F-10 and F-5, a minimum of 80 percent
110 of a cluster subdivision shall be preserved as permanent open space.
- 111 c. In the Agricultural Valley-3 (AV-3), Zone AV-3 and the Forest Valley-3 (FV-3), and the
112 Destination and Recreation Resort (DRR-1) Zones FV-3, a minimum of 60 percent of a
113 cluster subdivision shall be preserved as permanent open space.
- 114 d. In all other zones, listing a cluster subdivision as an allowed development type, a
115 minimum of 30 percent of a cluster subdivision shall be preserved as permanent open
116 space. Proposed cluster subdivisions that lie within the Agricultural-1 (A-1), Agricultural-
117 2 (A-2), and the Agricultural-3 (A-3) Zones may increase the open space percentage in
118 order to receive additional bonus densities as described in Section 108-3-7(3) below.

Comment [s9]: This text is the original from this section.

- 119 4. Streets shall be designed to take advantage of and provide visual access to open space vistas
120 created by the subdivision's permanently preserved open space and the County's natural beauty
121 and rural ambiance.
- 122 5. Areas designated as floodplain by the Federal Emergency Management Agency and within
123 required river and stream corridor setbacks shall be left as open space.
- 124 6. Areas designated as floodplain (as defined by the Federal Emergency Management Agency
125 and/or other qualified professional determined appropriate by the County engineer) and
126 rivers/streams, with and including their designated stream corridor setbacks (as defined by the
127 Weber County Land Use Code), shall be located within a cluster subdivision's open space area.
- 128 7. There shall be permanently reserved within the subdivision for recreation and/or open space,
129 parcels of land whose total "net developable area" is not less than the amount by which the
130 areas of the residential lots are reduced below the minimum area normally required in the
131 zone in which the cluster subdivision is located. The term "net developable area" is land that
132 is not excluded from use in density calculations or deemed undevelopable by this or any
133 other county, state, or federal law, ordinance or regulation. The area within existing and
134 proposed public and private road right-of-ways shall not be counted as "net developable
135 area."
- 136 8. Open space used in density calculations shall be a minimum of three contiguous acres in the RE-
137 20, RE-15, A-1, A-2, and A-3 zones, and five contiguous acres in all other zones where permitted.

Comment [s10]: Original language previously in 108-3-5 entitled "Additional design standards and requirements". Paragraph 6 will replace paragraph 5.

Comment [s11]: There is no need to have this standard because a minimum open space area standard already exists in paragraph 2 above.

Comment [s12]: This standard has been amended and included in the section immediately below.

138 Sec. 108-3-4. Width, Yard and Height Regulations Open Space Plan Approval,
139 Ownership, Maintenance, Preservation, and Guarantee of Improvement Standards
140 Open space parcels and any improvements proposed thereon, shall be approved, owned, maintained,
141 preserved, and financially guaranteed in accordance with the following:

- 142 1. Plan Approval.
- 143 a. An application, related to the preliminary and/or final approval of a cluster subdivision,
144 shall be accompanied by an Open Space Preservation Plan that includes a narrative (that

145 describes all proposed uses, phasing, and maintenance methods for all open space
146 parcels) and a site plan that shows the location(s) of existing and/or proposed future
147 structures.

- 148 i. Open space, dedicated as common area parcels, shall show the location of
149 existing and future structures by identifying the structure's footprint. Structures
150 housing a subdivision utility (e.g., irrigation pump house) and/or serving as a
151 subdivision amenity (e.g., club house) shall be subject to all applicable standards
152 including, but not limited to, all applicable architectural and design review
153 standards found in Title 108 (Standards) of the Weber County Land Use Code.
- 154 ii. Open space, dedicated as individually owned agricultural preservation parcels,
155 shall show locatable building envelopes that identify the limits of existing and
156 future building locations.

157 2. Ownership.

- 158 a. Open space parcels, dedicated as common area, shall be commonly owned by an
159 appropriate and legally established home/lot owner's association.
- 160 b. Open space parcels, dedicated as agricultural preservation parcels, may be owned
161 individually; however, ownership shall be regulated in the following manner:
 - 162 i. Individually owned agricultural preservation parcels that contain ten acres or
163 more may be owned by whosoever chooses to own the parcel(s).
 - 164 ii. Individually owned agricultural preservation parcels that contain less than ten
165 acres shall be owned by an owner of a lot within the same cluster subdivision.

166 3. Maintenance.

- 167 a. ~~Open space shall be maintained in accordance with an open space preservation~~
168 ~~maintenance and improvements plan submitted by the developer and approved plan by~~
169 ~~the planning commission and county commission. The plan shall detail the intended use~~
170 ~~of the open space and any proposed improvements to be placed in the open space.~~
- 171 b. It shall be the responsibility of the open space parcel owner to use, manage, and
172 maintain its/his/her parcel in a manner that is consistent with the approved Open Space
173 Preservation Plan and executed agricultural preservation easement as described below
174 in Section 108-3-4(4) (Preservation).

Comment [s13]: This paragraph was in the Open Space Preservation section in the current code. Moved it to this section because it is more closely related to "maintenance". Amended it as shown in paragraph "b".

175 4. Preservation.

- 176 a. To ensure ~~that~~ open space parcels are permanently ~~reserved~~ preserved and maintained
177 in a manner that is consistent with the approved Open Space Preservation Plan, the
178 ~~developers/property owners~~ landowner and/or authorized representative shall, prior to
179 ~~recording or as part of~~ recording the final cluster subdivision plat of the proposed
180 cluster subdivision:
 - 181 i. Grant and convey, to the County, an open space easement ~~for open space~~ over
182 the ~~required~~ areas dedicated as common area and/or agricultural preservation
183 ~~open space~~ parcels; and
 - 184 ii. Grant and convey, to the lot/homeowner's association if applicable, ~~of the~~
185 ~~proposed cluster subdivision~~ an open space easement ~~for open space~~ over the

Comment [s14]: This section is, currently under the existing code, in its own section (Sec. 108-3-7; Open Space Preservation").

186 ~~required areas dedicated as common area and/or agricultural preservation open~~
187 ~~space parcels.~~

188 b. If a bonus density is granted for the preservation of critical ~~substantial~~ or valuable
189 crucial wildlife habitat, a wildlife habitat easement (meeting the requirements of the
190 Utah Division of Wildlife Resources) shall be offered to the Utah state Division of
191 Wildlife Resources. ~~Bonus densities for critical or valuable wildlife habitat shall be based~~
192 ~~on a review of the subdivision by the state division of wildlife resources and there~~
193 ~~finding that the subdivision preserves critical or valuable wildlife habitat.~~

Comment [s15]: Summarized and put this stricken language into the bonus sections because this description belongs with the bonus standard. This is a standard that should be with the bonus criterion.

194 ~~e. If a bonus density is granted for affordable housing, then the affordable housing lots~~
195 ~~shall be identified on the subdivision plat. A deed restriction shall also be recorded on~~
196 ~~these lots limiting the sale, or rental of the homes to a household with incomes at or~~
197 ~~below 80 percent of the county median income.~~

198 ~~d. If an agricultural preservation easement is proposed, the agricultural parcel shall be a~~
199 ~~contiguous parcel containing at minimum ten acres and a copy of an approved~~
200 ~~agricultural preservation agreement shall be submitted and recorded with the final plat.~~

Comment [s16]: Re-wrote this paragraph in the one below.

