

## MEMORANDUM

To: Western Weber Planning Commission  
From: Charles Ewert, AICP  
Date: December 28, 2017  
Subject: Work session for proposed cluster subdivision amendments

Planning Commissioners,

In our last meeting we held a hearing to discuss desired changes to the cluster subdivision ordinance. The attached proposal is not complete. I still need to re-tool the bonus density section. Since this section is not applicable to the Ogden Valley I suggest reviewing the proposal in its incomplete state to determine whether the portions that are completed are acceptable.



1 ...

2 **Title 108 - STANDARDS**

3 ...

4 **CHAPTER 3. - CLUSTER SUBDIVISIONS**

5 **Sec. 108-3-1. — Purpose and Intent.**

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

16 **Sec. 108-3-2. - General regulations.**

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

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

21 (a) Subdivision procedures and requirements apply. All procedures and requirements of Title  
22 106 shall apply to a cluster subdivision unless there is a conflict or supplement in this  
23 chapter, in which case the provisions of this chapter shall prevail.

24 (b) Conceptual sketch plan. ~~The~~ In addition to the subdivision procedure requirements of Title  
25 106, the cluster subdivision approval procedure requires a conceptual sketch plan  
26 endorsement from the planning commission prior to the submission of a formal subdivision  
27 application. An application for a conceptual sketch plan endorsement shall demonstrate  
28 compliance with all applicable standards contained within the Weber County Code. The  
29 completed application must be submitted at least 21 calendar days prior to the planning  
30 commission meeting at which the applicant wishes to be heard. Endorsement from the  
31 planning commission is only a means to assist in the creation of a complete subdivision  
32 application and shall not vest for final approval. The application is complete upon  
33 submission of the following: ~~consists of four phases as follows:~~

34 (1) ~~A conceptual sketch plan endorsement from the appropriate planning area planning~~  
35 ~~commission;~~

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

37 (3) ~~A recommendation from the appropriate planning area planning commission for final~~  
38 ~~approval by the board of county commissioners; and~~

39 (4) ~~A final approval and acceptance by the board of county commissioners.~~

40 (b) ~~An application for a conceptual sketch plan endorsement shall demonstrate compliance~~  
41 ~~with all applicable standards contained within the Weber County Code. The completed~~  
42 ~~application must be submitted at least 14 calendar days prior to the planning commission~~

~~meeting at which the applicant wishes to be heard. The application is complete upon submission of the following:~~

- (1) Payment of a fee, as required by title 16, chapter 2 of the Weber County Code of Ordinances, and submission of a complete sketch plan endorsement application on a form provided by the county planning department.
- (2) One 8.5-inch by 11-inch vicinity map, underlain by an aerial photo, showing the subject property, surrounding streets, and relevant landmarks.
- (3) One 11-inch by 17-inch conceptual plan, drawn at a reasonable scale, that demonstrates in a suitable manner compliance with all applicable codes. The plan shall include, but not necessarily be limited to, a north arrow and scale, subdivision boundary according to county records, approximate locations of proposed streets, lots with approximate area calculations, common areas and open space parcels with approximate area calculations, easements, waterways, suspected wetlands, floodplains, existing structures, and contour lines. Information related to topography and contour lines may be submitted on a separate map. Contour information may be omitted if the planning director or his designee determines that the subject property lacks topographic characteristics that warrant representation.
- (4) An electronic copy of all forms, documents, materials, and information submitted as part of the application.

(de) Preliminary and final cluster subdivision application.

(1) Preliminary cluster subdivision approval. ~~An application for~~ A submission for preliminary cluster subdivision approval shall:

a. conform to the endorsed sketch plan;

b. contain an open space plan, as required in Section 108-3-5.

1. The planning commission's approval of a preliminary plat shall constitute approval of the open space plan.

2. An open space plan may be amended, from time to time, after submittal of a new application and application fee.

3. An amendment shall be in compliance with applicable laws and shall require the approval of the planning commission.

4. An open space plan amendment shall not require a subdivision plat amendment provided the resulting plan does not conflict with any part of the plat, including parcel and lot boundaries, subdivision boundaries, and plat notes.

