

ORDINANCE NO. 2018-6

AN ORDINANCE OF THE BOARD OF WEBER COUNTY COMMISSIONERS MODIFYING THE WEBER COUNTY LAND USE CODE'S CLUSTER SUBDIVISION ORDINANCE AND RELATED PROVISIONS TO REQUIRE MORE MEANINGFUL OPEN SPACE, ALTER DENSITY CALCULATIONS, AND PROVIDE CLARIFICATIONS AND MORE OBJECTIVE STANDARDS THROUGHOUT.

WHEREAS, The Board of Weber County Commissioners (herein "Board") has heretofore adopted land use regulations regarding the development of cluster subdivisions in various zones; and

WHEREAS, The Board has determined that certain provisions in these regulations are not resulting in desired cluster subdivision outcomes; and

WHEREAS, The Board is desirous to modify these regulations to offer better cluster subdivision outcomes; and

WHEREAS, The outcomes desired include more meaningful open spaces, better agricultural opportunities, more development motivation to cluster housing contiguously, and more objective decision-making standards; and

WHEREAS, After public hearing, the Ogden Valley Planning Commission offered the Board a positive recommendation for the same outcomes on April 3, 2018; and

WHEREAS, After public hearing, the Western Weber Planning Commission offered the Board a positive recommendation for the same outcomes on April 10, 2018; and

WHEREAS, The Board finds that the modifications found herein are in strict compliance with both the Ogden Valley General Plan and the Western Weber General Plan; and

WHEREAS, The Board finds that the modifications found herein will better achieve the desired outcomes, promote public welfare, and ease administration and implementation of the land use code.


NOW THEREFORE, The Board hereby adopts the modifications below and incorporates them into the Weber County Land Use Code:

See Exhibit A (Clean Copy) and Exhibit B (Track Changes)

This ordinance shall go into effect 15 days after publication.

PASSED, ADOPTED, AND ORDERED PUBLISHED THIS 8th DAY OF MAY, 2018.

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY




JAMES H. "JIM" HARVEY, CHAIR

COMMISSIONER HARVEY VOTED
COMMISSIONER EBERT VOTED
COMMISSIONER GIBSON VOTED

aye
excused
aye

ATTEST



RICKY HATCH, CPA
WEBER COUNTY CLERK/AUDITOR

1 **Title 101 – GENERAL PROVISIONS**

2 ...

3 **Sec. 101-1-7. - Definitions.**

4 ...

5 *Accessory dwelling unit* The term "accessory dwelling unit," also referred to as an "ADU," means a
6 dwelling unit, as defined by this Section, that is either attached to the main dwelling or is otherwise located
7 on the same lot or parcel as the main single family dwelling. An accessory dwelling unit is not an
8 accessory apartment, as otherwise defined by this Section. Ownership of an accessory dwelling unit shall
9 not be transferred separate from the main single family dwelling to which it is accessory. See also
10 "carriage house."

11 ...

12 ...

13 *Acreage, gross.* The term " gross acreage" means a total of all acreage that lies within a project
14 boundary.

15 *Acreage, net developable.* The phrase "net developable acreage" means the total acreage within
16 a project boundary, subtracting acreage unsuitable for development, as defined by this section or as
17 otherwise provided in this Land Use Code. When calculating net developable acreage, ten percent of
18 the total acreage within a project area shall be reduced to account for potential street rights-of-way.
19 The portions of an existing street right-of-way located within the project boundaries may be included as
20 part of the ten percent. The term "net developable area" shall have the same meaning, unless the
21 context clearly indicates otherwise.

22 ...

23 *Acreage, productive agri-tourism.* The term "productive agri-tourism acreage" means agriculturally
24 productive land area used for the combined purpose of cultivating agricultural products and hosting active
25 tourism attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird
26 watching, hunting, horseback/sleigh/wagon rides etc.).

27 *Acreage unsuitable for development.* The phrase "acreage unsuitable for development," means
28 the area within a project that has extraordinary circumstances that under existing county, state, or
29 federal laws render development on it very unlikely. The applicant bears the burden of
30 proof. *Agricultural arts center.* The term "agricultural arts center" means a facility designed for the
31 purpose of offering public education, enjoyment, and enlightenment through artistic expression and/or a
32 translation of concepts related to art, art history, and art theory. It, in a conducive agricultural setting,
33 acts as a venue for the community to experience, appreciate, and consume art in a variety of forms,
34 including, but not limited to, visual or media art, literature, music, theatre, film, and/or dance. An
35 agricultural arts center does not provide accommodation for nightly farm-stays; however, it may serve
36 meals when served to event participants and/or guests.

37 *Agricultural parcel.* The term "agricultural parcel" means a single parcel of land, at least 5.0 acres
38 in area if vacant, or 5.25 acres with a residential dwelling unit. This definition needs to be fulfilled in
39 order to qualify for the agricultural building exemption.

40 *Agricultural land, prime.* The term "prime agricultural land" means the area of a lot or parcel best
41 suited for large-scale crop production. This area has soil types that have, or are capable of having,
42 highest nutrient content and best irrigation capabilities over other soil types on the property, and are of a
43 sufficient size and configuration to offer marketable opportunities for crop-production. Unless otherwise
44 specified by this land use code, actual crop production need not exist onsite for a property to be
45 considered to contain prime agricultural land.

46 *Agriculture.* The term "agriculture" means use of land for primarily farming and related purposes
47 such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but

48 not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit
49 packing plants, fur farms, animal hospitals or similar uses.

50 ...

51 *Agri-tourism.* The term "agri-tourism" means an agricultural accessory use that can provide a
52 means of diversifying a farm's income through broadening its offerings and adding value to its products.
53 They operate during more than six (consecutive or non-consecutive) days per year and provide
54 agriculturally related, and in some instances, non-agriculturally related products and activities that attract
55 members of the public to the farm for retail, educational, recreational, and/or general tourism purposes.

56 ...

57 *Club or fraternal lodge/organization, private.* The term "club or fraternal lodge/organization, private"
58 means a non-profit association of persons who are bona fide members which owns or leases a building
59 or portion thereof, the use of such premises being restricted to members and their guests.

60 *Cluster of residential lots.* The phrase "cluster of residential lots" means a grouping of residential
61 lots, as provided Title 108 Chapter 3 of this land use code, that are contiguous and uninterrupted by
62 other nonresidential parcels except parcels required for a street and other allowed access or as
63 otherwise allowed by this land use code.

64 *Code.* The term "Code" means the Land Use Code of Weber County, Utah.

65 ...

66 *Conservation easement.* The term "conservation easement" means:

- 67 (1) An easement granting a right or interest in real property that is appropriate to retaining land or
68 water areas predominately in their natural, scenic, open or wooded condition;
- 69 (2) Retaining such areas as suitable habitat for fish, plants or wildlife; or
- 70 (3) Maintaining existing land uses.

71 ...

72 *Density, base.* The term "base density" means the number of dwelling units allowed in an area. For
73 development types that permit a reduced lot area than otherwise provided by the zone, the base density
74 shall be calculated as the net developable acreage, as defined herein, divided by the minimum lot area
75 of the zone, except when a greater area would otherwise be required by the Weber-Morgan Health
76 Department due to lack of sanitary sewer or culinary water, then the greater area shall be used. This
77 calculation can be observed by this formula: $((\text{net developable acreage}) / (\text{minimum lot area})) = \text{base}$
78 dwelling unit density. The result shall be rounded down to the nearest whole dwelling unit.

79 ...

80 *Estate lot.* The term "estate lot" means a lot within a subdivision, intended for the use of a dwelling
81 unit, that contains at least 5.25 acres.

82 ...

83 *Gross Acreage.* See "acreage, gross."

84 ...

85 *Net developable acreage.* See "acreage, net developable."

86 ...

87

88 **Title 104 - ZONES**

89 **Sec. 104-17-5. – Site development standards**

90 ...

91 (a) Minimum lot area. Two different minimum area regulations are recognized based upon the use of
92 either individual wastewater disposal systems of a community or a group wastewater disposal systems
93 of a community or a group wastewater disposal facility approved by the state division of health as
94 follows:

95 ...

96 (2) Developments using a community or group wastewater disposal facility meeting the requirements
97 of the state division of health code of wastewater disposal regulations:

98 ...

99 **Sec. 104-29-2. – Development standards.**

100 ...

101

102 (i) Open space. A minimum of 60 percent of the net developable acreage, owned by the resort and
103 located within the destination and recreation resort zone, shall be designated as open space. A portion
104 of that open space shall consist of conservation open space in an amount equal to or greater than 30
105 percent of the resort's net developable acreage. The area designated as conservation open space
106 shall be encumbered by an irrevocable conservation easement meeting the general/applicable
107 requirements described in section 104-29-6 of this chapter and shall be granted prior to beginning any
108 construction within an overall subdivision phase. The minimum number of acres encumbered by each
109 easement shall be equal to or greater than the number of acres involved in each subdivision phase
110 until the total number, of required conservation open space acres, is met. Areas dedicated (platted
111 and recorded) as open space within residential and nonresidential subdivisions may count towards the
112 minimum open space requirement.

113

114 ...

115 **Title 108 - STANDARDS**

116 ...

117 **CHAPTER 3. - CLUSTER SUBDIVISIONS**

118 **Sec. 108-3-1. – Purpose and Intent.**

119 The purpose of this chapter is to provide flexible development standards to landowners that are
120 committed to developing safe, attractive, conservation oriented neighborhoods that:

121 (1) are designed and arranged in a manner that considers, gives deference to, and ultimately protects
122 natural topography, environmentally sensitive areas, wildlife habitat, and agriculturally productive
123 lands;

124 (2) offer predictable support and encouragement in agricultural areas for a wide variety of long-term
125 agricultural operations on open space parcels;

126 (3) benefit those that create cluster subdivisions by offering an inherent gain in the form of reduced
127 infrastructure costs and the possibility for an increase in residential density in the Western Weber
128 Planning Area;

129 (4) benefit the residents of Weber County by promoting public welfare through the reduction of long-
130 term infrastructure maintenance costs; and

131 (5) permanently preserve the county's functional open spaces, picturesque landscapes, and rural
132 character.

133

134 **Sec. 108-3-2. - Allowed zones.**

135 Subject to the requirements of this chapter, cluster subdivisions are permitted in all zones except for
136 the commercial, manufacturing, gravel, residential mobile home, open space, and shoreline zones.

137

138 **Sec. 108-3-3. - Supplemental subdivision procedural requirements.**

139 (a) *Subdivision procedures and requirements apply.* All procedures and requirements of Title 106 shall
140 apply to a cluster subdivision unless there is a conflict or supplement in this chapter, in which case the
141 provisions of this chapter shall prevail.

142 (b) *Conceptual sketch plan.* In addition to the subdivision approval procedure in Title 106, the cluster
143 subdivision approval procedure requires a conceptual sketch plan endorsement from the planning
144 commission prior to the submission of a formal subdivision application. An application for a conceptual
145 sketch plan endorsement must demonstrate compliance with applicable standards contained within
146 the Weber County Code. The completed application must be submitted at least 21 calendar days prior
147 to the planning commission meeting at which the applicant wishes to be heard. Endorsement from the
148 planning commission is only a means to assist in the creation of a complete subdivision application
149 and shall not create any vested right except the right to apply for preliminary subdivision review. The
150 application is complete upon submission of the following:

151 (1) Payment of a fee, as required by title 16, chapter 2 of the Weber County Code of Ordinances,
152 and submission of a complete sketch plan endorsement application on a form provided by the
153 county planning department.

154 (2) One 8.5-inch by 11-inch vicinity map, underlain by an aerial photo, showing the subject property,
155 surrounding streets, and relevant landmarks.

156 (3) One 11-inch by 17-inch conceptual plan, drawn at a reasonable scale, that demonstrates in a
157 suitable manner compliance with all applicable codes. The plan shall include, but not necessarily
158 be limited to, a north arrow and scale, subdivision boundary according to county records,
159 approximate locations of proposed streets, lots with approximate area calculations, common
160 areas and open space parcels with approximate area calculations, easements, waterways,
161 suspected wetlands, floodplains, existing structures, and contour lines. Information related to
162 topography and contour lines may be submitted on a separate map. Contour information may be
163 omitted if the planning director or his designee determines that the subject property lacks
164 topographic characteristics that warrant representation.

165 (4) An electronic copy of all forms, documents, materials, and information submitted as part of the
166 application.

167 (c) *Preliminary and final cluster subdivision application.*

168 (1) *Submission for preliminary cluster subdivision approval.* A submission for preliminary cluster
169 subdivision approval shall:

- 170 a. conform to the endorsed sketch plan;
- 171 b. comply with all applicable preliminary plan requirements of Title 106;
- 172 c. contain an open space preservation plan, as required in Section 108-3-5.