201 e. If a bonus density is granted for an agricultural preservation parcel, the owner and/or
202 authorized representative shall complete the following:

- 203 i. Identify and label, on the final plat, the parcel(s) as an Agricultural Preservation
204 Parcel; and
- 205 ii. Further identify the Agricultural Preservation Parcel(s) by placing a letter of the
206 alphabet immediately after the label. For example, Agricultural Preservation
207 Parcel A, B, or C, etc.; and
- 208 iii. Present an agricultural preservation easement to the planning commission and
209 gain their approval; and
- 210 iv. Record an approved agricultural preservation easement on each parcel
211 identified as an Agricultural Preservation Parcel.

212 ~~f. The required open space may be owned by up to two lot owners in the subdivision, in~~
213 ~~parcels of not less than ten acres each and provided that no structures or accessory~~
214 ~~structures be built in the open space with the exception of agricultural buildings~~
215 ~~approved as part of the agricultural preservation plan.~~

Comment [s17]: This standard has changed and is addressed in the "Ownership" section above.

216 g. ~~Guarantee of common open space improvements. As assurance of completion of~~
217 ~~common open space improvements, the subdivider shall be required to file with the~~
218 ~~county commissioners an approved financial guarantee, guaranteeing completion in a~~
219 ~~manner satisfactory to the county commissioners, within two years of such filing.~~
220 ~~(Moved this sub-section to 108-3-4(5)(b and c) below.)~~

Comment [s18]: This paragraph is addressed in the "Guarantee" section below.

221 h. The planning commission may place impose additional conditions and/or restrictions, it
222 deems necessary, to ensure development and maintenance of the desired character,
223 including plans for deposition or re-use of property if the open space. Conditions may
224 include but not be limited to a plan for the deposition or re-use of the open space
225 property if the open space use is not maintained in the manner agreed upon or is
226 abandoned by the owners.

Comment [s19]: Addressed the "financial guarantee" requirement below in the next section...5b and 5c.

227 5. Guarantee of Open Space Improvements.

- 228 a. ~~As assurance of completion of common open space improvements, the subdivider shall~~
229 ~~be required to file with the county commissioners an approved financial guarantee,~~
230 ~~guaranteeing completion in a manner satisfactory to the county commissioners, within~~
231 ~~two years of such filing. (Moved from the old "Open Space Preservation" section.)~~
232 b. Open space improvements that remain incomplete at the time of recording and require
233 a Certificate of Occupancy (e.g., clubhouse, pool, pergola, gazebo, etc.) from the Weber
234 County Building Inspection Division shall not require the deposit of a Financial
235 Guarantee as defined by the Weber County Land Use Code; however, improvements
236 shall be completed according to the approved phasing component of an Open Space
237 Preservation Plan. Failure to complete improvements, as presented in the Open Space
238 Preservation Plan, may result in the suspension of final plat approvals and the
239 recordation of an instrument notifying prospective lot buyers that future land use
240 permits may not be issued for any construction.
241 c. Open space improvements that remain incomplete at the time of recording and do not
242 require a Certificate of Occupancy (e.g., landscaping, trails, fencing, sheds, parking
243 surfaces, etc.) from the Weber County Building Division shall, prior to receiving a final
244 approval/acceptance from the Board of Weber County Commissioners, require the
245 deposit of a Financial Guarantee as defined by the Weber County Land Use Code.
246 Improvements shall be completed according to the approved phasing component of an
247 Open Space Preservation Plan.

248 Sec. 108-3-5. Additional Design Standards and Requirements Open Space Parcel
249 Development Standards

250 Open space parcels shall be developed in a manner that meets all applicable standards, including but
251 not limited to those, found in the Weber County Land Use Code; however, some specific development
252 standards have been varied in order to provide flexibility and encourage design creativity within cluster
253 subdivisions. The following provides site development standards for open space parcels in cluster
254 subdivisions:

- 255 1. Parcel Area.
- 256 a. Unless otherwise regulated by the Weber-Morgan Health Department and/or Title 108,
257 Chapter 14 (Hillside Development Review Procedures and Standards) of the Weber
258 County Land Use Code, the minimum area for an open space parcel located within a
259 cluster subdivision shall be as follows:
- 260 i. Open space parcels dedicated as common area shall not be restricted in
261 area/size, however, they must contain an area that meets the minimum
262 acreage requirement if the common area parcel is intended to garner a
263 density bonus based on any bonus criterion provided in Section 108-3-7
264 below.

Comment [s20]: Is there anything else that drives area requirements?

Comment [s21]: This standard will address the issue of having open space parcels divided by roads or located within road rights-of-ways.

Comment [s22]: Added a minimum if intended to be used for density bonus.

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ii. Open space parcels that are dedicated as individually owned agricultural preservation parcels shall be subject to the following minimum area requirements:

- 1. Individually owned agricultural preservation parcels intended to garner a density bonus, based on the bonus criteria provided in Section 108-3-7 below, shall contain an area that meets the minimum acreage requirement for any chosen bonus density criterion.
- 2. All other individually owned agricultural preservation parcels shall contain a minimum of three acres; however, they may:
 - a. Require more area depending upon the ownership options provided in Section 108-3-4(2)(b) above; or
 - b. Contain an area of not less than one acre if the one acre parcel lies adjacent to another open space parcel (or parcels) so as to form (even though in separate ownership), what is perceived to be, an overall and contiguous open space area of not less than three acres. For design purposes, individually owned agricultural preservation parcels shall be considered adjacent and/or contiguous if they share a common boundary line with another or if any part of one parcel lies directly across a road right-of-way (or other approved access) from another open space parcel (i.e., common area and/or an individually owned agricultural preservation parcel).
- 3. In any event, parcels containing less than five acres are not considered Agricultural Parcels, as defined by the Weber County Land Use Code, and do not qualify for agricultural exemptions.

Comment [s23]: Reformatted.

Comment [s24]: Created this language according to direction given during the 9-16-2014 WWPC work-session. WWPC wanted flexibility to allow for more affordability. Previously, the area requirement was three acres only.

2. Parcel Width.

- a. Notwithstanding Section 106-2-4(d) and/or unless otherwise regulated by the Weber-Morgan Health Department and/or Title 108, Chapter 14 (Hillside Development Review Procedures and Standards) of the Weber County Land Use Code, open space parcels located within a cluster subdivision shall not be subject to frontage requirements and do not have a minimum width standard other than their width in between one cluster of lots and another as described in Section 108-3-2(1).

Comment [s25]: Subdivision code's frontage requirement.

3. Parcel Coverage.

- a. Open space parcels shall, for the most part, remain open and uncovered by roofed structures; therefore, the following coverage limits shall apply:
 - i. Coverage of common area parcels shall not exceed ten percent of the total parcel area.
 - ii. Coverage of individually owned agriculture parcels shall not exceed five percent of the total parcel area.

307 4. Yard Setbacks.

308 a. Structures built on open space parcels shall meet the setback standards that are
309 required by the zone in which the structure is located and/or all other applicable
310 code standards including, but not limited to, those described in Title 108,
311 Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County
312 Land Use Code.

Comment [s26]: There are 8 sub-sections that relate to setbacks.

313 5. Structure Height.

314 a. Structures built on open space parcels shall meet the height standards that are
315 required by the zone in which the structure is located and/or all other applicable
316 code standards including, but not limited to, those described in Title 108,
317 Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County
318 Land Use Code.

Comment [s27]: There are 3 sub-sections that relate to height.