(2) Final cluster subdivision approval. A submission for final cluster subdivision approval shall conform to the approval of the preliminary cluster subdivision approval. If applicable, submission shall also include final Conditions, Covenants, and Restrictions or Homeowner's Association Declaration that clearly explain the maintenance method for each common area parcel, as required by this chapter or any condition of preliminary cluster subdivision approval. Submission shall also include drafts of any other relevant instrument required for the execution of applicable provisions of this Land Use Code.

~~by the appropriate planning commission, recommendation for final approval, or final approval and acceptance by the board of county commissioners shall comply with all applicable standards~~

87 | ~~of the Weber County Land Use Code, including this chapter and title 106, Subdivisions. The~~  
88 | ~~approval process shall proceed as directed by Weber County Land Use Code title 106,~~  
89 | ~~chapter 1.~~

90 | **Sec. 108-3-4. - Cluster subdivision design and layout standards.**

91 | ~~The planning commission and county commission shall approve an application for a cluster~~  
92 | ~~subdivision if the planning commission and county commission find that the subject~~  
93 | ~~proposal meets all applicable standards of the Weber County Land Use Code, including the~~  
94 | ~~following:~~

95 | (a.4) General cluster and open space design. A cluster subdivision's general design shall  
96 | concentrate residential building lots, with their adjoining road rights-of-way and any  
97 | approved ~~access exceptions~~alternative access, if applicable, into separate and individual  
98 | clusters that are entirely surrounded by open space dedicated as common area,  
99 | individually owned preservation parcels, or both.

100 | (b) Specific open space requirements. The open space area ~~in~~ between one cluster of lots and  
101 | another cluster, or one cluster of lots and the subdivision boundary, shall not be ~~less than~~  
102 | ~~75-100 feet~~ <sup>[c1]</sup>in width. ~~and the open space area in between lots and an exterior~~  
103 | ~~subdivision boundary shall not be less than 50 feet in width.~~ The open space required ~~in~~  
104 | between ~~a~~ lots and a cluster subdivision's exterior boundary shall be waived if:

105 | (1) ~~a.~~ A ~~lots~~ lot sharing a common lot line with one or more of the its subdivision's  
106 | boundaries ~~y~~ contains 15,000 square feet or more;

107 | (2) ~~b.~~ A ~~lots~~ lot ~~are is~~ located along an internal phasing line as approved as part of the  
108 | preliminary plat approval ~~when that phasing line is acting as a temporary external~~  
109 | ~~boundary;~~

110 | (3) ~~e.~~ Another <sup>[c2]</sup> lot that is no more than 5,000 square feet larger exists outside the  
111 | cluster subdivision's boundaries but within 500 feet of the lot to which the waiver is  
112 | applied. If the open space requirement is waived in this manner for any lot in the  
113 | cluster subdivision then each lot within the same cluster shall have the open space  
114 | required between it and the cluster subdivision's exterior boundary waived; ~~The~~  
115 | ~~proposed cluster subdivision lies adjacent to an existing subdivision that contains at~~  
116 | ~~least one lot that is smaller or not more than 5,000 square feet larger than the smallest~~  
117 | ~~lot lying within the proposed cluster subdivision; or~~

118 | (4) ~~d.~~ A ~~lots~~ located along an external boundary lies adjacent to a parcel that:

119 | a. 4. Does not contain an existing dwelling; or

120 | b. 2. Contains a single existing dwelling that lies further than 150 feet away from all  
121 | external boundaries of the proposed cluster subdivision.

122 | (5) In applying any provision from (1)-(4) <sup>[c3]</sup>of this subsection, no open space parcel shall  
123 | be allowed to be an island that is disconnected or noncontiguous with other open  
124 | space parcels or a public or private street.