173 (2) *Submission for final cluster subdivision approval.* A submission for final cluster subdivision
174 approval shall conform to the approval of the preliminary cluster subdivision approval and comply
175 with all applicable final plat requirements of Title 106. If applicable, submission shall also include
176 final conditions, covenants, and restrictions or a homeowner's association declaration that clearly
177 explain the maintenance method for each common area parcel, as required by this chapter or any
178 condition of preliminary cluster subdivision approval. Submission shall also include drafts of any
179 other relevant instrument required for the execution of applicable provisions of this Land Use
180 Code.

181

182 **Sec. 108-3-4. –Residential cluster subdivision design and layout standards, generally.**

183 (a) *Overall configuration.* A cluster subdivision's general design shall concentrate residential building lots,
184 with their adjoining street rights-of-way and any approved alternative access, if applicable, together in
185 accordance with the following:

186 (1) *In all zones.* In all zones, a cluster of residential lots, as defined in Section 101-1-7, shall be
187 designed to avoid, to the extent possible, lands that have characteristics generally valuable for
188 preservation or conservation, including but not limited to viewsheds, ridgelines, canyons,
189 waterways, stands or groupings of mature vegetation, wildlife habitat, and other sensitive ecology
190 identified as being of importance by the applicable general plan or some other land preservation
191 or conservation plan adopted by the county, state, or federal government and that is applicable
192 within the county. Preservation or conservation shall be tailored to execute the goals, objectives,
193 or policies of the relevant plan. The application shall provide sufficient detailed information to
194 clearly verify compliance.

195 (2) *In agricultural zones.* In an agricultural zone, only one cluster of residential lots is allowed unless
196 more are necessary to avoid development on prime agricultural land, as defined in Section 101-
197 1-7, or sensitive lands as provided in Section 108-3-5(b)(4). The cluster or clusters of residential
198 lots shall be organized in a manner that supports viability of crop production on the open space
199 lands including optimizing ease of access and maneuverability, to and on the open space lands,
200 of large equipment commonly used to support crop production. A cluster of residential lots shall
201 be configured to support the required open space design and layout standards of this chapter.
202 Subdivision phasing that avoids this requirement shall not be allowed.

203 (b) *Street configuration.* Streets shall have logical and efficient connections, with block lengths or
204 intersection distances no less than provided in Section 106-2-3.

205 (1) *Western Weber Planning Area Streets.* In the Western Weber Planning Area, streets shall
206 generally follow existing street grid design. Section line streets are mandatory and shall not be
207 waived. When practicable, quarter section lines shall denote the general location of other through
208 streets. If current parcel configuration does not make this practicable, a through-street, or
209 stubbed-street that will be a future through-street, shall be located as close to these lines as
210 otherwise reasonably possible.

211 a. The planning commission may waive this requirement for the following:

212 1. environmental constraints exist that render a through-street, or a stubbed-street that will
213 become a through-street, unreasonable and unnecessary; or

214 2. agricultural open space that is or would otherwise be permanently preserved as
215 provided in this land use code would be interrupted by the street in a manner that
216 creates a hardship for crop production.

217 b. In allowing a waiver under this subsection the planning commission may require the street
218 to be placed in another location to offer optimal compensation for the lack of the connection
219 required herein.

220 (2) *Ogden Valley Planning Area Streets.* In the Ogden Valley Planning Area, a street shall generally
221 follow the proposed street width and alignment displayed on the Streets and Roads map of the
222 2016 Ogden Valley General Plan, or other newer adopted transportation plan, if applicable.
223 Otherwise connectivity shall comply with Section 106-2-3.

224 (3) *Street infrastructure:* Any infrastructure or vegetation placed, or altered, in the street right of way
225 shall be in accordance with adopted right-of-way standards or shall be to the satisfaction of the
226 County Engineer. Operation and maintenance of street lighting and any right-of-way vegetation
227 shall be the responsibility of the homeowners, unless the county has adopted a policy otherwise.

228 (c) *Pathways.* In lieu of a sidewalk on both sides of the street, as required by 106-4-2(f), a ten foot wide
229 asphalt pathway may be allowed on one side of the street. If only developing a half width street, where
230 otherwise allowed by this Land Use Code, the pathway shall be located on that side; otherwise,
231 preference shall be given to the side that could best support pathway connectivity based on other

232 factors such as existing or planned future pathways in the vicinity and potential pedestrian conflicts.
233 Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-motorized
234 modes of transportation.

235 (1) The cluster subdivision's pathway or sidewalk infrastructure layout shall provide a route or
236 combination of routes that offer ingress and egress from any given point along a street to the
237 subdivision boundary in at least three generally opposing directions. Regardless of the actual
238 pathway or sidewalk layout, "three generally opposing directions" shall be determined with a
239 straight line beginning from any given point along a street and ending where the route exits the
240 subdivision boundary. Each shall offer the most direct walking route practicable.

241 (2) Within a cluster of residential lots, the maximum pathway or sidewalk walking-distance between
242 pathway or sidewalk intersections shall be 500 feet. A pathway or sidewalk intersection is
243 where a pathway or sidewalk intersects with another pathway, sidewalk, or street. Pathways
244 shall connect using shortest distance reasonably possible.

245 (3) Pathways and sidewalk layout shall provide for the continuation of existing pathways or
246 sidewalks in the general area, and for future planned pathways, as shown on an adopted
247 pathway plan. A pathway or sidewalk shall connect to any pathway or sidewalk stubbed from
248 adjacent developed property. Continuation of a pathway or sidewalk to adjacent undeveloped
249 property shall be provided with a stub to the subdivision boundary. Pathway and sidewalk
250 arrangement shall not cause any unnecessary hardship for creating convenient and efficient
251 access to future adjoining developments.

252 (4) In an agricultural zone, pathways in open space areas greater than five acres shall be located as
253 close to the outer boundaries of the open space area as reasonably possible so as not to disrupt
254 the contiguity of the open space area.

255 (5) The planning commission may waive any of the above pathway requirements for a pathway or
256 sidewalk that is not intended to be a parallel part of the general street transportation system.

257 a. The waiver may be granted for the following reasons:

258 1. environmental constraints exist that render the connection unreasonable and
259 unnecessary; or

260 2. agricultural open space that is, or would otherwise be, permanently preserved as provided
261 in this land use code would be interrupted by the pathway or sidewalk in a manner that
262 creates a hardship for crop production.

263 b. In allowing a waiver under this subsection the planning commission may require the pathway
264 or sidewalk to be placed in another location to offer optimal compensation for the lack of the
265 connection required herein.

266

267

268 **Sec. 108-3-5. - Open space preservation plan.**

269 (a) *Open space preservation plan procedure.*

270 (1) *Initial open space preservation plan approval.* An open space preservation plan shall accompany
271 an application for preliminary subdivision approval or an application for an open space
272 preservation plan amendment. Preliminary subdivision approval constitutes approval of the open
273 space plan. A final plat shall comply with the approved open space plan.

274 (2) *Open space preservation plan amendment.* After submittal of a new application and application
275 fee an open space preservation plan may be amended, from time to time in accordance with the
276 standards of this chapter. If an amendment of an open space preservation plan affects any part
277 of the recorded subdivision plat, or if an amendment to a subdivision plat affects any part of an
278 approved open space preservation plan, then the two shall be amended together and final
279 approval of the amended subdivision plat shall constitute final approval of the amended open

280 space preservation plan. Otherwise, each may be amended independently. Submission for an
 281 independently amended open space preservation plan shall be in compliance with the open space
 282 plan submittal requirements of this chapter and shall require the approval of the planning
 283 commission.

284 (b) *Open space preservation plan submittal requirements.* The open space preservation plan submittal
 285 shall include the following:

286 (1) An overall cluster subdivision map identifying all open space areas and open space area
 287 amenities.

288 (2) An open space site plan that:

289 a. identifies the open space parcel ownership types specified in (c)(9) of this section;

290 b. identifies each proposed ownership type with a unique color;

291 c. shows the locations of existing and proposed future structures and other open space
 292 amenities; structures housing a subdivision utility or serving as a subdivision amenity shall
 293 be subject to all applicable standards including all design review and applicable architectural
 294 standards found in title 108 of the Weber County Land Use Code;and

295 d. includes all park improvements and is accompanied by a letter of approval from the local
 296 park district for open space that will be gifted as a park parcel to a local park district.

297 (3) A narrative describing all proposed open space parcels, their proposed method of ownership,
 298 their proposed method of maintenance, their proposed uses, and any proposed building
 299 envelopes.

300 (4) The phasing of open space parcels and their relationship to the overall subdivision phasing plan,
 301 if any.

302 (c) *Open space development standards and ownership regulations.* All open space area proposed to
 303 count toward the minimum open space area required by this chapter shall be clearly identified on the
 304 open space site plan. The following standards apply to their creation. Open space area in excess of
 305 the minimum required by this chapter is exempt from these standards.

306 (1) *Minimum required open space area.* A cluster subdivision requires a minimum percentage of its
 307 net developable acreage, as defined in Section 101-1-7, to be preserved as open space, as
 308 follows:

ZONE	REQUIRED OPEN SPACE
F-40 zone:	90 percent
F-5 and F-10 zones:	80 percent
AV-3, FV-3, and DRR-1 zones:	60 percent
Zones not listed:	30 percent

309 (2) *Non-agricultural preservation open spaces.* In all nonagricultural zones, and except as provided
 310 otherwise in parts (4) or (5) of this subsection (c), open space parcels shall preserve, to the extent
 311 possible, lands that have characteristics generally valuable for preservation or conservation,
 312 including but not limited to viewsheds, ridgelines, waterways, stands or groupings of mature
 313 vegetation, wildlife habitat, and other sensitive ecology. Open space parcels shall be organized
 314 into one contiguous open space area, except contiguity may be interrupted if preservation or
 315 conservation of those characteristics is best accomplished by allowing the interruption. The
 316 applicant bears the burden of proving the social or environmental value of the preservation or
 317 conservation based on specific objectives found in the general plan or based on objectives of

318 some other land preservation or conservation plan, or other preservation or conservation policy
319 as adopted by the county, state, or federal government, and applicable within the county.

320 (3) *Agricultural open spaces to be contiguous and useful.* In all agricultural zones, open space parcels
321 shall be arranged to create future long-term agricultural opportunities in the following ways:

322 a. By creating parcels of a sufficient size and configuration to support large-scale crop-producing
323 operations. The area or areas of the subdivision that contains prime agricultural land, as
324 defined by Section 101-1-7, shall first and foremost be used to satisfy the open space
325 requirements of this chapter. Only then may any portion of the prime agricultural land be used
326 for other development purposes.

327 b. Open space parcels shall be organized into one contiguous open space area. Contiguity may
328 only be interrupted if preservation of long-term agricultural opportunities is best accomplished
329 by allowing the interruption. The applicant bears the burden of proving this based on soil
330 sampling, irrigation capabilities, parcel boundary configuration, and industry best practices.

331 c. The exterior boundary of a contiguous open space area that is intended to satisfy the open
332 space requirements of this chapter shall be configured so a fifty-foot-wide farm implement can
333 reach all parts of the area with three or more passes or turns. Generally, this requires the area
334 to be at least 450 feet wide in any direction at any given point to be considered contiguous.
335 This three turn standard may be reduced by the planning commission for portions of the parcel
336 affected by the following:

337 1. The configuration of the existing exterior boundary of the proposed subdivision makes it
338 impossible;

339 2. A street required by Section 108-3-4 constrains the width of the parcel or bisects what
340 would otherwise be one contiguous open space area if the street did not exist; or

341 3. Natural features, or permanent man-made improvements onsite that cannot be moved or
342 realigned, cause an interruption to crop producing capabilities.

343 d. Open space area necessary to meet the requirements of part (4) or (5) of this subsection, or
344 open space areas never previously used for crop-production that currently contain areas
345 valuable for preservation or conservation as specified in part (2) of this subsection may be
346 exempt from this part provided they comply with those applicable parts.

347 (4) *Small open space parcels within a cluster of residential lots.* In order to maximize the contiguous
348 open space acreage as required in part (2) and (3) of this subsection, an open space parcel or
349 portion thereof that is located within a cluster of residential lots, as defined in Section 101-1-7, or
350 that interrupts contiguity of a cluster of residential lots and is not intended to satisfy part (2), (3),
351 or (5) of this subsection (c), shall be constrained in area and width to provide the minimum
352 acreage and width reasonably necessary for the functionality, operation, and maintenance of the
353 intended open space use. The open space preservation plan shall offer sufficient information
354 regarding the use and any proposed structures to allow the Planning Commission to verify
355 compliance. See also part (6) and part (8) of this subsection (c) for additional applicable area
356 and coverage regulations.