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320 **Sec. 108-3-6. Bonus-Density Lot Development Standards**

321 Residential building lots shall be developed in a manner that meets all applicable standards, including
322 but not limited to those, found in the Weber County Land Use Code; however, some specific
323 development standards have been varied in order to provide flexibility and encourage design creativity
324 within cluster subdivisions. The following provides site development standards for lots in cluster
325 subdivisions:

326 1. Lot Area.

- 327 a. ~~The minimum lot area in a cluster subdivision shall be 10,000 square feet unless~~
328 ~~approved as part of a planned residential unit development.~~
- 329 b. Unless otherwise regulated by the Weber-Morgan Health Department and/or Title 108,
330 Chapter 14 (Hillside Development Review Procedures and Standards) of the Weber
331 County Land Use Code, a lot located within a cluster subdivision shall contain an area of
332 not less than 15,000 square feet; however, a lot's area may be reduced to a minimum of
333 6,000 square feet if:
- 334 i. The lot is located 50 feet or more from its own cluster subdivision
335 boundary (excepting those boundaries formed by existing streets
336 and/or internal phasing lines when the phasing lines act as a temporary
337 external boundary) and/or it meets the open space buffer requirement
338 as set forth in Section 108-3-3(1); or
- 339 ii. The lot lies within a cluster subdivision that is adjacent to a previously
340 recorded and existing subdivision that is similar and contains lots that
341 are alike in size. An existing subdivision shall be considered similar if it
342 contains a lot that is smaller or larger, by no more than 5,000 square
343 feet, in comparison to the smallest lot lying within the proposed or
344 subject cluster subdivision; or

Comment [s28]: Are there any other codes that drive area for a lot?

345 iii. The lot lies within a cluster subdivision that is adjacent t to an
346 undeveloped parcel. A parcel shall be considered undeveloped if it does
347 not contain an existing dwelling/residence. A parcel shall also be
348 considered undeveloped if it contains a dwelling/residence that lies
349 further than 150 feet away from all external boundaries of the
350 proposed or subject cluster subdivision.

351 2. Lot Width.

352 a. Yard and height regulations shall be the same as for the zone in which the cluster
353 subdivision is located except as noted below. The minimum lot width may be reduce
354 below the width normally required in the zone in which the cluster subdivision is located
355 as follow: Unless otherwise regulated by the Weber-Morgan Health Department and/or
356 Title 108, Chapter 14 (Hillside Development Review Procedures and Standards) of the
357 Weber County Land Use Code, the minimum lot width in a cluster subdivision shall be as
358 follows:

- 359 i. In the Forest-40 (F-40) Zone F-40, and the Forest-10 (F-10) Zones, F-10,
360 the lot widths may be reduced to 150 100 feet.
361 ii. In the Forest Zone F-5, the lot widths may be reduced to 100 feet.
362 iii. In the Forest Residential-1 (FR-1), Forest-5 (F-5), Agricultural Valley-3
363 (AV-3), and the Forest Valley-3 (FV-3) Zones, lot widths may be reduced
364 to a minimum frontage of 100 80 feet is required.
365 iv. In the Residential Estates (RE-15 and RE-20) and Agricultural (A-1, A-2,
366 and A-3) Zones, lot widths may be reduced to a minimum frontage of
367 100 60 feet is required.
368 v. In the Forest Residential-3 (FR-3) and the Destination & Recreation
369 Resort (DRR-1) Zone, lot widths may be reduced to 50 feet.
370 vi. In the Residential Estates RE-20 Zone, a minimum frontage of 80 feet is
371 required.
372 vii. In the Residential Estates RE-15 Zone, a minimum frontage of 70 feet is
373 required.
374 viii. The lot width and yard reductions listed in this section are the maximum
375 reduction allowed. Creating greater lot width reductions calculated by
376 combining the reductions in this section with others permitted in the
377 Land Use Code is not permitted.

378 3. Lot Coverage.

379 a. Lots located within cluster subdivisions shall not be subject to a coverage restriction
380 when siting a dwelling or other main building; however, when siting accessory buildings,
381 lots shall be subject to Section 108-7-4 (Area of Accessory Building) of the Weber County
382 Land Use Code.

383 4. Yard Setbacks.

384 a. Unless otherwise regulated by Title 108, Chapter 7 (Supplementary and Qualifying
385 Regulations) of the Weber County Land Use Code, structures built on lots within cluster

Comment [s29]: This standard already exists.
We are just referring to it.

386 subdivisions shall meet the setback standards that are required by the zone in which the
387 cluster subdivision is located; however, dwellings may be setback as provided below:

- 388 i. Front: 20 feet.
- 389 ii. Side: 8 feet.
- 390 iii. Rear: 20 feet.

391 b. ~~Where lots are reduced to 20,000 square feet or less, the front yard setback may be~~
392 ~~reduced to 25 feet and the side yard setback to a minimum of eight feet with the total~~
393 ~~of the two side yards not less than 18 feet.~~

394 5. Structure Height.

395 a. Unless otherwise regulated by Title 108, Chapter 7 (Supplementary and Qualifying
396 Regulations) of the Weber County Land Use Code, structures built on lots within cluster
397 subdivisions shall meet the height standards that are required by the zone in which the
398 cluster subdivision is located; however, dwellings may be constructed to a maximum
399 height of 40 feet.

Comment [s30]: This new standard reduces all setbacks and allows all lots in cluster subdivision to benefit from the reduced setbacks, not just lots below 20,000 square feet.

Comment [s31]: This allows 5 feet more than today's maximum height. This, in areas with high water, can allow day-lighting basements and attractive roof slopes. Heights are measured from natural grade, not finished grade.

401 **Sec. 108-3-7. Open Space Preservation Bonus Density**

402 Bonus densities shall only be awarded to those cluster subdivisions developed within the Western
403 Weber County Township. The following presents the bonus density opportunities that are available to
404 cluster subdivisions located within specific zoning boundaries:

- 405 1. In the Forest-40 (F-40) Zones ~~F-40 and F-10~~, a maximum bonus density of 20 percent may be
406 granted approved and shall be based on an accumulation of the following:
 - 407 a. ~~Developing~~ a cluster subdivision that ~~the planning commission determines~~ meets the
408 purpose and intent section of this chapter: up to a five percent bonus may be granted.
 - 409 b. ~~Providing a minimum of one road stubs to an~~ adjacent property where the planning
410 commission determines that streets are needed to provide for current or future traffic
411 circulation: up to a five percent bonus density may be granted.
 - 412 c. ~~Provides a minimum of one appropriately approved public access to public lands:~~ up to a
413 five percent bonus density may be granted.
 - 414 d. ~~The Provide common area that is open to the public and provides offers easily accessible~~
415 amenities (e.g., trail, park, community garden, etc.) that are open and allowed for use
416 by to the general public such as trails: up to a five percent bonus density may be
417 granted.
 - 418 e. Dedicate and convey, to Weber County and/or the State Division of Wildlife Resources,
419 an open space easement that permanently preserves an area or Protection of areas that
420 are have been identified, by the State Division of Wildlife Resources, as critical having
421 substantial or crucial wildlife habit value: up to a ~~ten~~ 15 percent bonus density may be
422 granted.

423 2. In the Agricultural Valley Zone AV-3, Forest Zone F-5 and the Forest Valley Zone FV-3: a
424 ~~maximum bonus density of 30 percent may be approved and shall be based on an accumulation~~
425 ~~of the following:~~

Comment [s32]: Removed Ogden Valley bonus density based on OVPC guidance given 8-26-2014.