125 | (c2) Specific cluster requirements. In a subdivision consisting of 60 or more lots, each cluster  
126 | shall contain no less than three lots and no more than 20 lots. In a subdivision consisting of  
127 | fewer than 60 lots, each cluster shall contain no less than three lots and no more than one-  
128 | third of the total number of lots in the subdivision. The county may approve up to a five lot  
129 | increase in the number of lots in a cluster if:

130 | (1) a- The total number of lots cannot be equally divided into thirds and leaves a  
131 | remaining number of lots that does not meet the standard for the minimum number of  
132 | lots in a cluster; or

133 | (2) b- There are unusual circumstances, such as complications involving topography,  
134 | infrastructure, geotechnical, or geologic conditions, which warrant an increase.

135 | ~~(3) To ensure that a cluster subdivision reflects the characteristics of the zone in which it is~~  
136 | ~~located, a minimum percentage of a cluster subdivision's adjusted gross acreage shall be~~  
137 | ~~preserved as open space and dedicated as described in subsection (1) <sup>[c4]</sup>above. The~~  
138 | ~~minimum open space areas are as follows:~~

139 | ~~a. In the Forest (F-40) Zone, a minimum of 90 percent of a cluster subdivision shall be~~  
140 | ~~preserved as open space.~~

141 | ~~b. In the Forest (F-5) and Forest (F-10) Zones, a minimum of 80 percent of a cluster~~  
142 | ~~subdivision shall be preserved as open space.~~

143 | ~~c. In the Agricultural Valley (AV-3), Forest Valley (FV-3), and the Ogden Valley Destination~~  
144 | ~~and Recreation Resort (DRR-1) Zones, a minimum of 60 percent of a cluster subdivision~~  
145 | ~~shall be preserved as open space.~~

146 | ~~d. In all other zones where a cluster subdivision is an allowed development type a minimum of~~  
147 | ~~30 percent of a cluster subdivision shall be preserved as open space.~~

148 | (d.4) Sensitive lands requirements. Cluster subdivisions in or on sensitive lands shall be  
149 | governed as follows:

150 | (1) Lands that can be mitigated such as floodplain and wetlands are considered  
151 | developable for the purpose of calculating adjusted gross acreage, as defined in  
152 | Section 101-1-7 and shall be counted towards density.

153 | (2) Floodways within river corridors, lakes, and naturally occurring pond areas, which  
154 | could not be are not developed developable but are offered as a community provide an  
155 | amenity on an open space parcel with public access and a blanket public access  
156 | easement, may shall also be a part of the open space, with receive 25 percent of this  
157 | land of the undevelopable acreage credited towards to the adjusted gross acreage  
158 | calculation for overall density of the development, if this land is used to provide  
159 | amenities and is accessible to the development.

160 | (3) Regardless of developability, areas designated as floodplain, as defined by the Federal  
161 | Emergency Management Agency or other qualified professional determined  
162 | appropriate by the county engineer, rivers and streams, with and including their  
163 | designated river or stream corridor setbacks, as defined by the Weber County Land  
164 | Use Code, shall be located within a cluster subdivision's open space area.

165 | ~~(5) Areas designated as floodplain, as defined by the Federal Emergency Management~~  
166 | ~~Agency or other qualified professional determined appropriate by the county engineer,~~  
167 | ~~rivers and streams, with and including their designated river or stream corridor setbacks, as~~  
168 | ~~defined by the Weber County Land Use Code, shall be located within a cluster subdivision's~~  
169 | ~~open space area.~~

170 | **Sec. 108-3-5. - Open space plan <sup>[c5]</sup> approval, ownership, maintenance, preservation, and**  
171 | **guarantee of improvement standards and development standards. <sup>[c6]</sup>**

172 |

173 ~~Open space parcels, and any improvements proposed thereon, shall be approved, owned,~~  
174 ~~maintained, preserved, and financially guaranteed as follows:~~

175 (a) Open space plan submittal (1) — Plan approval. An open space preservation plan shall  
176 accompany an application for preliminary ~~and final~~ subdivision approval. Preliminary  
177 subdivision approval constitutes approval of the open space plan. A final plat shall comply  
178 with the approved open space plan. ~~approval of a cluster subdivision.~~ The open space plan  
179 shall include the following:

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

182 (2) A site plan that identifies the open space parcel ownership types specified in (b)(5) of  
183 this section ~~(c7); each proposed ownership type shall be identified with a unique color;~~  
184 and the locations of existing and proposed future structures and other open space  
185 amenities.