357 (5) *Sensitive lands requirements.* Cluster subdivisions in or on sensitive lands shall be governed as
358 follows:

359 a. Lands that can be mitigated such as floodplain and wetlands are considered developable for
360 the purpose of calculating net developable acreage, as defined in Section 101-1-7.

361 b. Acreage consumed by a lake, floodway within a river corridor, or a naturally occurring pond
362 area is acreage unsuitable for development, as otherwise defined in Section 101-1-7. When
363 any of these is offered as a community amenity on an open space parcel with public access
364 and a blanket public access easement, the subdivision shall receive 25 percent of the
365 acreage credited to the net developable acreage for the purpose of calculating base density.

- 366 c. Regardless of developability, the following areas shall be located within a cluster
367 subdivision's open space area:
- 368 1. areas designated as floodplain, as defined by the Federal Emergency Management
369 Agency or other qualified professional determined appropriate by the county engineer;
370 and
- 371 2. rivers and streams, with and including their designated river or stream corridor setbacks,
372 as defined by the Weber County Land Use Code.
- 373 (6) *Open space parcel area.* The minimum area for an open space parcel located within a cluster
374 subdivision is as follows:
- 375 a. *Common area.* An open space parcel designated as common area is not subject to minimum
376 area requirements.
- 377 b. *Park area.* An open space parcel conveyed to a local park district shall be of a sufficient size
378 to adequately accommodate park infrastructure, amenities, and parking.
- 379 c. *Individually owned open space parcel area.* An open space parcel designated as an
380 individually owned preservation parcel shall contain an area of not less than five acres and
381 shall be part of a contiguous area of open space consisting of not less than ten acres in total;
382 and shall be in compliance with the following:
- 383 1. The ten acre minimum contiguous area does not need to be platted in the same
384 subdivision.
- 385 2. Each individually owned open space parcel shall be provided clear and perpetual legal
386 access from a public or private street right of way.
- 387 3. Drainage detention or retention facilities intended to accommodate subdivision
388 improvements may be located on an individually owned preservation parcel and
389 counted toward the subdivision's overall open space area, but the acreage of the facility
390 shall not be included as part of the parcel's agricultural use, and the acreage of the
391 facility shall be in addition to, not a part of, the minimum parcel area requirement.
- 392 d. *Estate lot area.* Up to eighty percent of an estate lot, as defined in Section 101-1-7, may
393 count towards the open space acreage requirement provided the following standards are
394 applied:
- 395 1. The area of the lot designated as open space shall contain an area of not less than five
396 acres and shall be part of a contiguous area of open space consisting of not less than
397 ten acres in total.
- 398 2. The estate lot shall contain a survey-locatable building envelope on the recorded plat
399 that shares a common boundary with a neighboring residential lot, or in the case of a
400 neighboring estate lot, shares a common boundary with the neighboring estate lot's
401 building envelope.
- 402 3. Drainage detention or retention facilities intended to accommodate subdivision
403 improvements may be located on an estate lot and counted toward the subdivision's
404 overall open space area, but the acreage of the facility shall not be included as part of
405 the lot's agricultural use, and the acreage of the facility shall be in addition to, not a part
406 of, the minimum parcel area requirement.
- 407 (7) *Parcel width, frontage, and access.* Open space parcels located within a cluster subdivision are
408 not subject to frontage requirements and do not have a minimum width standard. Section 106-2-
409 4(c) notwithstanding, all open space parcels without street frontage shall be provided an access
410 easement, recordable at the time of plat recordation, across other parcels and connecting to a
411 public or private street.
- 412 (8) *Parcel coverage.*

- 413 a. Coverage of common area or open space parcels under five acres by any roofed structures
 414 or any structures or facilities that require a building permit shall not exceed ten percent of
 415 the total parcel area.
- 416 b. Coverage of individually owned preservation parcels by roofed structures or any structures
 417 or facilities that require a building permit shall not exceed two and a half percent of the total
 418 parcel area.
- 419 c. Coverage of the open space area of an estate lot of 5.25 acres or greater by roofed structures
 420 or any structures or facilities that require a building permit shall not exceed two and a half
 421 percent of the lot's platted open space preservation easement area.
- 422 (9) *Open space lot or parcel ownership.*
- 423 a. *Common area parcel.* An open space parcel that is common area shall be commonly owned
 424 by an appropriate homeowner's association established under U.C.A. 1953, § 57-8a-101 et
 425 seq., the Community Association Act.
- 426 b. *Park parcel.* An open space parcel may be owned by a local park district.
- 427 c. *Individually owned open space parcel.* An open space parcel may be owned as an
 428 individually owned preservation parcel by any person, regardless of whether the person
 429 owns a residential lot within the subdivision. In order to keep an individually owned
 430 preservation parcel from becoming uncondusive to multiple-acreage preservation uses, an
 431 individually owned preservation parcel shall not be sectioned into sub-areas less than five
 432 acres by fencing or other physical barriers unless the sectioning is intended for the rotation
 433 of grazing animals provided consistent rotation occurs for the purpose of vegetation
 434 regrowth. The planning commission may modify this requirement for uses that support the
 435 longevity of the preservation, maintenance, and large-acreage use of the parcel.
- 436 d. *Estate lot.* An estate lot, as defined in Section 101-1-7, may be owned by any person. In
 437 order to keep an estate parcel from becoming uncondusive to multiple-acreage preservation
 438 uses, the preserved open space area shall not be sectioned into sub-areas less than five
 439 acres by fencing or other physical barriers unless the sectioning is intended for the rotation
 440 of grazing animals provided consistent rotation occurs for the purpose of vegetation
 441 regrowth. The planning commission may modify this requirement for uses that support the
 442 longevity of the preservation, maintenance, and large-acreage use of the parcel.
- 443 (d) *Open space phasing.* If development phasing is proposed and approved during preliminary cluster
 444 subdivision approval, the percent of open space of the overall platted acreage shall at no time be less
 445 than the percent of proposed open space approved in the open space plan.
- 446 (e) *Maintenance.* The open space parcel owner, whether an individual or an association, shall use,
 447 manage, and maintain the owner's parcel in a manner that is consistent with an approved open space
 448 preservation plan or the agriculture, forest, or other type of preservation easement executed under
 449 subsection (f).
- 450 (f) *Preservation.*
- 451 (1) Open space parcels shall be permanently preserved in a manner that is consistent with the
 452 approved open space preservation plan.
- 453 (2) Language shall be included in the dedication of the subdivision plat that substantially reads as
 454 follows; final language is subject to approval from the County Surveyor and County Attorney:

... and additionally dedicate and convey to Weber County a perpetual open space easement on, under, and over all parcels and areas denoted as open space parcels or areas to guarantee to the public that those parcels and areas remain open and undeveloped in a manner consistent with the approved open space plan; ...

- 455 (3) An agreement, in a form acceptable to the County Attorney, shall be recorded with the final plat
 456 to the title of all open space preservation parcels, including estate lots, that details the open space
 457 preservation plan and any related conditions of approval necessary to execute the open space
 458 preservation plan. The approved site plan shall be included in the agreement. If the plat
 459 recordation is also the means of conveyance of any open space parcel, the agreement shall also
 460 specify the name and tax notification mailing address if the new owner.
- 461 (4) If a cluster subdivision contains open space intended to preserve substantial or crucial wildlife
 462 habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting
 463 the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
- 464 (5) If a cluster subdivision contains an individually owned preservation parcel or estate lot with an
 465 open space area, the applicant shall:
- 466 a. identify all open space preservation areas on the final plat with a unique hatch or shading;
 467 b. further identify each individually owned preservation parcel with a unique identifying letter;
 468 c. for an estate lot, delineate on the plat with survey locatable bearings and calls the area of
 469 the lot being preserved as open space..
- 470 (g) The planning commission may impose any additional conditions and restrictions it deems necessary
 471 to reasonably ensure maintenance of the open space and adherence to the open space preservation
 472 plan. Such conditions may include a plan for the disposition or re-use of the open space property if
 473 the open space is not maintained in the manner agreed upon or is abandoned by the owners.
- 474 (h) A violation of the open space plan or any associated conditions or restrictions shall constitute a
 475 violation of this Land Use Code.

476 .
 477 **Sec. 108-3-6. – Reserved.**

478 **Sec. 108-3-7. - Lot development standards.**

479 Unless otherwise provided for in this section, residential building lots shall be developed in a manner
 480 that meets all applicable standards, including but not limited to those found in the Weber County Land Use
 481 Code and the requirements and standards of the Weber-Morgan Health Department, if applicable. The
 482 following specific site development standards apply to lots in cluster subdivisions:

- 483 (1) *Lot area.* Unless otherwise regulated by the Weber-Morgan Health Department, a lot located
 484 within a cluster subdivision shall contain an area of not less than 9,000 square feet, unless
 485 otherwise provided in Section 108-3-8.
- 486 (2) *Lot width.* Unless otherwise regulated by the Weber-Morgan Health Department, the minimum lot
 487 width in a cluster subdivision is as follows:

ZONE	LOT WIDTH
F-40 and F-10 zones:	100 feet
FR-1, F-5, and AV-3 zones:	80 feet
RE-15, RE-20 zones:	60 feet
A-1, A-2, and A-3 zones:	60 feet
FR-3 zone:	50 feet
DRR-1 zone:	50 feet

488
489

(3) *Yard setbacks.* The minimum yard setbacks in a cluster subdivision are as follows:

YARD	SETBACK
Front:	20 feet
Side:	
Dwelling:	8 feet
Accessory building:	8 feet; except one foot if located at least six feet in rear of dwelling.
Accessory building over 1,000 square feet:	See Section 108-7-16
Corner lot side facing street:	20 feet
Rear:	20 feet

490 (4) *Building height.* The maximum height for a building in a cluster subdivision is as follows:

BUILDING	HEIGHT
Dwelling	40 feet
Accessory building	30 feet

491 **Sec. 108-3-8. - Bonus density.**

492 (a) *Western Weber Planning Area bonus density.* In the Western Weber Planning Area, bonus density
493 shall be awarded as a percentage increase over base density for subdivisions that meet the conditions
494 in this subsection (a). No bonus shall be awarded for a subdivision with a gross acreage of less than
495 ten acres. For subdivisions with a gross acreage of ten acres or more, the bonus density percentage
496 shall equal the gross acreage of the subdivision, up to a maximum of 50 percent. To qualify for bonus
497 density, a subdivision shall:

- 498 (1) Provide a minimum 50 percent open space of the net developable acreage, as defined in Section
499 101-1-7.
- 500 (2) Provide one street tree of at least two-inch caliper, from a species list as determined by county
501 policy, every 50 feet on both sides of each street within the subdivision boundaries. In the event
502 infrastructure or a driveway approach makes a tree's placement impossible, that tree shall be
503 located as close to the 50-foot spacing as otherwise reasonably possible, provided compliance
504 with the clear view triangle as defined in Section 108-7-7.
- 505 (3) Comply with all provisions of Title 108, Chapter 16: Ogden Valley Outdoor Lighting Ordinance,
506 which is incorporated by reference herein as applicable to a cluster subdivision in the Western
507 Weber Planning Area that receives bonus density. A note shall be place on the final subdivision
508 plat indicating this requirement.

509 (b) *Ogden Valley Planning Area bonus density.* A cluster subdivision shall create no new density
510 entitlements in the Ogden Valley.

511

512 **Sec. 108-3-9. - Homeowners association.**

513 In order to provide for proper management and maintenance of commonly owned areas and private
514 improvements, all cluster subdivisions with such areas or improvements are required to have a
515 homeowners association. The applicant, prior to recording a final plat of the cluster subdivision, shall:

- 516 (1) Establish a homeowners association and submit for the county's review the necessary articles of
517 incorporation, bylaws, and declaration of covenants, conditions, and restrictions that provide for:
- 518 a. Compliance with Utah State Code;
 - 519 b. The reason and purpose for the association's existence;
 - 520 c. Mandatory membership for each lot or home owner and their successors in interest;
 - 521 d. The perpetual nature of the easements related to all dedicated open space parcels;
 - 522 e. Responsibilities related to liability, taxes, and the maintenance of recreational and other
523 infrastructure and facilities;
 - 524 f. Financial obligations and responsibilities, including the ability to adjust the obligations and
525 responsibilities due to change in needs;
 - 526 g. Association enforcement remedies; and
 - 527 h. A notification of the county's ability to enforce the terms of the owner's dedication on the
528 subdivision dedication plat.
- 529 (2) Register the homeowners association with the State of Utah, Department of Commerce.