- 426 a. ~~Developing a cluster subdivision that the planning commission determines meets the~~
427 ~~intent of this chapter, a ten percent bonus may be granted.~~
- 428 b. ~~For each five percent of open space preserved in the subdivision in excess of the~~
429 ~~minimum required by this chapter, up to a five percent bonus density may be granted.~~
- 430 c. ~~Providing road stubs to adjacent property where the planning commission determines~~
431 ~~that streets are needed to provide for current or future traffic circulation; a five percent~~
432 ~~bonus density may be granted per stub up to a maximum of ten percent.~~
- 433 d. ~~Provides access to public lands; up to a five percent bonus density may be granted.~~
- 434 e. ~~The common area is open to the public and provides amenities to the general public~~
435 ~~such as trail; up to a ten percent bonus density may be granted.~~
- 436 f. ~~Ten percent of the lots and homes are permanently set aside for affordable housing (as~~
437 ~~outlined by the Affordable Housing Act of 1990), up to a ten percent bonus density may~~
438 ~~be granted.~~
- 439 g. ~~Preservation of an agricultural parcel with an agricultural preservation plan approved by~~
440 ~~the planning commission and a agricultural preservation easement recorded on the~~
441 ~~parcel:~~
 - 442 i. ~~Between ten and 20 acres, up to a ten percent bonus density may be~~
443 ~~granted.~~
 - 444 ii. ~~20 acres or larger; up to a 15 percent bonus density may be granted.~~
- 445 h. ~~Preservation of historical sites and buildings (barns, homes, trails, or other structures);~~
446 ~~up to a five percent bonus density may be granted.~~
- 447 i. ~~Development of excess sewage treatment capacity; up to a five percent bonus density~~
448 ~~may be granted.~~
- 449 j. ~~Preservation in open space of areas that are identified by the state division of wildlife~~
450 ~~resources as providing valuable wildlife habit; up to a ten percent bonus density may be~~
451 ~~granted.~~
- 452 k. ~~Preservation in open space of areas that are identified by the state division of wildlife~~
453 ~~resources as critical wildlife habit; up to a 15 percent bonus density may be granted~~
- 454 l. ~~Open space is contiguous to permanently preserved open space on an adjoining~~
455 ~~property; up to a five percent bonus density may be granted.~~
- 456 m. ~~Preserving in open space a 300-foot setback from the high water mark of Pineview~~
457 ~~Reservoir; up to ten percent bonus density may be granted.~~

458 3. In the Agricultural-1 (A-1), Agricultural-2 (A-2), and the Agricultural-3 (A-3) Zones Agricultural
459 Zones A-1, A-2 and A-3, up to a maximum a bonus density of 50 30 percent may be approved;
460 however, up to a maximum of 50 percent may be approved if the landowner and/or the
461 landowner's authorized representative, creating the cluster subdivision, preserves an increased
462 open space percentage as referred to in Section 108-3-3(2)(d) above. Overall bonus density
463 potential shall be measured at a rate which is equal to the amount of open space preserved and
464 shall be based on an accumulation of the following:

- 465 a. Developing a cluster subdivision that ~~the planning commission determines~~ meets the
466 purpose and intent section of this chapter: ~~up to a 15~~ five percent bonus may be
467 granted.
- 468 b. Approval and implementation of a roadway landscape design plan that includes, but is
469 not necessarily limited to, vehicle/pedestrian circulation, lighting, and street trees of an
470 appropriate species, size (≥ 2 inch caliper), and quantity of not less than eight trees for
471 every 100 feet of road length: up to 20 percent may be granted.
- 472 c. For each five percent increment of open space preserved ~~in the subdivision in addition~~
473 to excess of the minimum required by this chapter ~~50 percent: up to a five percent~~
474 bonus density may shall be granted.
- 475 d. ~~Providing road stubs to adjacent property where the planning commission determines~~
476 ~~that streets are needed to provide for current or future traffic circulation: a five percent~~
477 ~~bonus density may be granted per stub up to a maximum of ten percent.~~
- 478 e. Provides a minimum of one appropriately approved access to public lands: up to a ten
479 percent bonus density may be granted.
- 480 f. ~~The Provide common areas and/or other means of access to is open to the public and~~
481 ~~provides easily accessible amenities (e.g., trail, park, community garden, etc.) that are~~
482 open and allowed for use by ~~to~~ the general public, ~~such as trail:~~ up to a 15 percent
483 bonus density may be granted.
- 484 g. Ten percent of the lots and homes are permanently set aside for affordable housing (as
485 outlined by the Affordable Housing Act of 1990): up to a ~~25~~ 20 percent bonus density
486 may be granted.

Comment [s33]: WWPC guidance 6-10-2014

Comment [s34]: WWPC guidance 6-10-2014.

487 If a bonus density is granted for affordable housing, the owner and/or authorized
488 representative shall complete the following:

- 489 i. Present and gain Planning Commission approval on an effective method
490 (e.g., affordable housing deed restriction) for guaranteeing and
491 enforcing perpetual affordability. Any method used shall limit the sale
492 or rental of the lot(s) and home(s) to a household with an income at or
493 below 80 percent of the County median income; and
- 494 ii. Identify and label, on the final plat, the lots as Affordable Housing Lots;
495 and
- 496 iii. Provide a note, on the final plat, that briefly explains the nature of the
497 housing restriction on the lot and the method by which occupancy and
498 affordability will be regulated.
- 499 h. Preservation of an agricultural parcel with an agricultural preservation plan approved by
500 the planning commission and an agricultural preservation easement recorded on the
501 parcel:
- 502 i. Between ten acres but fewer than ~~and~~ 20 acres: up to a 15 percent
503 bonus density may be granted.

- 504 ii. ~~Between 20 acres but fewer than 30 acres; or more but less than~~ up to a
- 505 20 percent bonus density may be granted.
- 506 iii. ~~Between 30 acres but fewer than 40 acres; up to a 30 percent bonus~~
- 507 ~~density may be granted.~~
- 508 iv. ~~Between 40 acres but fewer than 50 acres; up to a 40 percent bonus~~
- 509 ~~density may be granted if in excess (proportionally) of the minimum~~
- 510 ~~open space requirement.~~
- 511 v. ~~Preservation of a parcel containing 50 acres or more; up to a 50 percent~~
- 512 ~~bonus density may be granted if in excess (proportionally) of the~~
- 513 ~~minimum open space requirement.~~
- 514 i. Preservation of historical sites and buildings (barns, homes, trails, or other structures):
- 515 up to a five percent bonus density may be granted.
- 516 j. Development of excess sewage treatment capacity: up to a five percent bonus density
- 517 may be granted.
- 518 k. ~~Preservation of open space of areas that are identified by the state division of wildlife~~
- 519 ~~resources as providing valuable wildlife habit; up to a ten percent bonus density may be~~
- 520 ~~granted.~~
- 521 l. ~~Preservation in open space of areas that are identified by the state division of wildlife~~
- 522 ~~resources as critical wildlife habit; up to a 15 percent bonus density may be granted.~~
- 523 m. Dedicate and convey, to Weber County and/or the State Division of Wildlife Resources,
- 524 an open space easement that permanently preserves an area or Protection of areas that
- 525 are have been identified, by the State Division of Wildlife Resources, as critical having
- 526 substantial or crucial wildlife habit value: up to a ~~ten~~ 15 percent bonus density may be
- 527 granted.
- 528 n. Open space parcel, consisting of five acres or more, is contiguous to permanently
- 529 preserved open space on an adjoining property which is located outside of the subject
- 530 cluster subdivision: up to a 20 percent bonus density may be granted.

Comment [s35]: WWPC guidance 6-10-2014. Wanted sliding scale.