186 a. For open space that will be common area parcels, the site plan shall show the  
187 location of existing and future structures by identifying the structure's footprint.  
188 Structures housing a subdivision utility or serving as a subdivision amenity shall be  
189 subject to all applicable standards including all design review and applicable  
190 architectural standards found in title 108 of the Weber County Land Use Code.

191 b. For open space that will be gifted as a park parcel to a local park district, the site  
192 plan shall include all park improvements and be accompanied by a letter of  
193 approval from the local park district.

194 c. For open space that will be an individually owned preservation parcel whereon a  
195 building will be located, the site plan shall identify a locatable building envelope, as  
196 defined in Section 101-1-7, within which all existing and future buildings shall be  
197 located.

198 (3) ~~A~~ narrative describing all proposed open space parcels, their proposed method of  
199 ownership, their proposed method of maintenance, ~~all~~ their proposed uses, and any  
200 proposed building envelopes.

201 (4) A written explanation of the proposed method of maintenance of all open space  
202 parcels. This may be included in the written narrative. However, an open space plan  
203 with a common area parcel or parcels shall be submitted with proposed Conditions,  
204 Covenants, and Restrictions or Homeowner's Association Declaration that clearly  
205 explains the maintenance method for each common area parcel. At a minimum, the  
206 document shall explain vegetation grooming practices, weed mitigation, and refuse  
207 disposal.

208 (5) The phasing of open space parcels and their relationship to the overall subdivision  
209 phasing plan, if any.

210 ~~, and maintenance methods for all open space parcels, and~~

211 ~~a site plan that shows proposed common areas, individually owned preservation parcels, and~~  
212 ~~the locations of existing and proposed future structures.~~

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

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

221 (b) Open space development standards and ownership regulations. Unless otherwise provided  
222 for in this section, open spaces and the specific open space parcels shall be developed in a  
223 manner that meets all applicable standards, including but not limited to those found in the  
224 this Land Use Code.

225 (1) Minimum total open space required. A minimum percentage of a cluster subdivision's  
226 adjusted gross acreage, as defined in Section 101-1-7, shall be preserved as open  
227 space. The minimum open space areas are as follows:

228 a. In the Forest (F-40) Zone, a minimum of 90 percent of a cluster subdivision shall  
229 be preserved as open space.

230 b. In the Forest (F-5) and Forest (F-10) Zones, a minimum of 80 percent of a cluster  
231 subdivision shall be preserved as open space.

232 c. In the Agricultural Valley (AV-3), Forest Valley (FV-3), and the Ogden Valley  
233 Destination and Recreation Resort (DRR-1) Zones, a minimum of 60 percent of a  
234 cluster subdivision shall be preserved as open space.

235 d. In all other zones where a cluster subdivision is an allowed development type a  
236 minimum of 30 percent of a cluster subdivision shall be preserved as open space.

237 (2) Open space parcel area. Unless otherwise regulated by the Weber-Morgan Health  
238 Department or Weber County Land Use Code title 108, chapter 14, Hillside  
239 Development Review Procedures and Standards, the minimum area for an open space  
240 parcel located within a cluster subdivision is as follows:

241 a. An open space parcel designated as common area is not subject to minimum area  
242 requirements.

243 b. An open space parcel conveyed to a local park district shall be of a sufficient size  
244 to adequately accommodate park infrastructure, amenities, and parking.

245 c. [c8] Open space parcels dedicated as individually owned preservation parcels  
246 shall contain an area of not less than five acres and shall be part of a contiguous  
247 area of open space parcels consisting of not less than ten acres in total; and shall  
248 be in compliance with the following:

249 1. [c9] Open space parcels form a contiguous area if each open space parcel  
250 shares a common boundary line that is no less than 100 linear feet or lies  
251 directly across a street right-of-way, or other approved access, from another  
252 open space parcel, with the common boundaries shared with the street right-  
253 of-way being no less than 100 linear feet.