530 **Sec. 108-3-10. – Guarantee of improvements.**

- 531 (a) *Guarantee of improvements.* The county shall require an applicant to deposit a guarantee of
532 improvements, as provided in Section 106-4-3, for all improvements required by this chapter or as
533 otherwise volunteered by the applicant that are incomplete at the time of subdivision plat recording.
534 This includes improvements on open space parcels unless otherwise specified in subsection (b) of
535 this section.
- 536 (b) Improvements requiring certificate of occupancy. The county shall not require an applicant to deposit
537 a financial guarantee for open space improvements that require a certificate of occupancy and that
538 remain incomplete at the time of final approval of the proposed cluster subdivision by the board of
539 county commissioners. The applicant or developer shall complete the improvements according to the
540 approved phasing component of an open space preservation plan. If the applicant fails to complete
541 improvements as presented in the open space preservation plan, the county may suspend final plat
542 approvals and record an instrument notifying prospective lot buyers that future land use permits may
543 not be issued for any construction.

544 ...

545 **Sec. 108-21-6. - Use/activity standards and limitations.**

546 ...

- 547 (1) Farm stay (residential and overnight accommodation) uses/activities.
- 548 (f) Carriage house.
- 549 1. Carriage houses shall be limited to a number that does not exceed the following
550 calculation: net developable acreage of the parcel upon which a carriage house(s) is
551 located divided by the minimum lot area required by the zone in which the lot or parcel(s)
552 is located, all multiplied by 20 percent (net developable acreage / minimum lot area) x
553 20 percent = Maximum number of carriage houses at an approved agri-tourism
554 operation.

555 ...

1 Title 101 – GENERAL PROVISIONS

2 ...

3 Sec. 101-1-7. - Definitions.

4 ...

5 Accessory dwelling unit The term "accessory dwelling unit," also referred to as an "ADU," means a
6 dwelling unit, as defined by this Section, that is either attached to the main dwelling or is otherwise
7 located on the same lot or parcel as the main single family dwelling. An accessory dwelling unit is not
8 an accessory apartment, as otherwise defined by this Section. Ownership of an accessory dwelling unit
9 shall not be transferred separate from the main single family dwelling to which it is accessory. See also
10 "carriage house." ~~(ADU). The term "accessory dwelling unit (ADU)" means an accessory, non-owner
11 occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The ADU
12 is located in designated areas when constructed on property that can accommodate the necessary
13 zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest
14 house or be rented/leased separately; however, an ADU is not, by any means, sold/conveyed separately
15 from the main house. The right to construct an ADU does not constitute a transferable development right.
16 See also Carriage house.~~

17

18 ...

19 ~~Acreage, adjusted gross.~~ The term "acreage, adjusted gross" means a total of all land area that
20 lies within a project boundary and is classified as "developable" by this or any other county, state or
21 federal law, ordinance or regulation.

22 ...

23 Acreage, gross. The term " gross acreage" means a total of all acreage that lies within a project
24 boundary. ~~The term "acreage, adjusted gross" means a total of all land area that lies within a project
25 boundary and is classified as "developable" by this or any other county, state or federal law, ordinance or
26 regulation.~~

27 Acreage, net developable. The phrase "net developable acreage" means the total acreage within
28 a project boundary, subtracting acreage unsuitable for development, as defined by this section or as
29 otherwise provided in this Land Use Code. When calculating net developable acreage, ten percent of
30 the total acreage within a project area shall be reduced to account for potential street rights-of-way.
31 The portions of an existing street right-of-way located within the project boundaries may be included as
32 part of the ten percent. The term "net developable area" shall have the same meaning, unless the
33 context clearly indicates otherwise. ~~The term "acreage, net developable" means a total of all land area
34 that lies within a project boundary and has not been excluded from use in density calculations or deemed
35 "undevelopable" by this or any other county, state, or federal law, ordinance or regulation. The area within
36 existing and proposed public and private road rights-of-way shall not be counted towards "net
37 developable acreage."~~

38 ...

39 Acreage, productive agri-tourism. The term "productive agri-tourism acreage" means agriculturally
40 productive land area used for the combined purpose of cultivating agricultural products and hosting active
41 tourism attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird
42 watching, hunting, horseback/sleigh/wagon rides etc.).

43 Acreage unsuitable for development. The phrase "acreage unsuitable for development," means
44 the area within a project that has extraordinary circumstances that under existing county, state, or
45 federal laws render development on it very unlikely. The applicant bears the burden of proof.

46 Agricultural arts center. The term "agricultural arts center" means a facility designed for the
47 purpose of offering public education, enjoyment, and enlightenment through artistic expression and/or a
48 translation of concepts related to art, art history, and art theory. It, in a conducive agricultural setting,

49 acts as a venue for the community to experience, appreciate, and consume art in a variety of forms,
50 including, but not limited to, visual or media art, literature, music, theatre, film, and/or dance. An
51 agricultural arts center does not provide accommodation for nightly farm-stays; however, it may serve
52 meals when served to event participants and/or guests.

53 *Agricultural parcel.* The term "agricultural parcel" means a single parcel of land, at least 5.0 acres
54 in area if vacant, or 5.25 acres with a residential dwelling unit. This definition needs to be fulfilled in
55 order to qualify for the agricultural building exemption.

56 *Agricultural land, prime.* The term "prime agricultural land" means the area of a lot or parcel best
57 suited for large-scale crop production. This area has soil types that have, or are capable of having,
58 highest nutrient content and best irrigation capabilities over other soil types on the property, and are of a
59 sufficient size and configuration to offer marketable opportunities for crop-production. Unless otherwise
60 specified by this land use code, actual crop production need not exist onsite for a property to be
61 considered to contain prime agricultural land.

62 *Agriculture.* The term "agriculture" means use of land for primarily farming and related purposes
63 such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but
64 not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit
65 packing plants, fur farms, animal hospitals or similar uses.

66 ...

67 *Agri-tourism.* The term "agri-tourism" means an agricultural accessory use that can provide a
68 means of diversifying a farm's income through broadening its offerings and adding value to its products.
69 ~~Agri-tourism businesses are permitted conditionally in designated zones, excepting those areas within~~
70 ~~residential subdivisions that are dedicated for the purpose of open space or common area.~~ They operate
71 during more than six (consecutive or non-consecutive) days per year and provide agriculturally related,
72 and in some instances, non-agriculturally related products and activities that attract members of the public
73 to the farm for retail, educational, recreational, and/or general tourism purposes. ~~Educational and~~
74 ~~recreational agri-tourism activities/uses may include, but not be limited to, educational activities, nightly~~
75 ~~accommodations, entertainment opportunities, and/or outdoor recreation (e.g., farm tours,~~
76 ~~farm/cooking/ecological classes, farm-stays, corn mazes, and special occasions including weddings and~~
77 ~~family reunions, special events including harvest festivals and musical events, U-pick operations,~~
78 ~~agriculturally related competitions, and other similar events).~~ Consumer direct sales of farm products may
79 include, but not be limited to, open-air or farmers markets, on-farm produce stands, and value added
80 product processing and packaging and retail sales facilities (e.g., process pumpkins grown on premises,
81 into pumpkin pies).

82 ...

83 *Club or fraternal lodge/organization, private.* The term "club or fraternal lodge/organization, private"
84 means a non-profit association of persons who are bona fide members which owns or leases a building
85 or portion thereof, the use of such premises being restricted to members and their guests.

86 *Cluster of residential lots.* The phrase "cluster of residential lots" means a grouping of residential
87 lots, as provided Title 108 Chapter 3 of this land use code, that are contiguous and uninterrupted by
88 other nonresidential parcels except parcels required for a street and other allowed access or as
89 otherwise allowed by this land use code.

90 *Code.* The term "Code" means the Land Use Code of Weber County, Utah.

91 ...

92 *Conservation easement.* The term "conservation easement" means:

- 93 (1) An easement granting a right or interest in real property that is appropriate to retaining land or
94 water areas predominately in their natural, scenic, open or wooded condition;
- 95 (2) Retaining such areas as suitable habitat for fish, plants or wildlife; or
- 96 (3) Maintaining existing land uses.

97 ...

98 Density, base. The term “base density” means the number of dwelling units allowed in an area. For
99 development types that permit a reduced lot area than otherwise provided by the zone, the base density
100 shall be calculated as the net developable acreage, as defined herein, divided by the minimum lot area
101 of the zone, except when a greater area would otherwise be required by the Weber-Morgan Health
102 Department due to lack of sanitary sewer or culinary water, then the greater area shall be used. This
103 calculation can be observed by this formula: ((net developable acreage) / (minimum lot area)) = base
104 dwelling unit density. The result shall be rounded down to the nearest whole dwelling unit.

105 ...

106 Estate lot. The term “estate lot” means a lot within a subdivision, intended for the use of a dwelling
107 unit, that contains at least 5.25 acres.

108 ...

109 Gross Acreage. See “acreage, gross.”

110 ...

111 Net developable acreage. See “acreage, net developable.”

112 ...

113 ~~Non-developable area.~~ The term “non-developable area” means an area where, due to topographic
114 (e.g., over 30 percent slope), or hazardous conditions (e.g., earthquake, landslide), as defined by Weber
115 County Ordinances, the land is not considered to be suitable for construction of residential, commercial
116 or manufacturing buildings or structures.

117 **Title 104 - ZONES**

118 **Sec. 104-17-5. – Site development standards**

119 ...

120

121 (a) Minimum lot area. Two different minimum area regulations are recognized based upon the use of
122 either individual wastewater disposal systems of a community or a group wastewater disposal systems
123 of a community or a group wastewater disposal facility approved by the state division of health as
124 follows:

125 ...

126 (2) Developments using a community or group wastewater disposal facility meeting the requirements
127 of the state division of health code of wastewater disposal regulations:

128 e. ~~Net developable area or acre.~~ The term “net developable area” or “net developable acre” is
129 defined as a quantity of ground within a parcel or parcels of land with slopes of less than 30
130 percent and with soils of sufficient depth and suitable types to ensure against development
131 being a detriment to surface water and groundwater quality.

132

133 ...

134 **Sec. 104-29-2. – Development standards.**

135 ...

136

137 (i) Open space. A minimum of 60 percent of the ~~adjusted gross~~ net developable acreage, owned by the
138 resort and located within the destination and recreation resort zone, shall be designated as open
139 space. A portion of that open space shall consist of conservation open space in an amount equal to or
140 greater than 30 percent of the resort’s ~~adjusted gross~~ net developable acreage. The area designated

141 as conservation open space shall be encumbered by an irrevocable conservation easement meeting
142 the general/applicable requirements described in section 104-29-6 of this chapter and shall be granted
143 prior to beginning any construction within an overall ~~project-subdivision~~ phase. The minimum number
144 of acres encumbered by each easement shall be equal to or greater than the number of acres involved
145 in each ~~project-subdivision~~ phase until the total number, of required conservation open space acres,
146 is met. Areas dedicated (platted and recorded) as open space within residential and nonresidential
147 subdivisions may count towards the minimum open space requirement.

148
149 ...

150 **Title 108 - STANDARDS**

151 ...

152 **CHAPTER 3. - CLUSTER SUBDIVISIONS**

153 **Sec. 108-3-1. – Purpose and Intent.**

154 The purpose of this chapter is to provide flexible development standards to landowners that are
155 committed to developing safe, attractive, conservation oriented neighborhoods that:

- 156 (1) are designed and arranged in a manner that considers, gives deference to, and ultimately protects
157 natural topography, environmentally sensitive areas, wildlife habitat, and agriculturally productive
158 lands;
- 159 (2) offer predictable support and encouragement in agricultural areas for a wide variety of long-term
160 agricultural operations on open space parcels;
- 161 (3) benefit those that create cluster subdivisions by offering an inherent gain in the form of reduced
162 infrastructure costs and the possibility for an increase in residential density in the Western Weber
163 Planning Area;
- 164 (4) benefit the residents of Weber County by promoting public welfare through the reduction of long-
165 term infrastructure maintenance costs; and
- 166 (5) permanently preserve the county's functional open spaces, picturesque landscapes, and rural
167 character.

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

178
179 **Sec. 108-3-2. - ~~General regulations~~Allowed zones.**

180 Subject to the requirements of this chapter, cluster subdivisions are permitted in all zones except for
181 the commercial, manufacturing, gravel, residential mobile home, open space, and shoreline zones.

182 ~~-Subject to the requirements of this chapter, cluster subdivisions are permitted in all classified Weber~~
183 ~~County zone areas except for the commercial, manufacturing, gravel, residential mobile home, open space,~~
184 ~~and shoreline zones.~~

185 **Sec. 108-3-3. - Supplemental subdivision procedural requirements.Approval procedure.**

186 (a) Subdivision procedures and requirements apply. All procedures and requirements of Title 106 shall
187 apply to a cluster subdivision unless there is a conflict or supplement in this chapter, in which case the
188 provisions of this chapter shall prevail.