Comment [s36]: WWPC gave direction to increase this to 30%. Should it go to that percentage?

531 **Sec. 108-3-8. Owner's Association Required**

532 In order to provide for proper management and maintenance of commonly owned areas and/or private
 533 improvements, all cluster subdivisions, with such areas and/or improvements, As assurance of
 534 maintenance of the common open space and other improvements where so required, subdivider shall
 535 be required to have an ~~cause to be formed, prior to the recording of the final plat, lot owners'~~
 536 association. The landowner and/or the landowner's authorized representative, creating the subdivision,
 537 shall perform and/or complete the following prior to recording a final plat; and shall establish articles of
 538 incorporation of the association, filed at the state department of commerce, bylaws and covenants
 539 outlining the purpose, organization and operation of the association. Such articles of incorporation and
 540 covenants shall among other things provide:

541

- 542 1. Establish a lot/homeowner's association and submit, for Weber County review, the necessary
543 articles of incorporation, bylaws, and/or declaration of covenants, conditions, and restrictions
544 that provide for, but are not limited to, the following:
- 545 a. Compliance with Utah State Code.
 - 546 b. The reason and purpose for the association's existence.
 - 547 c. Mandatory membership for each lot/homeowner and their successors in interest.
 - 548 d. The perpetual nature of the easements related to all dedicated open space parcels.
 - 549 e. Responsibilities related to liability, taxes, and the maintenance of recreational and other
550 infrastructure/facilities.
 - 551 f. Financial obligations and responsibilities, including the ability to adjust the obligations
552 and responsibilities due to change in needs.
 - 553 g. Association enforcement remedies and a notification of the County's ability to enforce
554 the terms of the owner's dedication on the subdivision dedication plat.
 - 555 ~~h. That membership shall be mandatory for each lot purchased and each successive
556 buyer.~~
 - 557 ~~i. That common open space restrictions must be permanent, not just for a period of
558 years.~~
 - 559 ~~j. That the association shall be responsible for liability, local taxes and the maintenance
560 of recreational and other facilities.~~
 - 561 ~~k. That lot owners must pay their pro rata share of the costs.~~
 - 562 ~~l. That the assessment levied by the association can become a lien on the property.~~
 - 563 ~~m. That the association shall be able to adjust the assessment to meet changed needs.~~
 - 564 ~~n. That in the event the lot owners' association does not maintain the common open
565 space and improvements as proposed and indicated at the time of subdivision, the
566 county may at its option, do or contract to have done the required maintenance and
567 recover the costs incident thereto by means of a lien against the involved properties
568 of the lot owners' association members.~~
- 569 2. Register the lot/homeowner's association with the State of Utah, Department of Commerce.

Comment [s37]: We will amend the subdivision code (section 106-7; Owners Dedication) by creating additional language for the owner's dedication that clarifies the owners commitment to maintain open space parcels in a manner that is consistent with approvals.

Comment [s38]: These (h-o) have been incorporated into the standards above in a-g.

Comment [s39]: This has been eliminated because it seems to imply that the County will enforce this provision of the CC&R's.

570 ~~Sec. 108-3-9. Procedure~~

571 ~~A preliminary plan of the cluster subdivision showing the areas within the subdivision to be permanently
572 reserved for recreation and/or open space, and plans showing the proposed use, improvements and
573 method of maintenance of such areas shall be approved by the planning commission and county
574 commission before the cluster subdivision proposal becomes a permitted use in the zone in which it is
575 proposed. (Moved this Section to 108-3-2 above; Approval Procedure.)~~

1 WEBER COUNTY LAND USE CODE
2 Title 108 - Chapter 3

3 **Cluster Subdivisions**

- 4 Sec. 108-3-1. Purpose and Intent
5 Sec. 108-3-2. Approval Procedure
6 Sec. 108-3-3. General Cluster Subdivision Design and Layout Standards
7 Sec. 108-3-4. Open Space Plan Approval, Ownership, Maintenance, Preservation, and Guarantee of
8 Improvement Standards
9 Sec. 108-3-5. Open Space Parcel Development Standards
10 Sec. 108-3-6. Lot Development Standards
11 Sec. 108-3-7. Bonus Density
12 Sec. 108-3-8. Owner's Association Required

13 **Sec. 108-3-1. Purpose and Intent**

14 The purpose of this chapter is to provide flexible development standards to landowners that are
15 committed to developing safe, attractive, conservation oriented neighborhoods that are thoughtfully
16 designed and arranged in a manner that considers, gives deference to, and ultimately protects natural
17 topography, environmentally sensitive areas, wildlife habitat, and/or agriculturally productive lands. It is
18 intended to benefit those that create cluster subdivisions by offering an inherent gain, in the form of
19 reduced infrastructure costs and possibly, in the Western Weber Township, a substantial increase in
20 residential density. It is equally intended to benefit the residents of Weber County by promoting public
21 welfare through the reduction of long-term infrastructure maintenance costs and the permanent
22 preservation of the County's functional open spaces, picturesque landscapes, and rural character.

23 **Sec. 108-3-2. Approval Procedure**

24 The cluster subdivision approval process shall consist of four phases which include a conceptual sketch
25 plan endorsement from the appropriate township planning commission, a preliminary approval and a
26 recommendation for final approval from the appropriate township planning commission, and a final
27 approval/acceptance by the Board of Weber County Commissioners. An application related to
28 preliminary, final, and County Commission approval/acceptance shall meet all applicable standards
29 including, but not limited to, those outlined in this chapter, Title 106 (Subdivisions), and others found
30 within the Weber County Code. An application, related to a conceptual sketch plan endorsement, shall
31 meet the standards and consist of the following as provided below:

- 32 1. Payment of a fee, as required by Title 16, Chapter 2 of the Weber County Code of Ordinances,
 33 and submittal of a complete Sketch Plan Endorsement Application at least 14 calendar days
 34 prior to the planning commission meeting at which the landowner and/or authorized
 35 representative wishes to be heard.
- 36 2. One (8.5"×11") vicinity map, underlain by an aerial photo, showing the subject property,
 37 surrounding streets, and relevant landmarks.
- 38 3. One (11"×17") conceptual plan that is drawn at a reasonable scale and, to the best of its ability,
 39 demonstrates compliance with all applicable codes. The plan shall include, but not be limited
 40 to, a north arrow and scale, subdivision boundary according to Weber County records,
 41 approximate location(s) of proposed streets, lots (with approximate area calculations), common
 42 areas and/or open space parcels (with approximate area calculations), easements, waterways,
 43 suspected wetlands, flood plain, existing structures, and contour lines. Information related to
 44 topography and contour lines may be submitted on a separate map. Contour information may
 45 not be required if the Planning Director determines that the subject property lacks topographic
 46 characteristics that warrant representation.
- 47 4. An electronic copy of all forms, documents, and information required above.