254 2. The ten acre minimum contiguous area does not need to be platted in the  
255 same subdivision.

256 3. Each individually owned open space parcel shall be provided clear and  
257 perpetual legal access from a public or private street right of way.[c10]

258 (3) Parcel width, frontage, and access. Notwithstanding section 106-2-4(c) and title 108,  
259 chapter 14, Hillside Development Review Procedures and Standards, and unless  
260 otherwise regulated by the Weber-Morgan Health Department, open space parcels  
261 located within a cluster subdivision are not subject to frontage requirements and do not

262 have a minimum width standard other than the standard described in section 108-3-  
263 4(b) and 108-3-5(b)(2). [c11]All open space parcels without street frontage shall be  
264 provided an access easement across other parcels to a public or private street. [c12]

265 (4) Parcel coverage.

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

268 b. Coverage of individually owned preservation parcels by roofed structures shall not  
269 exceed two and a half percent [c13]of the total parcel area.

270 (5) Open space parcel Ownership.

271 a. Common area parcel. An open space parcels dedicated as common area shall  
272 be commonly owned by an appropriate homeowner's association established  
273 under U.C.A. 1953, § 57-8a-101 et seq., the Community Association Act.

274 b. Park parcel. An open space parcel may be conveyed to a local park district, as  
275 approved by the park district.

276 c. Individually owned open space parcel. An open space parcels may be owned as  
277 an individually owned preservation parcel in accordance with the following:-

278 1. An individually owned preservation parcels of ten acres or more in area may  
279 be owned by any person, regardless of whether the person owns a residential  
280 lot within the subdivision.

281 2. An individually owned preservation parcels of less than ten acres in area may  
282 only be owned by an owner of a lot within the same cluster subdivision.

283 3. The applicable ownership standard for an individually owned preservation  
284 parcel in subsection (2)a.1. or 2. shall [c14]be memorialized in the following  
285 manner:

286 i. An explanation of the applicable ownership standard and a perpetual  
287 restriction conforming thereto shall be written into all agriculture, forest, or  
288 other type of preservation easements granted pursuant to subsection (4e)  
289 of this section; [c15]and

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

292 4. In order to keep an individually owned preservation parcel from becoming  
293 unconducive to multiple-acreage preservation uses, an individually owned  
294 preservation parcel shall not be sectioned into sub-areas of five acres or less  
295 by fencing or other physical barriers. The planning commission may modify  
296 this requirement for uses that support the longevity of the preservation,  
297 maintenance, and large-acreage use of the parcel.

298 (c)[c16] Open space phasing. If development phasing is proposed and approved during  
299 preliminary cluster subdivision approval, the percent of open space of the overall platted  
300 acreage shall at no time be less than the percent of proposed open space approved in the  
301 open space plan.

302 (d) Maintenance. The open space parcel owner, whether an individual or an association,  
303 shall use, manage, and maintain the owner's parcel in a manner that is consistent with the



304 open space preservation plan approved under subsection (1), and the agriculture, forest, or  
305 other type of preservation easement executed under subsection (4).

306 | (4e) *Preservation.*

307 | (1)a- Open space parcels are to be permanently preserved in a manner that is  
308 consistent with the approved open space preservation plan.

309 | (2)b- The applicant, prior to recording or as part of recording the final cluster  
310 subdivision plat, shall grant and convey to the county, to each lot owner, and to the  
311 homeowner association, if applicable, an open space easement over all areas  
312 dedicated as common area or individually owned preservation parcels. The open  
313 space easement shall incorporate and conform to the open space preservation plan  
314 approved under subsection (1).

315 | (3)e- If a cluster subdivision contains open space intended to preserve substantial or  
316 crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife  
317 habitat easement meeting the requirements of the Utah Division of Wildlife Resources  
318 shall be offered to the division.