189 (b) Conceptual sketch plan. In addition to the subdivision approval procedure in Title 106, the cluster
190 subdivision approval procedure requires a conceptual sketch plan endorsement from the planning
191 commission prior to the submission of a formal subdivision application. An application for a conceptual
192 sketch plan endorsement must demonstrate compliance with applicable standards contained within
193 the Weber County Code. The completed application must be submitted at least 21 calendar days prior
194 to the planning commission meeting at which the applicant wishes to be heard. Endorsement from the
195 planning commission is only a means to assist in the creation of a complete subdivision application
196 and shall not create any vested right except the right to apply for preliminary subdivision review. The
197 application is complete upon submission of the following:

198 (1) Payment of a fee, as required by title 16, chapter 2 of the Weber County Code of Ordinances,
199 and submission of a complete sketch plan endorsement application on a form provided by the
200 county planning department.

201 (2) One 8.5-inch by 11-inch vicinity map, underlain by an aerial photo, showing the subject property,
202 surrounding streets, and relevant landmarks.

203 (3) One 11-inch by 17-inch conceptual plan, drawn at a reasonable scale, that demonstrates in a
204 suitable manner compliance with all applicable codes. The plan shall include, but not necessarily
205 be limited to, a north arrow and scale, subdivision boundary according to county records,
206 approximate locations of proposed streets, lots with approximate area calculations, common
207 areas and open space parcels with approximate area calculations, easements, waterways,
208 suspected wetlands, floodplains, existing structures, and contour lines. Information related to
209 topography and contour lines may be submitted on a separate map. Contour information may be
210 omitted if the planning director or his designee determines that the subject property lacks
211 topographic characteristics that warrant representation.

212 (4) An electronic copy of all forms, documents, materials, and information submitted as part of the
213 application.

214 (c) Preliminary and final cluster subdivision application.

215 (1) Submission for preliminary cluster subdivision approval. A submission for preliminary cluster
216 subdivision approval shall:

217 a. conform to the endorsed sketch plan;

218 b. comply with all applicable preliminary plan requirements of Title 106;

219 c. contain an open space preservation plan, as required in Section 108-3-5.

220 (2) Submission for final cluster subdivision approval. A submission for final cluster subdivision
221 approval shall conform to the approval of the preliminary cluster subdivision approval and comply
222 with all applicable final plat requirements of Title 106. If applicable, submission shall also include
223 final conditions, covenants, and restrictions or a homeowner's association declaration that clearly
224 explain the maintenance method for each common area parcel, as required by this chapter or any
225 condition of preliminary cluster subdivision approval. Submission shall also include drafts of any
226 other relevant instrument required for the execution of applicable provisions of this Land Use
227 Code.

228 ~~(a) The cluster subdivision approval procedure consists of four phases as follows:-~~

229 ~~(1) A conceptual sketch plan endorsement from the appropriate planning area planning~~
230 ~~commission;-~~

231 ~~(2) A preliminary approval by the appropriate planning area planning commission;-~~

- 232 (3) ~~A recommendation from the appropriate planning area planning commission for final~~
233 ~~approval by the board of county commissioners; and-~~
- 234 (4) ~~A final approval and acceptance by the board of county commissioners.-~~
- 235 (b) ~~An application for a conceptual sketch plan endorsement shall demonstrate compliance with~~
236 ~~all applicable standards contained within the Weber County Code. The completed application~~
237 ~~must be submitted at least 14 calendar days prior to the planning commission meeting at which~~
238 ~~the applicant wishes to be heard. The application is complete upon submission of the~~
239 ~~following:-~~
- 240 (1) ~~Payment of a fee, as required by title 16, chapter 2 of the Weber County Code of~~
241 ~~Ordinances, and submission of a complete sketch plan endorsement application on a form~~
242 ~~provided by the county planning department.-~~
- 243 (2) ~~One 8.5-inch by 11-inch vicinity map, underlain by an aerial photo, showing the subject~~
244 ~~property, surrounding streets, and relevant landmarks.-~~
- 245 (3) ~~One 11-inch by 17-inch conceptual plan, drawn at a reasonable scale, that demonstrates~~
246 ~~in a suitable manner compliance with all applicable codes. The plan shall include, but not~~
247 ~~necessarily be limited to, a north arrow and scale, subdivision boundary according to~~
248 ~~county records, approximate locations of proposed streets, lots with approximate area~~
249 ~~calculations, common areas and open space parcels with approximate area calculations,~~
250 ~~easements, waterways, suspected wetlands, floodplains, existing structures, and contour~~
251 ~~lines. Information related to topography and contour lines may be submitted on a separate~~
252 ~~map. Contour information may be omitted if the planning director or his designee~~
253 ~~determines that the subject property lacks topographic characteristics that warrant~~
254 ~~representation.-~~
- 255 (4) ~~An electronic copy of all forms, documents, materials, and information submitted as part~~
256 ~~of the application.-~~
- 257 (c) ~~An application for preliminary approval by the appropriate planning commission,~~
258 ~~recommendation for final approval, or final approval and acceptance by the board of county~~
259 ~~commissioners shall comply with all applicable standards of the Weber County Land Use~~
260 ~~Code, including this chapter and title 106, Subdivisions. The approval process shall proceed~~
261 ~~as directed by Weber County Land Use Code title 106, chapter 1.~~

262

263 **Sec. 108-3-4. ~~Residential cluster subdivision design and layout standards, generally. Cluster~~**
264 **~~subdivision design and layout standards.~~**

- 265 (a) Overall configuration. A cluster subdivision's general design shall concentrate residential building lots,
266 with their adjoining street rights-of-way and any approved alternative access, if applicable, together in
267 accordance with the following:
- 268 (1) In all zones. In all zones, a cluster of residential lots, as defined in Section 101-1-7, shall be
269 designed to avoid, to the extent possible, lands that have characteristics generally valuable for
270 preservation or conservation, including but not limited to viewsheds, ridgelines, canyons,
271 waterways, stands or groupings of mature vegetation, wildlife habitat, and other sensitive ecology
272 identified as being of importance by the applicable general plan or some other land preservation
273 or conservation plan adopted by the county, state, or federal government and that is applicable
274 within the county. Preservation or conservation shall be tailored to execute the goals, objectives,
275 or policies of the relevant plan. The application shall provide sufficient detailed information to
276 clearly verify compliance.
- 277 (2) In agricultural zones. In an agricultural zone, only one cluster of residential lots is allowed unless
278 more are necessary to avoid development on prime agricultural land, as defined in Section 101-
279 1-7, or sensitive lands as provided in Section 108-3-5(b)(4). The cluster or clusters of residential

280 lots shall be organized in a manner that supports viability of crop production on the open space
281 lands including optimizing ease of access and maneuverability, to and on the open space lands,
282 of large equipment commonly used to support crop production. A cluster of residential lots shall
283 be configured to support the required open space design and layout standards of this chapter.
284 Subdivision phasing that avoids this requirement shall not be allowed.

285 (b) Street configuration. Streets shall have logical and efficient connections, with block lengths or
286 intersection distances no less than provided in Section 106-2-3.

287 (1) Western Weber Planning Area Streets. In the Western Weber Planning Area, streets shall
288 generally follow existing street grid design. Section line streets are mandatory and shall not be
289 waived. When practicable, quarter section lines shall denote the general location of other through
290 streets. If current parcel configuration does not make this practicable, a through-street, or
291 stubbed-street that will be a future through-street, shall be located as close to these lines as
292 otherwise reasonably possible.

293 a. The planning commission may waive this requirement for the following:

294 1. environmental constraints exist that render a through-street, or a stubbed-street that will
295 become a through-street, unreasonable and unnecessary; or

296 2. agricultural open space that is or would otherwise be permanently preserved as
297 provided in this land use code would be interrupted by the street in a manner that
298 creates a hardship for crop production.

299 b. In allowing a waiver under this subsection the planning commission may require the street
300 to be placed in another location to offer optimal compensation for the lack of the connection
301 required herein.

302 (2) Ogden Valley Planning Area Streets. In the Ogden Valley Planning Area, a street shall generally
303 follow the proposed street width and alignment displayed on the Streets and Roads map of the
304 2016 Ogden Valley General Plan, or other newer adopted transportation plan, if applicable.
305 Otherwise connectivity shall comply with Section 106-2-3.

306 (3) Street infrastructure: Any infrastructure or vegetation placed, or altered, in the street right of way
307 shall be in accordance with adopted right-of-way standards or shall be to the satisfaction of the
308 County Engineer. Operation and maintenance of street lighting and any right-of-way vegetation
309 shall be the responsibility of the homeowners, unless the county has adopted a policy otherwise.

310 (c) Pathways. In lieu of a sidewalk on both sides of the street, as required by 106-4-2(f), a ten foot wide
311 asphalt pathway may be allowed on one side of the street. If only developing a half width street, where
312 otherwise allowed by this Land Use Code, the pathway shall be located on that side; otherwise,
313 preference shall be given to the side that could best support pathway connectivity based on other
314 factors such as existing or planned future pathways in the vicinity and potential pedestrian conflicts.
315 Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-motorized
316 modes of transportation.

317 (1) The cluster subdivision's pathway or sidewalk infrastructure layout shall provide a route or
318 combination of routes that offer ingress and egress from any given point along a street to the
319 subdivision boundary in at least three generally opposing directions. Regardless of the actual
320 pathway or sidewalk layout, "three generally opposing directions" shall be determined with a
321 straight line beginning from any given point along a street and ending where the route exits the
322 subdivision boundary. Each shall offer the most direct walking route practicable.

323 (2) Within a cluster of residential lots, the maximum pathway or sidewalk walking-distance between
324 pathway or sidewalk intersections shall be 500 feet. A pathway or sidewalk intersection is
325 where a pathway or sidewalk intersects with another pathway, sidewalk, or street. Pathways
326 shall connect using shortest distance reasonably possible.

327 (3) Pathways and sidewalk layout shall provide for the continuation of existing pathways or
328 sidewalks in the general area, and for future planned pathways, as shown on an adopted
329 pathway plan. A pathway or sidewalk shall connect to any pathway or sidewalk stubbed from

330 adjacent developed property. Continuation of a pathway or sidewalk to adjacent undeveloped
331 property shall be provided with a stub to the subdivision boundary. Pathway and sidewalk
332 arrangement shall not cause any unnecessary hardship for creating convenient and efficient
333 access to future adjoining developments.

334 (4) In an agricultural zone, pathways in open space areas greater than five acres shall be located as
335 close to the outer boundaries of the open space area as reasonably possible so as not to disrupt
336 the contiguity of the open space area.

337 (5) The planning commission may waive any of the above pathway requirements for a pathway or
338 sidewalk that is not intended to be a parallel part of the general street transportation system.

339 a. The waiver may be granted for the following reasons:

340 1. environmental constraints exist that render the connection unreasonable and
341 unnecessary; or

342 2. agricultural open space that is, or would otherwise be, permanently preserved as provided
343 in this land use code would be interrupted by the pathway or sidewalk in a manner that
344 creates a hardship for crop production.

345 b. In allowing a waiver under this subsection the planning commission may require the pathway
346 or sidewalk to be placed in another location to offer optimal compensation for the lack of the
347 connection required herein.