48 **Sec. 108-3-3. General Cluster Subdivision Design and Layout Standards**

49 An application for a cluster subdivision shall be approved provided that the Planning Commission and
 50 County Commission can find that the subject proposal meets all applicable standards including, but not
 51 limited to, those specifically listed below:

- 52 1. A cluster subdivision shall have a general design that concentrates residential building lots
 53 (along with and including their adjoining road rights-of-ways and/or approved Access
 54 Exceptions) into separate and individual clusters or groups that are entirely surrounded by open
 55 space dedicated as common area and/or individually owned agricultural preservation parcels.
 56 The open space area in between one cluster of lots and another shall not be less than 75 feet in
 57 width and the open space area in between lots and an exterior subdivision boundary shall not
 58 be less than 50 feet in width. This standard, related to open space in between lots and a
 59 subdivision's exterior boundary, shall be waived if:
- 60 a. Lots, sharing a common line with the subdivision boundary, contain 15,000 square feet
 61 or more; or
- 62 b. Lots are located along an internal phasing line when that phasing line is acting as a
 63 temporary external boundary; or
- 64 c. The proposed cluster subdivision lies adjacent to a previously recorded and existing
 65 subdivision that is similar and contains lots that are alike in size. An existing subdivision
 66 shall be considered similar if it contains a lot that is smaller or larger, by no more than
 67 5,000 square feet, in comparison to the smallest lot lying within the proposed cluster
 68 subdivision; or
- 69 d. Lots located along an external boundary lie adjacent to an undeveloped parcel. A parcel
 70 shall be considered undeveloped if it does not contain an existing dwelling/residence. A

- 71 parcel shall also be considered undeveloped if it contains a dwelling/residence that lies
72 further than 150 feet away from all external boundaries of a proposed cluster
73 subdivision.
- 74 2. Clusters or groups of lots shall, in no case, contain less than five three lots and no more than 20
75 lots in subdivisions consisting of 60 lots or more. Subdivisions consisting of fewer than 60 lots
76 shall cluster lots into groups that do not exceed one-third of the total number of lots in the
77 subdivision. Weber County may approve up to a five lot increase in the number of lots in a
78 cluster if:
- 79 a. The total number of lots cannot be equally divided into thirds and leaves a remaining
80 number of lots that does not meet the minimum standard for lots in a cluster; or
 - 81 b. There are unusual circumstances (e.g., topography, complications with infrastructure,
82 and/or soil conditions that warrant an increase.
- 83 3. To ensure that a cluster subdivision reflects the characteristics of the zone in which it is located,
84 a minimum percentage of a cluster subdivision's Adjusted Gross Acreage shall be preserved as
85 open space and dedicated as described in Section 108-3-3(1) above. The minimum percentage
86 for each zone is as follows:
- 87 a. In the Forest-40 (F-40) Zone, a minimum of 90 percent of a cluster subdivision shall be
88 preserved as open space.
 - 89 b. In the Forest-5 (F-5) and Forest-10 (F-10) Zones, a minimum of 80 percent of a cluster
90 subdivision shall be preserved as open space.
 - 91 c. In the Agricultural Valley-3 (AV-3), Forest Valley-3 (FV-3), and the Destination and
92 Recreation Resort (DRR-1) Zones, a minimum of 60 percent of a cluster subdivision shall
93 be preserved as open space.
 - 94 d. In all other zones, listing a cluster subdivision as an allowed development type, a
95 minimum of 30 percent of a cluster subdivision shall be preserved as open space.
96 Proposed cluster subdivisions that lie within the Agricultural-1 (A-1), Agricultural-2 (A-2),
97 and the Agricultural-3 (A-3) Zones may increase the open space percentage in order to
98 receive additional bonus densities as described in Section 108-3-7(3) below.
- 99 4. Areas designated as floodplain (as defined by the Federal Emergency Management Agency
100 and/or other qualified professional determined appropriate by the County engineer) and
101 rivers/streams, with and including their designated stream corridor setbacks (as defined by the
102 Weber County Land Use Code), shall be located within a cluster subdivision's open space area.

103 **Sec. 108-3-4. Open Space Plan Approval, Ownership, Maintenance, Preservation,**
104 **and Guarantee of Improvement Standards**

105 Open space parcels and any improvements proposed thereon, shall be approved, owned, maintained,
106 preserved, and financially guaranteed in accordance with the following:

- 107 1. Plan Approval.
- 108 a. An application, related to the preliminary and/or final approval of a cluster subdivision,
109 shall be accompanied by an Open Space Preservation Plan that includes a narrative (that

110 describes all proposed uses, phasing, and maintenance methods for all open space
111 parcels) and a site plan that shows the location(s) of existing and/or proposed future
112 structures.

- 113 i. Open space, dedicated as common area parcels, shall show the location of
114 existing and future structures by identifying the structure's footprint. Structures
115 housing a subdivision utility (e.g., irrigation pump house) and/or serving as a
116 subdivision amenity (e.g., club house) shall be subject to all applicable standards
117 including, but not limited to, all applicable architectural and design review
118 standards found in Title 108 (Standards) of the Weber County Land Use Code.
- 119 ii. Open space, dedicated as individually owned agricultural preservation parcels,
120 shall show locatable building envelopes that identify the limits of existing and
121 future building locations.

122 2. Ownership.

- 123 a. Open space parcels, dedicated as common area, shall be commonly owned by an
124 appropriate and legally established home/lot owner's association.
- 125 b. Open space parcels, dedicated as agricultural preservation parcels, may be owned
126 individually; however, ownership shall be regulated in the following manner:
 - 127 i. Individually owned agricultural preservation parcels that contain ten acres or
128 more may be owned by whosoever chooses to own the parcel(s).
 - 129 ii. Individually owned agricultural preservation parcels that contain less than ten
130 acres shall be owned by an owner of a lot within the same cluster subdivision.

131 3. Maintenance.

- 132 a. It shall be the responsibility of the open space parcel owner to use, manage, and
133 maintain its/his/her parcel in a manner that is consistent with the approved Open Space
134 Preservation Plan and executed agricultural preservation easement as described below
135 in Section 108-3-4(4) (Preservation).

136 4. Preservation.

- 137 a. To ensure that open space parcels are permanently preserved and maintained in a
138 manner that is consistent with the approved Open Space Preservation Plan, the
139 landowner and/or authorized representative shall, prior to recording or as part of
140 recording the final cluster subdivision plat:
 - 141 i. Grant and convey, to the County, an open space easement over the areas
142 dedicated as common area and/or agricultural preservation parcels; and
 - 143 ii. Grant and convey, to the lot/homeowner's association if applicable, an open
144 space easement over the areas dedicated as common area and/or agricultural
145 preservation parcels.
- 146 b. If a bonus density is granted for the preservation of a substantial or crucial wildlife
147 habitat, a wildlife habitat easement (meeting the requirements of the Utah Division of
148 Wildlife Resources) shall be offered to the Utah Division of Wildlife Resources.
- 149 c. If a bonus density is granted for an agricultural preservation parcel, the owner and/or
150 authorized representative shall complete the following:

- 151 i. Identify and label, on the final plat, the parcel(s) as an Agricultural Preservation
152 Parcel; and
153 ii. Further identify the Agricultural Preservation Parcel(s) by placing a letter of the
154 alphabet immediately after the label. For example, Agricultural Preservation
155 Parcel A, B, or C, etc.; and
156 iii. Present an agricultural preservation easement to the planning commission and
157 gain their approval; and
158 iv. Record an approved agricultural preservation easement on each parcel
159 identified as an Agricultural Preservation Parcel.
160 d. The planning commission may impose additional conditions and/or restrictions, it
161 deems necessary, to ensure maintenance of the open space. Conditions may include
162 but not be limited to a plan for the deposition or re-use of the open space property if
163 the open space is not maintained in the manner agreed upon or is abandoned by the
164 owners.
- 165 5. Guarantee of Open Space Improvements.
- 166 a. Open space improvements that remain incomplete at the time of recording and require
167 a Certificate of Occupancy (e.g., clubhouse, pool, pergola, gazebo, etc.) from the Weber
168 County Building Inspection Division shall not require the deposit of a Financial
169 Guarantee as defined by the Weber County Land Use Code; however, improvements
170 shall be completed according to the approved phasing component of an Open Space
171 Preservation Plan. Failure to complete improvements, as presented in the Open Space
172 Preservation Plan, may result in the suspension of final plat approvals and the
173 recordation of an instrument notifying prospective lot buyers that future land use
174 permits may not be issued for any construction.
- 175 b. Open space improvements that remain incomplete at the time of recording and do not
176 require a Certificate of Occupancy (e.g., landscaping, trails, fencing, sheds, parking
177 surfaces, etc.) from the Weber County Building Division shall, prior to receiving a final
178 approval/acceptance from the Board of Weber County Commissioners, require the
179 deposit of a Financial Guarantee as defined by the Weber County Land Use Code.
180 Improvements shall be completed according to the approved phasing component of an
181 Open Space Preservation Plan.