319 | (4)d- If a cluster subdivision contains an individually owned preservation parcel, the  
320 applicant shall:

321 | 1a. Identify and label on the final plat each such parcel as an agricultural, forest, or  
322 other type of preservation parcel;

323 | 2b. Further identify each preservation parcel by placing a unique identifying letter of  
324 the alphabet immediately after the label;

325 | 3c. Present an agricultural, forest, or other type of preservation easement to the  
326 planning commission and gain their approval; and

327 | 4d. Record an approved preservation easement on each parcel identified as an  
328 agricultural, forest, or other type of preservation parcel.

329 | (5)e- The planning commission may impose any additional conditions and restrictions  
330 it deems necessary to ensure maintenance of the open space and adherence to the  
331 open space preservation plan. Such conditions may include a plan for the disposition  
332 or re-use of the open space property if the open space is not maintained in the manner  
333 agreed upon or is abandoned by the owners.

334 | (5f) *Guarantee of open space improvements.*

335 | (1)a- The county shall not require an applicant to deposit a financial guarantee for  
336 open space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a  
337 certificate of occupancy and that remain incomplete at the time of final approval ~~and~~  
338 ~~acceptance~~ of the proposed cluster subdivision from the board of county  
339 commissioners. The applicant or developer shall complete the improvements according  
340 to the approved phasing component of an open space preservation plan. If the  
341 applicant fails to complete improvements as presented in the open space preservation  
342 plan, the county may suspend final plat approvals and record an instrument notifying  
343 prospective lot buyers that future land use permits may not be issued for any  
344 construction.

345 | (2)b- The county shall require an applicant to deposit a ~~financial~~ guarantee of  
346 improvements, as provided in Section 106-4-3, for all open space improvements (e.g.,  
347 landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a

348 certificate of occupancy and that remain incomplete at the time of final plat approval,  
349 ~~and acceptance of the proposed cluster subdivision from the board of county~~  
350 ~~commissioners.~~ The applicant or developer shall complete all improvements according  
351 to the approved phasing component of ~~an~~ the open space preservation plan.

352 **Sec. 108-3-6. — Reserved[c17]. ~~Open space parcel development standards.~~**

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

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

361 ~~a. — Open space parcels dedicated as common area are not subject to minimum area~~  
362 ~~requirements.~~

363 ~~b. — Open space parcels dedicated as individually owned preservation parcels shall contain an~~  
364 ~~area of not less than three acres.~~

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

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

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

378 ~~(3) — *Parcel coverage.*~~

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

381 ~~b. — Coverage of individually owned preservation parcels by roofed structures shall not exceed~~  
382 ~~five[c18] percent of the total parcel area.~~

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

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

388 (1) *Lot area.*

389 a. Unless otherwise regulated by the Weber-Morgan Health Department or Weber  
390 County Land Use Code, title 108, chapter 14, Hillside Development Review

391 Procedures and Standards, a lot located within a cluster subdivision shall contain  
 392 an area of not less than 15,000 square feet.

- 393 | b. A lot's minimum area is reduced to ~~69,000~~ [c19] square feet if:
- 394 | 1. The lot is located 50 feet or more from its own cluster subdivision boundary,  
 395 | not including those boundaries formed by existing streets or internal phasing  
 396 | lines if the phasing lines act as a temporary external boundary;
  - 397 | 2. The lot lies within a cluster subdivision that is adjacent to an existing  
 398 | subdivision that contains at least one lot that is smaller or not more than 5,000  
 399 | square feet larger than the smallest lot lying within the subject cluster  
 400 | subdivision; or
  - 401 | 3. The lot lies within a cluster subdivision that is adjacent to an undeveloped  
 402 | parcel. A parcel is considered undeveloped if it:
    - 403 | i. Does not contain an existing dwelling; or
    - 404 | ii. Contains an existing dwelling that lies further than 150 feet away from all  
 405 | external boundaries of the proposed or subject cluster subdivision.