348
349 ~~The planning commission and county commission shall approve an application for a cluster~~
350 ~~subdivision if the planning commission and county commission find that the subject proposal~~
351 ~~meets all applicable standards of the Weber County Land Use Code, including the following:~~

352 ~~(1) A cluster subdivision's general design shall concentrate residential building lots, with their~~
353 ~~adjoining road rights-of-way and any approved access exceptions, into separate and~~
354 ~~individual clusters that are entirely surrounded by open space dedicated as common area,~~
355 ~~individually owned preservation parcels, or both. The open space area in between one cluster~~
356 ~~of lots and another shall not be less than 75 feet in width and the open space area in between~~
357 ~~lots and an exterior subdivision boundary shall not be less than 50 feet in width. The open~~
358 ~~space required in between lots and a subdivision's exterior boundary shall be waived if:~~

359 ~~a. Lots sharing a common line with the subdivision boundary contain 15,000 square feet or~~
360 ~~more;~~

361 ~~b. Lots are located along an internal phasing line when that phasing line is acting as a temporary~~
362 ~~external boundary;~~

363 ~~c. The proposed cluster subdivision lies adjacent to an existing subdivision that contains at least~~
364 ~~one lot that is smaller or not more than 5,000 square feet larger than the smallest lot lying~~
365 ~~within the proposed cluster subdivision; or~~

366 ~~d. Lots located along an external boundary lie adjacent to a parcel that:~~

367 ~~1. Does not contain an existing dwelling; or~~

368 ~~2. Contains a single existing dwelling that lies further than 150 feet away from all external~~
369 ~~boundaries of the proposed cluster subdivision.~~

370 ~~(2) In a subdivision consisting of 60 or more lots, each cluster shall contain no less than three~~
371 ~~lots and no more than 20 lots. In a subdivision consisting of fewer than 60 lots, each cluster~~
372 ~~shall contain no less than three lots and no more than one-third of the total number of lots in~~
373 ~~the subdivision. The county may approve up to a five lot increase in the number of lots in a~~
374 ~~cluster if:~~

375 ~~a. The total number of lots cannot be equally divided into thirds and leaves a remaining number~~
376 ~~of lots that does not meet the standard for the minimum number of lots in a cluster; or~~

- 377 ~~b.—There are unusual circumstances, such as complications involving topography, infrastructure,~~
 378 ~~geotechnical, or geologic conditions, which warrant an increase.~~
- 379 ~~(3)—To ensure that a cluster subdivision reflects the characteristics of the zone in which it is~~
 380 ~~located, a minimum percentage of a cluster subdivision's adjusted gross acreage shall be~~
 381 ~~preserved as open space and dedicated as described in subsection (1) above. The minimum~~
 382 ~~open space areas are as follows:~~
- 383 ~~a.—In the Forest (F-40) Zone, a minimum of 90 percent of a cluster subdivision shall be preserved~~
 384 ~~as open space.~~
- 385 ~~b.—In the Forest (F-5) and Forest (F-10) Zones, a minimum of 80 percent of a cluster subdivision~~
 386 ~~shall be preserved as open space.~~
- 387 ~~c.—In the Agricultural Valley (AV-3), Forest Valley (FV-3), and the Ogden Valley Destination and~~
 388 ~~Recreation Resort (DRR-1) Zones, a minimum of 60 percent of a cluster subdivision shall be~~
 389 ~~preserved as open space.~~
- 390 ~~d.—In all other zones where a cluster subdivision is an allowed development type a minimum of~~
 391 ~~30 percent of a cluster subdivision shall be preserved as open space.~~
- 392 ~~(4)—Lands that can be mitigated such as floodplain and wetlands are considered developable~~
 393 ~~and shall be counted towards density. Floodways within river corridors, lakes, and naturally~~
 394 ~~occurring pond areas, which could not be developed but provide an amenity may also be a~~
 395 ~~part of the open space, with 25 percent of this land credited towards the overall density of the~~
 396 ~~development if this land is used to provide amenities and is accessible to the development.~~
- 397 ~~(5)—Areas designated as floodplain, as defined by the Federal Emergency Management Agency or~~
 398 ~~other qualified professional determined appropriate by the county engineer, rivers and streams,~~
 399 ~~with and including their designated river or stream corridor setbacks, as defined by the Weber~~
 400 ~~County Land Use Code, shall be located within a cluster subdivision's open space area.~~

401 **Sec. 108-3-5. - Open space preservation plan. ~~Open space plan approval, ownership, maintenance,~~**
 402 **~~preservation, and guarantee of improvement standards.~~**

403 (a) Open space preservation plan procedure.

404 (1) Initial open space preservation plan approval. An open space preservation plan shall accompany
 405 an application for preliminary subdivision approval or an application for an open space
 406 preservation plan amendment. Preliminary subdivision approval constitutes approval of the open
 407 space plan. A final plat shall comply with the approved open space plan.

408 (2) Open space preservation plan amendment. After submittal of a new application and application
 409 fee an open space preservation plan may be amended, from time to time in accordance with the
 410 standards of this chapter. If an amendment of an open space preservation plan affects any part
 411 of the recorded subdivision plat, or if an amendment to a subdivision plat affects any part of an
 412 approved open space preservation plan, then the two shall be amended together and final
 413 approval of the amended subdivision plat shall constitute final approval of the amended open
 414 space preservation plan. Otherwise, each may be amended independently. Submission for an
 415 independently amended open space preservation plan shall be in compliance with the open space
 416 plan submittal requirements of this chapter and shall require the approval of the planning
 417 commission.

418 (b) Open space preservation plan submittal requirements. The open space preservation plan submittal
 419 shall include the following:

420 (1) An overall cluster subdivision map identifying all open space areas and open space area
 421 amenities.

422 (2) An open space site plan that:

423 a. identifies the open space parcel ownership types specified in (c)(9) of this section;

424 b. identifies each proposed ownership type with a unique color;

425 c. shows the locations of existing and proposed future structures and other open space
426 amenities; structures housing a subdivision utility or serving as a subdivision amenity shall
427 be subject to all applicable standards including all design review and applicable architectural
428 standards found in title 108 of the Weber County Land Use Code;and

429 d. includes all park improvements and is accompanied by a letter of approval from the local
430 park district for open space that will be gifted as a park parcel to a local park district.

431 (3) A narrative describing all proposed open space parcels, their proposed method of ownership,
432 their proposed method of maintenance, their proposed uses, and any proposed building
433 envelopes.

434 (4) The phasing of open space parcels and their relationship to the overall subdivision phasing plan,
435 if any.

436 (c) Open space development standards and ownership regulations. All open space area proposed to
437 count toward the minimum open space area required by this chapter shall be clearly identified on the
438 open space site plan. The following standards apply to their creation. Open space area in excess of
439 the minimum required by this chapter is exempt from these standards.

440 (1) Minimum required open space area. A cluster subdivision requires a minimum percentage of its
441 net developable acreage, as defined in Section 101-1-7, to be preserved as open space, as
442 follows:

<u>ZONE</u>	<u>REQUIRED OPEN SPACE</u>
<u>F-40 zone:</u>	<u>90 percent</u>
<u>F-5 and F-10 zones:</u>	<u>80 percent</u>
<u>AV-3, FV-3, and DRR-1 zones:</u>	<u>60 percent</u>
<u>Zones not listed:</u>	<u>30 percent</u>

443 (2) Non-agricultural preservation open spaces. In all nonagricultural zones, and except as provided
444 otherwise in parts (4) or (5) of this subsection (c), open space parcels shall preserve, to the extent
445 possible, lands that have characteristics generally valuable for preservation or conservation,
446 including but not limited to viewsheds, ridgelines, waterways, stands or groupings of mature
447 vegetation, wildlife habitat, and other sensitive ecology. Open space parcels shall be organized
448 into one contiguous open space area, except contiguity may be interrupted if preservation or
449 conservation of those characteristics is best accomplished by allowing the interruption. The
450 applicant bears the burden of proving the social or environmental value of the preservation or
451 conservation based on specific objectives found in the general plan or based on objectives of
452 some other land preservation or conservation plan, or other preservation or conservation policy
453 as adopted by the county, state, or federal government, and applicable within the county.

454 (3) Agricultural open spaces to be contiguous and useful. In all agricultural zones, open space parcels
455 shall be arranged to create future long-term agricultural opportunities in the following ways:

456 a. By creating parcels of a sufficient size and configuration to support large-scale crop-producing
457 operations. The area or areas of the subdivision that contains prime agricultural land, as
458 defined by Section 101-1-7, shall first and foremost be used to satisfy the open space
459 requirements of this chapter. Only then may any portion of the prime agricultural land be used
460 for other development purposes.

461 b. Open space parcels shall be organized into one contiguous open space area. Contiguity may
462 only be interrupted if preservation of long-term agricultural opportunities is best accomplished
463 by allowing the interruption. The applicant bears the burden of proving this based on soil
464 sampling, irrigation capabilities, parcel boundary configuration, and industry best practices.

- 465 c. The exterior boundary of a contiguous open space area that is intended to satisfy the open
466 space requirements of this chapter shall be configured so a fifty-foot-wide farm implement can
467 reach all parts of the area with three or more passes or turns. Generally, this requires the area
468 to be at least 450 feet wide in any direction at any given point to be considered contiguous.
469 This three turn standard may be reduced by the planning commission for portions of the parcel
470 affected by the following:
- 471 1. The configuration of the existing exterior boundary of the proposed subdivision makes it
472 impossible;
 - 473 2. A street required by Section 108-3-4 constrains the width of the parcel or bisects what
474 would otherwise be one contiguous open space area if the street did not exist; or
 - 475 3. Natural features, or permanent man-made improvements onsite that cannot be moved or
476 realigned, cause an interruption to crop producing capabilities.
- 477 d. Open space area necessary to meet the requirements of part (4) or (5) of this subsection, or
478 open space areas never previously used for crop-production that currently contain areas
479 valuable for preservation or conservation as specified in part (2) of this subsection may be
480 exempt from this part provided they comply with those applicable parts.
- 481 (4) *Small open space parcels within a cluster of residential lots.* In order to maximize the contiguous
482 open space acreage as required in part (2) and (3) of this subsection, an open space parcel or
483 portion thereof that is located within a cluster of residential lots, as defined in Section 101-1-7, or
484 that interrupts contiguity of a cluster of residential lots and is not intended to satisfy part (2), (3),
485 or (5) of this subsection (c), shall be constrained in area and width to provide the minimum
486 acreage and width reasonably necessary for the functionality, operation, and maintenance of the
487 intended open space use. The open space preservation plan shall offer sufficient information
488 regarding the use and any proposed structures to allow the Planning Commission to verify
489 compliance. See also part (6) and part (8) of this subsection (c) for additional applicable area
490 and coverage regulations.
- 491 (5) *Sensitive lands requirements.* Cluster subdivisions in or on sensitive lands shall be governed as
492 follows:
- 493 a. Lands that can be mitigated such as floodplain and wetlands are considered developable for
494 the purpose of calculating net developable acreage, as defined in Section 101-1-7.
 - 495 b. Acreage consumed by a lake, floodway within a river corridor, or a naturally occurring pond
496 area is acreage unsuitable for development, as otherwise defined in Section 101-1-7. When
497 any of these is offered as a community amenity on an open space parcel with public access
498 and a blanket public access easement, the subdivision shall receive 25 percent of the
499 acreage credited to the net developable acreage for the purpose of calculating base density.
 - 500 c. Regardless of developability, the following areas shall be located within a cluster
501 subdivision's open space area:
 - 502 1. areas designated as floodplain, as defined by the Federal Emergency Management
503 Agency or other qualified professional determined appropriate by the county engineer;
504 and
 - 505 2. rivers and streams, with and including their designated river or stream corridor setbacks,
506 as defined by the Weber County Land Use Code.
- 507 (6) *Open space parcel area.* The minimum area for an open space parcel located within a cluster
508 subdivision is as follows:
- 509 a. *Common area.* An open space parcel designated as common area is not subject to minimum
510 area requirements.
 - 511 b. *Park area.* An open space parcel conveyed to a local park district shall be of a sufficient size
512 to adequately accommodate park infrastructure, amenities, and parking.

- 513 c. Individually owned open space parcel area. An open space parcel designated as an
514 individually owned preservation parcel shall contain an area of not less than five acres and
515 shall be part of a contiguous area of open space consisting of not less than ten acres in total;
516 and shall be in compliance with the following:
- 517 1. The ten acre minimum contiguous area does not need to be platted in the same
518 subdivision.
- 519 2. Each individually owned open space parcel shall be provided clear and perpetual legal
520 access from a public or private street right of way.
- 521 3. Drainage detention or retention facilities intended to accommodate subdivision
522 improvements may be located on an individually owned preservation parcel and
523 counted toward the subdivision's overall open space area, but the acreage of the facility
524 shall not be included as part of the parcel's agricultural use, and the acreage of the
525 facility shall be in addition to, not a part of, the minimum parcel area requirement.
- 526 d. Estate lot area. Up to eighty percent of an estate lot, as defined in Section 101-1-7, may
527 count towards the open space acreage requirement provided the following standards are
528 applied:
- 529 1. The area of the lot designated as open space shall contain an area of not less than five
530 acres and shall be part of a contiguous area of open space consisting of not less than
531 ten acres in total.
- 532 2. The estate lot shall contain a survey-locatable building envelope on the recorded plat
533 that shares a common boundary with a neighboring residential lot, or in the case of a
534 neighboring estate lot, shares a common boundary with the neighboring estate lot's
535 building envelope.
- 536 3. Drainage detention or retention facilities intended to accommodate subdivision
537 improvements may be located on an estate lot and counted toward the subdivision's
538 overall open space area, but the acreage of the facility shall not be included as part of
539 the lot's agricultural use, and the acreage of the facility shall be in addition to, not a part
540 of, the minimum parcel area requirement.
- 541 (7) Parcel width, frontage, and access. Open space parcels located within a cluster subdivision are
542 not subject to frontage requirements and do not have a minimum width standard. Section 106-2-
543 4(c) notwithstanding, all open space parcels without street frontage shall be provided an access
544 easement, recordable at the time of plat recordation, across other parcels and connecting to a
545 public or private street.
- 546 (8) Parcel coverage.
- 547 a. Coverage of common area or open space parcels under five acres by any roofed structures
548 or any structures or facilities that require a building permit shall not exceed ten percent of
549 the total parcel area.
- 550 b. Coverage of individually owned preservation parcels by roofed structures or any structures
551 or facilities that require a building permit shall not exceed two and a half percent of the total
552 parcel area.
- 553 c. Coverage of the open space area of an estate lot of 5.25 acres or greater by roofed structures
554 or any structures or facilities that require a building permit shall not exceed two and a half
555 percent of the lot's platted open space preservation easement area.
- 556 (9) Open space lot or parcel ownership.
- 557 a. Common area parcel. An open space parcel that is common area shall be commonly owned
558 by an appropriate homeowner's association established under U.C.A. 1953, § 57-8a-101 et
559 seq., the Community Association Act.
- 560 b. Park parcel. An open space parcel may be owned by a local park district.