182 **Sec. 108-3-5. Open Space Parcel Development Standards**

183 Open space parcels shall be developed in a manner that meets all applicable standards, including but
184 not limited to those, found in the Weber County Land Use Code; however, some specific development
185 standards have been varied in order to provide flexibility and encourage design creativity within cluster
186 subdivisions. The following provides site development standards for open space parcels in cluster
187 subdivisions:

- 188 1. Parcel Area.

- 189 a. Unless otherwise regulated by the Weber-Morgan Health Department and/or Title 108,
190 Chapter 14 (Hillside Development Review Procedures and Standards) of the Weber
191 County Land Use Code, the minimum area for an open space parcel located within a
192 cluster subdivision shall be as follows:
- 193 i. Open space parcels dedicated as common area shall not be restricted in
194 area/size; however, they must contain an area that meets the minimum
195 acreage requirement if the common area parcel is intended to garner a
196 density bonus based on any bonus criterion provided in Section 108-3-7
197 below.
 - 198 ii. Open space parcels that are dedicated as individually owned agricultural
199 preservation parcels shall be subject to the following minimum area
200 requirements:
 - 201 1. Individually owned agricultural preservation parcels intended to
202 garner a density bonus, based on the bonus criteria provided in
203 Section 108-3-7 below, shall contain an area that meets the
204 minimum acreage requirement for any chosen bonus density
205 criterion.
 - 206 2. All other individually owned agricultural preservation parcels
207 shall contain a minimum of three acres; however, they may:
 - 208 a. Require more area depending upon the ownership
209 options provided in Section 108-3-4(2)(b) above; or
 - 210 b. Contain an area of not less than one acre if the one acre
211 parcel lies adjacent to another open space parcel (or
212 parcels) so as to form (even though in separate
213 ownership), what is perceived to be, an overall and
214 contiguous open space area of not less than three acres.
215 For design purposes, individually owned agricultural
216 preservation parcels shall be considered adjacent
217 and/or contiguous if they share a common boundary
218 line with another or if any part of one parcel lies directly
219 across a road right-of-way (or other approved access)
220 from another open space parcel (i.e., common area
221 and/or an individually owned agricultural preservation
222 parcel).
 - 223 3. In any event, parcels containing less than five acres are not
224 considered Agricultural Parcels, as defined by the Weber County
225 Land Use Code, and do not qualify for agricultural exemptions.

226 2. Parcel Width.

- 227 a. Notwithstanding Section 106-2-4(c) and/or unless otherwise regulated by the Weber-
228 Morgan Health Department and/or Title 108, Chapter 14 (Hillside Development Review
229 Procedures and Standards) of the Weber County Land Use Code, open space parcels
230 located within a cluster subdivision shall not be subject to frontage requirements and do

231 not have a minimum width standard other than their width in between one cluster of
232 lots and another as described in Section 108-3-2(1).

233 3. Parcel Coverage.

234 a. Open space parcels shall, for the most part, remain open and uncovered by roofed
235 structures; therefore, the following coverage limits shall apply:

236 i. Coverage of common area parcels shall not exceed ten percent of the
237 total parcel area.

238 ii. Coverage of individually owned agriculture parcels shall not exceed five
239 percent of the total parcel area.

240 4. Yard Setbacks.

241 a. Structures built on open space parcels shall meet the setback standards that are
242 required by the zone in which the structure is located and/or all other applicable
243 code standards including, but not limited to, those described in Title 108,
244 Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County
245 Land Use Code.

246 5. Structure Height.

247 a. Structures built on open space parcels shall meet the height standards that are
248 required by the zone in which the structure is located and/or all other applicable
249 code standards including, but not limited to, those described in Title 108,
250 Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County
251 Land Use Code.

252 **Sec. 108-3-6. Lot Development Standards**

253 Residential building lots shall be developed in a manner that meets all applicable standards, including
254 but not limited to those, found in the Weber County Land Use Code; however, some specific
255 development standards have been varied in order to provide flexibility and encourage design creativity
256 within cluster subdivisions. The following provides site development standards for lots in cluster
257 subdivisions:

258 1. Lot Area.

259 a. Unless otherwise regulated by the Weber-Morgan Health Department and/or Title 108,
260 Chapter 14 (Hillside Development Review Procedures and Standards) of the Weber
261 County Land Use Code, a lot located within a cluster subdivision shall contain an area of
262 not less than 15,000 square feet; however, a lot's area may be reduced to a minimum of
263 6,000 square feet if:

264 i. The lot is located 50 feet or more from its own cluster subdivision
265 boundary (excepting those boundaries formed by existing streets
266 and/or internal phasing lines when the phasing lines act as a temporary
267 external boundary) and/or it meets the open space buffer requirement
268 as set forth in Section 108-3-3(1); or

- 269 ii. The lot lies within a cluster subdivision that is adjacent to a previously
 270 recorded and existing subdivision that is similar and contains lots that
 271 are alike in size. An existing subdivision shall be considered similar if it
 272 contains a lot that is smaller or larger, by no more than 5,000 square
 273 feet, in comparison to the smallest lot lying within the proposed or
 274 subject cluster subdivision; or
 275 iii. The lot lies within a cluster subdivision that is adjacent t to an
 276 undeveloped parcel. A parcel shall be considered undeveloped if it does
 277 not contain an existing dwelling/residence. A parcel shall also be
 278 considered undeveloped if it contains a dwelling/residence that lies
 279 further than 150 feet away from all external boundaries of the
 280 proposed or subject cluster subdivision.

281 2. Lot Width.

- 282 a. Unless otherwise regulated by the Weber-Morgan Health Department and/or Title 108,
 283 Chapter 14 (Hillside Development Review Procedures and Standards) of the Weber
 284 County Land Use Code, the minimum lot width in a cluster subdivision shall be as
 285 follows:

- 286 i. In the Forest-40 (F-40) and the Forest-10 (F-10) Zones, lot widths may
 287 be reduced to 100 feet.
 288 ii. In the Forest Residential-1 (FR-1), Forest-5 (F-5), Agricultural Valley-3
 289 (AV-3), and the Forest Valley-3 (FV-3) Zones, lot widths may be reduced
 290 to 80 feet.
 291 iii. In the Residential Estates (RE-15 and RE-20) and Agricultural (A-1, A-2,
 292 and A-3) Zones, lot widths may be reduced to 60 feet.
 293 iv. In the Forest Residential-3 (FR-3) and the Destination & Recreation
 294 Resort (DRR-1) Zone, lot widths may be reduced to 50 feet.

295 3. Lot Coverage.

- 296 a. Lots located within cluster subdivisions shall not be subject to a coverage restriction
 297 when siting a dwelling or other main building; however, when siting accessory buildings,
 298 lots shall be subject to Section 108-7-4 (Area of Accessory Building) of the Weber County
 299 Land Use Code.