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

- 409 | a. One hundred feet in the Forest (F-40) and the Forest (F-10) Zones.
- 410 | b. Eighty feet in the Forest Residential (FR-1), Forest (F-5), Agricultural Valley (AV-  
 411 | 3), and the Forest Valley (FV-3) Zones.
- 412 | c. Sixty feet in the Residential Estates (RE-15 and RE-20) and Agricultural (A-1, A-2,  
 413 | and A-3) Zones.
- 414 | d. Fifty feet in the Forest Residential (FR-3) and the Ogden Valley Destination and  
 415 | Recreation Resort (DRR-1) Zone.

416 | (3) ~~Yard setbacks for dwellings.~~ The Minimum yard setbacks ~~for dwellings~~ in a cluster  
 417 subdivision are as follows:

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

418 | ~~a. Front: 20 feet.~~ [c20]

419 | ~~b. Side: 8 feet.~~

420 e.—Rear: 20 feet.

421 (4) ~~Dwelling-Building~~ height. The maximum height for ~~dwelling~~a building in a cluster  
422 subdivision ~~is 40 feet~~is as follows:

<u>Dwelling</u>	<u>40 feet</u>
<u>Accessory building</u>	<u>30 feet</u>

423

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

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

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

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

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

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

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

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

448 (2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of  
449 up to 50 percent if the applicant preserves an open space percentage above that  
450 required by section 108-3-4(3)d; otherwise, the county may grant a bonus density of up  
451 to 30 percent. Overall bonus density potential shall be no greater than a percentage  
452 equal to the percentage of the subdivision's total area preserved as open space. The  
453 county may award bonus densities based on an accumulation of any combination of  
454 the following:

455 a. If a cluster subdivision meets the purpose and intent of this chapter, up to a ten  
456 percent bonus may be granted.

457 b. If a cluster subdivision provides and implements an approved roadway landscape  
458 and design plan that includes, but is not necessarily limited to, vehicle and  
459 pedestrian circulation, lighting, and street trees of an appropriate species, size of

460 at least a two-inch caliper, and quantity of not less than eight trees for every 100  
461 feet of road length, up to 20 percent bonus density may be granted.

462 c. For each five percent increment of open space preserved over 50 percent: a five  
463 percent bonus density shall be granted up to the total bonus density allowed by  
464 subsection (3).

465 d. If a cluster subdivision provides a minimum of one approved access to public  
466 lands, up to a ten percent bonus density may be granted.

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

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

473 If a bonus density is granted for affordable housing, the applicant shall:

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

479 2. Identify and label, on the final plat, the lots set aside as affordable housing  
480 Lots; and

481 3. Provide a note on the final plat explaining the nature of the housing restriction  
482 on the lot and the method by which occupancy and affordability will be  
483 regulated.

484 g. If a cluster subdivision preserves an agricultural parcel with an agriculturally based  
485 open space preservation plan approved by the planning commission and records  
486 an agricultural preservation easement on the parcel, a bonus density may be  
487 approved as follows:

488 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15  
489 percent bonus density may be granted.

490 2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20  
491 percent bonus density may be granted.

492 3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30  
493 percent bonus density may be granted.

494 4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40  
495 percent bonus density may be granted if the parcel standing alone is greater  
496 than the minimum open space requirement for the subdivision.

497 5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus  
498 density may be granted if the parcel standing alone is greater than the  
499 minimum open space requirement for the subdivision.

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

- 503 i. If a cluster subdivision provides for the development of excess sewage treatment  
504 capacity, up to a five percent bonus density may be granted.
- 505 j. If a cluster subdivision dedicates and conveys to the county, the state division of  
506 wildlife resources, or both, an open space easement that permanently preserves  
507 areas that have been identified by the state division of wildlife resources as having  
508 substantial or crucial wildlife habitat value, up to a 15 percent bonus density may  
509 be granted.
- 510 k. If a cluster subdivision includes an open space parcel that consists of five acres or  
511 more and is contiguous to permanently preserved open space on an adjoining  
512 property located outside of the cluster subdivision, up to a 20 percent bonus  
513 density may be granted.

514 **Sec. 108-3-9. - Homeowners association required.**

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

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