- 561 c. *Individually owned open space parcel.* An open space parcel may be owned as an
562 individually owned preservation parcel by any person, regardless of whether the person
563 owns a residential lot within the subdivision. In order to keep an individually owned
564 preservation parcel from becoming uncondusive to multiple-acreage preservation uses, an
565 individually owned preservation parcel shall not be sectioned into sub-areas less than five
566 acres by fencing or other physical barriers unless the sectioning is intended for the rotation
567 of grazing animals provided consistent rotation occurs for the purpose of vegetation
568 regrowth. The planning commission may modify this requirement for uses that support the
569 longevity of the preservation, maintenance, and large-acreage use of the parcel.
- 570 d. *Estate lot.* An estate lot, as defined in Section 101-1-7, may be owned by any person. In
571 order to keep an estate parcel from becoming uncondusive to multiple-acreage preservation
572 uses, the preserved open space area shall not be sectioned into sub-areas less than five
573 acres by fencing or other physical barriers unless the sectioning is intended for the rotation
574 of grazing animals provided consistent rotation occurs for the purpose of vegetation
575 regrowth. The planning commission may modify this requirement for uses that support the
576 longevity of the preservation, maintenance, and large-acreage use of the parcel.
- 577 (d) *Open space phasing.* If development phasing is proposed and approved during preliminary cluster
578 subdivision approval, the percent of open space of the overall platted acreage shall at no time be less
579 than the percent of proposed open space approved in the open space plan.
- 580 (e) *Maintenance.* The open space parcel owner, whether an individual or an association, shall use,
581 manage, and maintain the owner's parcel in a manner that is consistent with an approved open space
582 preservation plan or the agriculture, forest, or other type of preservation easement executed under
583 subsection (f).
- 584 (f) *Preservation.*
- 585 (1) Open space parcels shall be permanently preserved in a manner that is consistent with the
586 approved open space preservation plan.
- 587 (2) Language shall be included in the dedication of the subdivision plat that substantially reads as
588 follows; final language is subject to approval from the County Surveyor and County Attorney:
- ... and additionally dedicate and convey to Weber County a perpetual open space
easement on, under, and over all parcels and areas denoted as open space
parcels or areas to guarantee to the public that those parcels and areas remain
open and undeveloped in a manner consistent with the approved open space
plan; ...
- 589 (3) An agreement, in a form acceptable to the County Attorney, shall be recorded with the final plat
590 to the title of all open space preservation parcels, including estate lots, that details the open space
591 preservation plan and any related conditions of approval necessary to execute the open space
592 preservation plan. The approved site plan shall be included in the agreement. If the plat
593 recordation is also the means of conveyance of any open space parcel, the agreement shall also
594 specify the name and tax notification mailing address if the new owner.
- 595 (4) If a cluster subdivision contains open space intended to preserve substantial or crucial wildlife
596 habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting
597 the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
- 598 (5) If a cluster subdivision contains an individually owned preservation parcel or estate lot with an
599 open space area, the applicant shall:
- 600 a. identify all open space preservation areas on the final plat with a unique hatch or shading;
601 b. further identify each individually owned preservation parcel with a unique identifying letter;

602 c. for an estate lot, delineate on the plat with survey locatable bearings and calls the area of
603 the lot being preserved as open space..

604 (g) The planning commission may impose any additional conditions and restrictions it deems necessary
605 to reasonably ensure maintenance of the open space and adherence to the open space preservation
606 plan. Such conditions may include a plan for the disposition or re-use of the open space property if
607 the open space is not maintained in the manner agreed upon or is abandoned by the owners.

608 (h) A violation of the open space plan or any associated conditions or restrictions shall constitute a
609 violation of this Land Use Code.

610 ~~(1) Plan approval. An open space preservation plan shall accompany an application for preliminary and~~
611 ~~final approval of a cluster subdivision. The plan shall include a narrative describing all proposed uses,~~
612 ~~phasing, and maintenance methods for all open space parcels, and a site plan that shows proposed~~
613 ~~common areas, individually owned preservation parcels, and the locations of existing and proposed~~
614 ~~future structures.~~

615 ~~a. For open space dedicated as common area parcels, the site plan shall show the location of existing~~
616 ~~and future structures by identifying the structure's footprint. Structures housing a subdivision utility or~~
617 ~~servicing as a subdivision amenity shall be subject to all applicable standards including all design review~~
618 ~~and applicable architectural standards found in title 108 of the Weber County Land Use Code.~~

619 ~~b. For open space dedicated as individually owned preservation parcels, the site plan shall identify~~
620 ~~locatable building envelopes within which all existing and future buildings must be located.~~

621 ~~(2) Ownership.~~

622 ~~a. Open space parcels dedicated as common area shall be commonly owned by an appropriate~~
623 ~~homeowner's association established under U.C.A. 1953, § 57-8a-101 et seq., the Community~~
624 ~~Association Act.~~

625 ~~b. Other open space parcels may be owned individually.~~

626 ~~1. Individually owned preservation parcels of ten acres or more in area may be owned by any person,~~
627 ~~regardless of whether the person owns a residential lot within the subdivision.~~

628 ~~2. Individually owned preservation parcels of less than ten acres in area may only be owned by an owner~~
629 ~~of a lot within the same cluster subdivision.~~

630 ~~3. The applicable ownership standard in subsection (2)a.1. or 2. shall be memorialized in the following~~
631 ~~manner:~~

632 ~~i. An explanation of the applicable ownership standard and a perpetual restriction conforming thereto~~
633 ~~shall be written into all agriculture, forest, or other type of preservation easements granted pursuant~~
634 ~~to subsection (4); and~~

635 ~~ii. A note describing the applicable ownership standard shall be placed on the final recorded plat.~~

636 ~~(3) Maintenance. The open space parcel owner, whether an individual or an association, shall use,~~
637 ~~manage, and maintain the owner's parcel in a manner that is consistent with the open space~~
638 ~~preservation plan approved under subsection (1), and the agriculture, forest, or other type of~~
639 ~~preservation easement executed under subsection (4).~~

640 ~~(4) Preservation.~~

641 ~~a. Open space parcels are to be permanently preserved in a manner that is consistent with the approved~~
642 ~~open space preservation plan.~~

643 ~~b. The applicant, prior to recording or as part of recording the final cluster subdivision plat, shall grant~~
644 ~~and convey to the county, to each lot owner, and to the homeowner association if applicable, an open~~
645 ~~space easement over all areas dedicated as common area or individually owned preservation parcels.~~
646 ~~The open space easement shall incorporate and conform to the open space preservation plan~~
647 ~~approved under subsection (1).~~

- 648 ~~c. If a cluster subdivision contains open space intended to preserve substantial or crucial wildlife habitat,~~
649 ~~as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the~~
650 ~~requirements of the Utah Division of Wildlife Resources shall be offered to the division.~~
- 651 ~~d. If a cluster subdivision contains an individually owned preservation parcel, the applicant shall:~~
- 652 ~~1. Identify and label on the final plat each such parcel as an agricultural, forest, or other type of~~
653 ~~preservation parcel;~~
- 654 ~~2. Further identify each preservation parcel by placing a unique identifying letter of the alphabet~~
655 ~~immediately after the label;~~
- 656 ~~3. Present an agricultural, forest, or other type of preservation easement to the planning commission and~~
657 ~~gain their approval; and~~
- 658 ~~4. Record an approved preservation easement on each parcel identified as an agricultural, forest, or~~
659 ~~other type of preservation parcel.~~
- 660 ~~e. The planning commission may impose any additional conditions and restrictions it deems necessary~~
661 ~~to ensure maintenance of the open space and adherence to the open space preservation plan. Such~~
662 ~~conditions may include a plan for the disposition or re-use of the open space property if the open~~
663 ~~space is not maintained in the manner agreed upon or is abandoned by the owners.~~
- 664 ~~(5) Guarantee of open space improvements.~~
- 665 ~~a. The county shall not require an applicant to deposit a financial guarantee for open space improvements~~
666 ~~(e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and that remain~~
667 ~~incomplete at the time of final approval and acceptance of the proposed cluster subdivision from the~~
668 ~~board of county commissioners. The applicant or developer shall complete the improvements~~
669 ~~according to the approved phasing component of an open space preservation plan. If the applicant~~
670 ~~fails to complete improvements as presented in the open space preservation plan, the county may~~
671 ~~suspend final plat approvals and record an instrument notifying prospective lot buyers that future land~~
672 ~~use permits may not be issued for any construction.~~
- 673 ~~b. The county shall require an applicant to deposit a financial guarantee for all open space improvements~~
674 ~~(e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a certificate of~~
675 ~~occupancy and that remain incomplete at the time of final approval and acceptance of the proposed~~
676 ~~cluster subdivision from the board of county commissioners. The applicant or developer shall complete~~
677 ~~all improvements according to the approved phasing component of an open space preservation plan.~~

678 **Sec. 108-3-6. – Reserved. Open space parcel development standards.–**

679 Unless otherwise provided for in this section, open space parcels shall be developed in a manner
680 that meets all applicable standards, including but not limited to those found in the Weber County Land
681 Use Code. Open space parcels shall adhere to the following specific site development standards:–

682 (1) ~~Parcel area.~~ Unless otherwise regulated by the Weber-Morgan Health Department or Weber
683 County Land Use Code title 108, chapter 14, Hillside Development Review Procedures and Standards,
684 the minimum area for an open space parcel located within a cluster subdivision is as follows:–

685 a. ~~Open space parcels dedicated as common area are not subject to minimum area~~
686 ~~requirements.–~~

687 b. ~~Open space parcels dedicated as individually owned preservation parcels shall contain an~~
688 ~~area of not less than three acres.–~~

689 1. ~~The minimum area of an individually owned preservation parcel may be reduced to not less~~
690 ~~than one acre if the preservation parcel is part of a contiguous area of open space parcels consisting~~
691 ~~of not less than three acres in total. Open space parcels form a contiguous area if each open space~~
692 ~~parcel in the area shares a common boundary line with another open space parcel or lies directly~~
693 ~~across a road right-of-way, or other approved access, from another open space parcel.–~~

694 2. ~~Parcels containing less than five acres are not agricultural parcels for purposes of agricultural~~
695 ~~exemptions granted by the Weber County Land Use Code.–~~

~~(2) Parcel width. Notwithstanding section 106-2-4(c) and title 108, chapter 14, Hillside Development Review Procedures and Standards, and unless otherwise regulated by the Weber-Morgan Health Department, open space parcels located within a cluster subdivision are not subject to frontage requirements and do not have a minimum width standard other than the standard described in section 108-3-4(1).~~

~~(3) Parcel coverage.~~

~~a. Coverage of common area parcels by roofed structures shall not exceed ten percent of the total parcel area.~~

~~b. Coverage of individually owned preservation parcels by roofed structures shall not exceed five percent of the total parcel area.~~

Sec. 108-3-7. - Lot development standards.