300 4. Yard Setbacks.

- 301 a. Unless otherwise regulated by Title 108, Chapter 7 (Supplementary and Qualifying
 302 Regulations) of the Weber County Land Use Code, structures built on lots within cluster
 303 subdivisions shall meet the setback standards that are required by the zone in which the
 304 cluster subdivision is located; however, dwellings may be setback as provided below:

- 305 i. Front: 20 feet.
 306 ii. Side: 8 feet.
 307 iii. Rear: 20 feet.

308 5. Structure Height.

- 309 a. Unless otherwise regulated by Title 108, Chapter 7 (Supplementary and Qualifying
 310 Regulations) of the Weber County Land Use Code, structures built on lots within cluster

311 subdivisions shall meet the height standards that are required by the zone in which the
 312 cluster subdivision is located; however, dwellings may be constructed to a maximum
 313 height of 40 feet.

314 **Sec. 108-3-7. Bonus Density**

315 Bonus densities shall only be awarded to those cluster subdivisions developed within the Western
 316 Weber County Township. The following presents the bonus density opportunities that are available to
 317 cluster subdivisions located within specific zoning boundaries:

- 318 1. In the Forest-40 (F-40) Zones, a maximum bonus density of 20 percent may be granted based on
 319 an accumulation of the following:
- 320 a. Develop a cluster subdivision that meets the purpose and intent of this chapter: up to a
 321 five percent bonus may be granted.
 - 322 b. Provide a minimum of one road stub to an adjacent property where the planning
 323 commission determines that streets are needed to provide for current or future traffic
 324 circulation: up to a five percent bonus density may be granted.
 - 325 c. Provide a minimum of one appropriately approved public access to public lands: up to a
 326 five percent bonus density may be granted.
 - 327 d. Provide common area that offers easily accessible amenities (e.g., trail, park,
 328 community garden, etc.) that are open and allowed for use by the general public: up to
 329 a five percent bonus density may be granted.
 - 330 e. Dedicate and convey, to Weber County and/or the State Division of Wildlife Resources,
 331 an open space easement that permanently preserves an area or areas that have been
 332 identified, by the State Division of Wildlife Resources, as having substantial or crucial
 333 wildlife habit value: up to a 15 percent bonus density may be granted.
- 334 2. In the Agricultural-1 (A-1), Agricultural-2 (A-2), and the Agricultural-3 (A-3) Zones a bonus
 335 density of 30 percent may be approved; however, up to a maximum of 50 percent may be
 336 approved if the landowner and/or the landowner's authorized representative, creating the
 337 cluster subdivision, preserves an increased open space percentage as referred to in Section 108-
 338 3-3(2)(d) above. Overall bonus density potential shall be measured at a rate which is equal to
 339 the amount of open space preserved and shall be based on an accumulation of the following:
- 340 a. Develop a cluster subdivision that meets the purpose and intent section of this chapter:
 341 up to a five percent bonus may be granted.
 - 342 b. Approval and implementation of a roadway landscape design plan that includes, but is
 343 not necessarily limited to, vehicle/pedestrian circulation, lighting, and street trees of an
 344 appropriate species, size (≥ 2 inch caliper), and quantity of not less than eight trees for
 345 every 100 feet of road length: up to 20 percent may be granted.
 - 346 c. For each five percent increment of open space preserved in addition to 50 percent: a
 347 five percent bonus density shall be granted.
 - 348 d. Provide a minimum of one appropriately approved access to public lands: up to a ten
 349 percent bonus density may be granted.

- 350 e. Provide common areas and/or other means of access to easily accessible amenities (e.g.,
 351 trail, park, community garden, etc.) that are open and allowed for use by the general
 352 public: up to a 15 percent bonus density may be granted.
- 353 f. Ten percent of the lots and homes are permanently set aside for affordable housing (as
 354 outlined by the Affordable Housing Act of 1990): up to a 20 percent bonus density may
 355 be granted.

356 If a bonus density is granted for affordable housing, the owner and/or authorized
 357 representative shall complete the following:

- 358 i. Present and gain Planning Commission approval on an effective method
 359 (e.g., affordable housing deed restriction) for guaranteeing and
 360 enforcing perpetual affordability. Any method used shall limit the sale
 361 or rental of the lot(s) and home(s) to a household with an income at or
 362 below 80 percent of the County median income; and
- 363 ii. Identify and label, on the final plat, the lots as Affordable Housing Lots;
 364 and
- 365 iii. Provide a note, on the final plat, that briefly explains the nature of the
 366 housing restriction on the lot and the method by which occupancy and
 367 affordability will be regulated.

368 g. Preservation of an agricultural parcel with an agricultural preservation plan approved by
 369 the planning commission and an agricultural preservation easement recorded on the
 370 parcel:

- 371 i. Between ten acres but fewer than 20 acres: up to a 15 percent bonus
 372 density may be granted.
- 373 ii. Between 20 acres but fewer than 30 acres: up to a 20 percent bonus
 374 density may be granted.
- 375 iii. Between 30 acres but fewer than 40 acres: up to a 30 percent bonus
 376 density may be granted.
- 377 iv. Between 40 acres but fewer than 50 acres: up to a 40 percent bonus
 378 density may be granted if in excess (proportionally) of the minimum
 379 open space requirement.
- 380 v. Preservation of a parcel containing 50 acres or more: up to a 50 percent
 381 bonus density may be granted if in excess (proportionally) of the
 382 minimum open space requirement.

383 h. Preservation of historical sites and buildings (barns, homes, trails, or other structures):
 384 up to a five percent bonus density may be granted.

385 i. Development of excess sewage treatment capacity: up to a five percent bonus density
 386 may be granted.

387 j. Dedicate and convey, to Weber County and/or the State Division of Wildlife Resources,
 388 an open space easement that permanently preserves an area or areas that have been

- 389 identified, by the State Division of Wildlife Resources, as having substantial or crucial
390 wildlife habit value: up to a 15 percent bonus density may be granted.
391 k. Open space parcel, consisting of five acres or more, is contiguous to permanently
392 preserved open space on an adjoining property which is located outside of the subject
393 cluster subdivision: up to a 20 percent bonus density may be granted.

394 **Sec. 108-3-8. Owner's Association Required**

395 In order to provide for proper management and maintenance of commonly owned areas and/or private
396 improvements, all cluster subdivisions, with such areas and/or improvements, shall be required to have
397 an owners' association. The landowner and/or the landowner's authorized representative, creating the
398 subdivision, shall perform and/or complete the following prior to recording a final plat:

- 399 1. Establish a lot/homeowner's association and submit, for Weber County review, the necessary
400 articles of incorporation, bylaws, and/or declaration of covenants, conditions, and restrictions
401 that provide for, but are not limited to, the following:
402 a. Compliance with Utah State Code.
403 b. The reason and purpose for the association's existence.
404 c. Mandatory membership for each lot/homeowner and their successors in interest.
405 d. The perpetual nature of the easements related to all dedicated open space parcels.
406 e. Responsibilities related to liability, taxes, and the maintenance of recreational and other
407 infrastructure/facilities.
408 f. Financial obligations and responsibilities, including the ability to adjust the obligations
409 and responsibilities due to change in needs.
410 g. Association enforcement remedies and a notification of the County's ability to enforce
411 the terms of the owner's dedication on the subdivision dedication plat.
412 2. Register the lot/homeowner's association with the State of Utah, Department of Commerce.