Unless otherwise provided for in this section, residential building lots shall be developed in a manner that meets all applicable standards, including but not limited to those found in the Weber County Land Use Code and the requirements and standards of the Weber-Morgan Health Department, if applicable. The following specific site development standards apply to lots in cluster subdivisions:

- (1) Lot area. Unless otherwise regulated by the Weber-Morgan Health Department, a lot located within a cluster subdivision shall contain an area of not less than 9,000 square feet, unless otherwise provided in Section 108-3-8.
- (2) Lot width. Unless otherwise regulated by the Weber-Morgan Health Department, the minimum lot width in a cluster subdivision is as follows:

<u>ZONE</u>	<u>LOT WIDTH</u>
<u>F-40 and F-10 zones:</u>	<u>100 feet</u>
<u>FR-1, F-5, and AV-3 zones:</u>	<u>80 feet</u>
<u>RE-15, RE-20 zones:</u>	<u>60 feet</u>
<u>A-1, A-2, and A-3 zones:</u>	<u>60 feet</u>
<u>FR-3 zone:</u>	<u>50 feet</u>
<u>DRR-1 zone:</u>	<u>50 feet</u>

(3) Yard setbacks. The minimum yard setbacks in a cluster subdivision are as follows:

<u>YARD</u>	<u>SETBACK</u>
<u>Front:</u>	<u>20 feet</u>
<u>Side:</u>	
<u>Dwelling:</u>	<u>8 feet</u>
<u>Accessory building:</u>	<u>8 feet; except one foot if located at least six feet in rear of dwelling.</u>

Accessory building over 1,000 square feet:	See Section 108-7-16
Corner lot side facing street:	20 feet
Rear:	20 feet

718 [\(4\) Building height. The maximum height for a building in a cluster subdivision is as follows:](#)

BUILDING	HEIGHT
Dwelling	40 feet
Accessory building	30 feet

719 ~~Unless otherwise provided for in this section, residential building lots shall be developed in a manner~~
720 ~~that meets all applicable standards, including but not limited to those found in the Weber County~~
721 ~~Land Use Code. The following specific site development standards apply to lots in cluster~~
722 ~~subdivisions:~~

723 ~~(1) Lot area.~~

724 ~~a. Unless otherwise regulated by the Weber-Morgan Health Department or Weber County Land Use~~
725 ~~Code, title 108, chapter 14, Hillside Development Review Procedures and Standards, a lot located~~
726 ~~within a cluster subdivision shall contain an area of not less than 15,000 square feet.~~

727 ~~b. A lot's minimum area is reduced to 6,000 square feet if:~~

728 ~~1. The lot is located 50 feet or more from its own cluster subdivision boundary, not including those~~
729 ~~boundaries formed by existing streets or internal phasing lines if the phasing lines act as a~~
730 ~~temporary external boundary;~~

731 ~~2. The lot lies within a cluster subdivision that is adjacent to an existing subdivision that contains at~~
732 ~~least one lot that is smaller or not more than 5,000 square feet larger than the smallest lot lying~~
733 ~~within the subject cluster subdivision; or~~

734 ~~3. The lot lies within a cluster subdivision that is adjacent to an undeveloped parcel. A parcel is~~
735 ~~considered undeveloped if it:~~

736 ~~i. Does not contain an existing dwelling; or~~

737 ~~ii. Contains an existing dwelling that lies further than 150 feet away from all external boundaries of~~
738 ~~the proposed or subject cluster subdivision.~~

739 ~~(2) Lot width. Unless otherwise regulated by the Weber-Morgan Health Department or Weber~~
740 ~~County Land Use Code, title 108, chapter 14, Hillside Development Review Procedures and~~
741 ~~Standards, the minimum lot width in a cluster subdivision is:~~

742 ~~a. One hundred feet in the Forest (F-40) and the Forest (F-10) Zones.~~

743 ~~b. Eighty feet in the Forest Residential (FR-1), Forest (F-5), Agricultural Valley (AV-3), and the Forest~~
744 ~~Valley (FV-3) Zones.~~

745 ~~c. Sixty feet in the Residential Estates (RE-15 and RE-20) and Agricultural (A-1, A-2, and A-3)~~
746 ~~Zones.~~

747 ~~d. Fifty feet in the Forest Residential (FR-3) and the Ogden Valley Destination and Recreation Resort~~
748 ~~(DRR-1) Zone.~~

749 ~~(3) Yard setbacks for dwellings. Minimum yard setbacks for dwellings in a cluster subdivision are as~~
750 ~~follows:~~

751 ~~a. Front: 20 feet.~~

b. ~~Side: 8 feet.~~

c. ~~Rear: 20 feet.~~

(4) ~~Dwelling height. The maximum height for dwellings in a cluster subdivision is 40 feet.~~

Sec. 108-3-8. - Bonus density.

(a) Western Weber Planning Area bonus density. In the Western Weber Planning Area, bonus density shall be awarded as a percentage increase over base density for subdivisions that meet the conditions in this subsection (a). No bonus shall be awarded for a subdivision with a gross acreage of less than ten acres. For subdivisions with a gross acreage of ten acres or more, the bonus density percentage shall equal the gross acreage of the subdivision, up to a maximum of 50 percent. To qualify for bonus density, a subdivision shall:

(1) Provide a minimum 50 percent open space of the net developable acreage, as defined in Section 101-1-7.

(2) Provide one street tree of at least two-inch caliper, from a species list as determined by county policy, every 50 feet on both sides of each street within the subdivision boundaries. In the event infrastructure or a driveway approach makes a tree's placement impossible, that tree shall be located as close to the 50-foot spacing as otherwise reasonably possible, provided compliance with the clear view triangle as defined in Section 108-7-7.

(3) Comply with all provisions of Title 108, Chapter 16: Ogden Valley Outdoor Lighting Ordinance, which is incorporated by reference herein as applicable to a cluster subdivision in the Western Weber Planning Area that receives bonus density. A note shall be placed on the final subdivision plat indicating this requirement.

(b) Ogden Valley Planning Area bonus density. A cluster subdivision shall create no new density entitlements in the Ogden Valley.

~~The county may, in its discretion, allow for an increased number of residential lots by awarding bonus densities to those cluster subdivisions developed within the Western Weber County Planning Area. Cluster subdivisions within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents the bonus density opportunities that are available to cluster subdivisions located within specific zoning boundaries:-~~

~~(1) In the Forest (F-40) Zones, the county may award a maximum bonus density of 20 percent based on an accumulation of any combination of the following:-~~

~~a. If the cluster subdivision meets the purpose and intent of this chapter, up to a five percent bonus may be granted.-~~

~~b. If the cluster subdivision provides a minimum of one road stub to an adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation, up to a five percent bonus density may be granted.-~~

~~c. If the cluster subdivision provides a minimum of one approved public access to public lands, up to a five percent bonus density may be granted.-~~

~~d. If the cluster subdivision provides common area that offers easily accessible amenities, such as a trail, park, or community garden, that are open for use by the general public, up to a five percent bonus density may be granted.-~~

~~e. If the cluster subdivision dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a 15 percent bonus density may be granted.-~~

~~(2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to 50 percent if the applicant preserves an open space percentage above that required by section 108-3-4(3)d; otherwise, the county may grant a bonus density of up to 30 percent. Overall bonus density potential shall be no greater than a percentage equal to~~

800 ~~the percentage of the subdivision's total area preserved as open space. The county may~~
801 ~~award bonus densities based on an accumulation of any combination of the following:-~~

802 ~~a.—If a cluster subdivision meets the purpose and intent of this chapter, up to a ten~~
803 ~~percent bonus may be granted.-~~

804 ~~b.—If a cluster subdivision provides and implements an approved roadway landscape and~~
805 ~~design plan that includes, but is not necessarily limited to, vehicle and pedestrian~~
806 ~~circulation, lighting, and street trees of an appropriate species, size of at least a two-inch~~
807 ~~caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20~~
808 ~~percent bonus density may be granted.-~~

809 ~~c.—For each five percent increment of open space preserved over 50 percent: a five~~
810 ~~percent bonus density shall be granted up to the total bonus density allowed by subsection~~
811 ~~(3).-~~

812 ~~d.—If a cluster subdivision provides a minimum of one approved access to public lands,~~
813 ~~up to a ten percent bonus density may be granted.-~~

814 ~~e.—If a cluster subdivision provides common area that offers easily accessible amenities~~
815 ~~such as trails, parks, or community gardens, that are open for use by the general public,~~
816 ~~up to a 15 percent bonus density may be granted.-~~

817 ~~f.—If ten percent of the lots and homes in a cluster subdivision are permanently set aside~~
818 ~~for affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20 percent~~
819 ~~bonus density may be granted.-~~

820 ~~If a bonus density is granted for affordable housing, the applicant shall:-~~

821 ~~1.—Present and gain Planning Commission approval of an effective plan and method for~~
822 ~~guaranteeing and enforcing perpetual affordability. Any method used, such as an~~
823 ~~affordable housing deed restriction, shall limit the sale or rental of the affected lots and~~
824 ~~homes to a household with an income at or below 80 percent of the county median income;-~~

825 ~~2.—Identify and label, on the final plat, the lots set aside as affordable housing Lots; and-~~

826 ~~3.—Provide a note on the final plat explaining the nature of the housing restriction on the~~
827 ~~lot and the method by which occupancy and affordability will be regulated.-~~

828 ~~g.—If a cluster subdivision preserves an agricultural parcel with an agriculturally based~~
829 ~~open space preservation plan approved by the planning commission and records an~~
830 ~~agricultural preservation easement on the parcel, a bonus density may be approved as~~
831 ~~follows:-~~

832 ~~1.—For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent~~
833 ~~bonus density may be granted.-~~

834 ~~2.—For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent~~
835 ~~bonus density may be granted.-~~

836 ~~3.—For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent~~
837 ~~bonus density may be granted.-~~

838 ~~4.—For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent~~
839 ~~bonus density may be granted if the parcel standing alone is greater than the minimum~~
840 ~~open space requirement for the subdivision.-~~

841 ~~5.—For a parcel containing at least 50 acres or more, up to a 50 percent bonus density~~
842 ~~may be granted if the parcel standing alone is greater than the minimum open space~~
843 ~~requirement for the subdivision.-~~

844 ~~h.—If a cluster subdivision provides for the preservation of historical sites and buildings~~
845 ~~that have been identified by the state historic preservation office as having notable~~
846 ~~historical value, up to a five percent bonus density may be granted.-~~

847 ~~i.—If a cluster subdivision provides for the development of excess sewage treatment~~
848 ~~capacity, up to a five percent bonus density may be granted.—~~

849 ~~j.—If a cluster subdivision dedicates and conveys to the county, the state division of wildlife~~
850 ~~resources, or both, an open space easement that permanently preserves areas that have~~
851 ~~been identified by the state division of wildlife resources as having substantial or crucial~~
852 ~~wildlife habitat value, up to a 15 percent bonus density may be granted.—~~

853 ~~k.—If a cluster subdivision includes an open space parcel that consists of five acres or~~
854 ~~more and is contiguous to permanently preserved open space on an adjoining property~~
855 ~~located outside of the cluster subdivision, up to a 20 percent bonus density may be~~
856 ~~granted.—~~

857 **Sec. 108-3-9. - Homeowners association ~~required~~.**

858 In order to provide for proper management and maintenance of commonly owned areas and private
859 improvements, all cluster subdivisions with such areas or improvements are required to have a
860 homeowners association. The applicant, prior to recording a final plat of the cluster subdivision, shall:

- 861 (1) Establish a homeowners association and submit for the county's review the necessary articles of
862 incorporation, bylaws, and declaration of covenants, conditions, and restrictions that provide for:
- 863 a. Compliance with Utah State Code;
 - 864 b. The reason and purpose for the association's existence;
 - 865 c. Mandatory membership for each lot or home owner and their successors in interest;
 - 866 d. The perpetual nature of the easements related to all dedicated open space parcels;
 - 867 e. Responsibilities related to liability, taxes, and the maintenance of recreational and other
868 infrastructure and facilities;
 - 869 f. Financial obligations and responsibilities, including the ability to adjust the obligations and
870 responsibilities due to change in needs;
 - 871 g. Association enforcement remedies; and
 - 872 h. A notification of the county's ability to enforce the terms of the owner's dedication on the
873 subdivision dedication plat.

- 874 (2) Register the homeowners association with the State of Utah, Department of Commerce.

875 **Sec. 108-3-10. – Guarantee of improvements.**

876 (a) *Guarantee of improvements.* The county shall require an applicant to deposit a guarantee of
877 improvements, as provided in Section 106-4-3, for all improvements required by this chapter or as
878 otherwise volunteered by the applicant that are incomplete at the time of subdivision plat recording.
879 This includes improvements on open space parcels unless otherwise specified in subsection (b) of
880 this section.

881 (b) Improvements requiring certificate of occupancy. The county shall not require an applicant to deposit
882 a financial guarantee for open space improvements that require a certificate of occupancy and that
883 remain incomplete at the time of final approval of the proposed cluster subdivision ~~from~~ by the board
884 of county commissioners. The applicant or developer shall complete the improvements according to
885 the approved phasing component of an open space preservation plan. If the applicant fails to complete
886 improvements as presented in the open space preservation plan, the county may suspend final plat
887 approvals and record an instrument notifying prospective lot buyers that future land use permits may
888 not be issued for any construction.

889 ...
890

891 **Sec. 108-21-6. - Use/activity standards and limitations.**

892 ...

893 (1) Farm stay (residential and overnight accommodation) uses/activities.

894 (f) Carriage house.

895 1. Carriage houses shall be limited to a number that does not exceed the following
896 calculation: ~~Adjusted gross~~ net developable acreage of the parcel upon which a carriage
897 house(s) is located divided by the minimum lot area required by the zone in which the lot
898 or parcel(s) is located, all multiplied by 20 percent (net developable acreage / minimum
899 lot area) x 20 percent = Maximum number of carriage houses at an approved agri-
900 tourism operation.

901 ~~;ds;Minimum single family dwelling area requirement set forth by the zone in which the parcel(s) is~~
902 ~~located~~

903 ~~x20 percent~~

904 ~~= Maximum number of carriage houses at an approved agri-tourism operation~~

905 ...