



**WESTERN WEBER TOWNSHIP PLANNING COMMISSION
MEETING AGENDA**

**Tuesday, August 12, 2014
5:00 P.M.**

- *Pledge of Allegiance*
 - *Roll call*
1. **Approval of the July 08, 2014 meeting minutes**
 2. **Public Comment for Items not on the Agenda**
 3. **Planning Commission Remarks**
 4. **Planning Director Report**
 5. **Legal Counsel Remarks**
 6. **Adjourn to a Work Session**
- WS1. Cluster Subdivision Ordinance Discussion**

*The meeting will be held in the Weber County Commission Chambers, Weber Center, 2380 Washington Blvd., Ogden UT
No pre-meeting will be held.*

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

Minutes of the July 08, 2014 Western Weber County Township Planning Commission, held in the Weber County Commission Chambers, 2380 Washington Blvd., 1st Floor, Ogden, UT

Members Present: Jannette Borklund, Chair; Wayne Andreotti; Andrew Favero; Roger Heslop

Members Excused: John Parke; Mark Whaley; Ryan Judkins

Staff: Sean Wilkinson, Planning Director; Principal Planner; Ben Hatfield, Planner; Jared Andersen, Engineering; Kary Serrano, Secretary

- *Pledge of Allegiance*
- *Roll call*

Chair Borklund called the meeting to order; conducted the roll call, and asked if any member had ex parte communications they would like to declare. No ex parte communications were declared.

1. Approval of the June 10, 2014 meeting minutes

MOTION: Chair Borklund declared the June 10, 2014 meeting minutes approved as written.

Chair Borklund said that they received an email from Debbie Stewart who had concerns about the consent agenda item and if there anyone else that had any issues with this item. Commissioner Andreotti requested that the consent agenda item be moved to the regular agenda item.

Petitions, Applications and Public Hearings:

2. Consent Agenda:

2.1. DR 2014-07: Consideration and action on an request for design review approval of a storage building that is more than twice the size of the home located at 1348 S 3500 W, Taylor within the Agricultural (A-1) Zone (Les Meyerhoffer, Applicant)

Ben Hatfield said there is a request from Les Meyerhoffer to build a 2,400 sq. ft. detached garage on his property at 1348 S 3500 W in Taylor. The home at this address is 950 sq. ft. and this garage is twice the size of the home. The Weber County Code Section 108-7-16, states that large accessory buildings twice the size of the home comes before the Planning Commission for a design review. This proposed building is a metal roper design commonly used in this part of the county. It meets the standards and criteria of the county for these types of uses; therefore staff is recommending that the Planning Commission approve this design review.

Commissioner Andreotti asked what the height of the building is and the setbacks. Ben Hatfield replied that the eve height would be 16 feet plus a little more for the pitch of the roof of that, which would be just over 20 feet. The setbacks on each side are five feet.

Chair Borklund asked if the building itself is less than the 25% of the rear yard coverage. Ben Hatfield replied it is.

MOTION: Commissioner Favero moved to approve DR 2014-07 subject to the staff report requirements including the requirements of Engineering, Fire, and Building Inspection. Commissioner Andreotti seconded.

VOTE: A vote was taken and Chair Borklund indicated that the motion carried (3-0).

3. Administrative Items

3.1. New Business

- a. LVJ061314: Consideration and action on an administrative application for preliminary approval of the Jacquelyn Estates Cluster Subdivision Phase 1 and 2 (19 Lots) with a recommendation for the deferral of curb, gutter, and sidewalk improvements within the subdivision (private road) and on 2200 South within the Agricultural (A-1) Zone (CI Homes Inc., Applicant; Craig Standing, Agent)

Ben Hatfield indicated that the applicant has submitted a request for an approval of a cluster subdivision and a phasing plan of Phase 1 and 2 of the Jacquelyn Estates Cluster Subdivision which contains 19 lots. The parcel is 14.175 acres, on the corner of 4900 W and 2200 S located in the A-1 Zone. There will be two phases in this subdivision with Phase 1 having 6 lots and Phase 2 having 13 Lots; with a 50 foot private road that would connect through the subdivision. Some background history, 4900 W was built as part of the Holgate Subdivision in 1998 with the width being dedicated for public use. There was a holding strip along 4900 West which has now expired and 2200 S has been a county road for a very long time and there would be a significant portion of the property being dedicated for a road frontage.

The proposed subdivision meets the requirements of the applicable Weber County Land Use Code and conforms to the General Plan. The lots in this cluster subdivision are designed so the frontage requirements and width would not meet the normal requirements of an A-1 Zone, but would meet the requirements within a cluster subdivision for a lot in that zone. Lot size would range from 14,000 sq. ft. to 10,000 sq. ft. if on sewer by 100 feet in width. Collectively within Phases 1 and 2, and this 14.51 acre subdivision would have 2.348 acres used as roadway, which would leave 12.169 acres of developable area. The cluster subdivision in the A-1 Zone requires a minimum of 30% which would be 3.65 acres to be served as permanent open space. The total open space in this proposal will be 5.916 acres (49%) which is 19% more open space than is required to be set aside. The applicant is requesting a 15% bonus for meeting the standards of a cluster subdivision. The number of lots allowed by right is 13 (40,000 sq. ft.) and the 50% bonus raises the total to the 19.

Staff recommends preliminary approval for the Jacquelyn Estates Cluster Subdivision Phase 1 and 2 with a recommendation for the deferral of curb, gutter, and sidewalk for the private roads within the subdivision and on 2200 South.

Craig Standing, Agent for CI Homes, said that they have had several reviews as far as the direction they were going with this property. They wanted to take the opportunity to beautify the existing community by putting in a new community that would provide a tax base for the county with 19 new homes. It would be a developed area, well maintained through the HOA, and there will be a covenant structure that could be reviewed and approved by the commission. There would be very restrictive covenants for the homes that are going to be built in this area. They are targeting one level home living, geared more for the elderly, retired, or the community last home they may purchase in their lifetime. In the common area they wanted to beautify and provide an improved area that people in this community can bring their family and friends to enjoy the pavilion and the garden area. There will be a perimeter fence around the area to protect the subdivision, provide some privacy, and improve amenities for the homeowners. The time frame on this project, it is difficult to say at this point, but a projected date would be about 18 months to two years. They are taking this at a slow pace and making sure that everything is correct and providing vision for this community.

Commissioner Favero asked if there would be some sort of a privacy fence around the parameter of the entire subdivision. Mr. Standing replied they had not decided if it will be privacy fence but it will be a nice fence and the idea is to improve the area.

Commissioner Favero said for clarification, the open space use will only be for the homeowners association. Mr. Standing replied that is correct.

Chair Borklund said staff has indicated that there will be trees along the main roads, are the trees going to be outside the fence and Mr. Standing replied no.

Commissioner Andreotti asked about trails around the subdivision. Mr. Standing replied that there is a gravel trail between Lot 19 that runs perpendicular to the road into a walkway in the common area and community area.

Chair Borklund asked if the 50 foot right-of-way excludes parking along the street on both sides. Mr. Standing replied that it should be but he will clarify that.

Chair Borklund opened the agenda item up for public comments.

Dan Holgate, 2088 S 4900 W, said that it is difficult to grow anything in the common area. He is excited to hear that the intent is for senior living. He was wondering if that is going to be included in the covenants that the homes could be restricted to seniors 55 and over. His property is just north of this property and adjoins his property. He is concerned about the entrance. The concern could be alleviated if the aforementioned sign signifying the subdivision title was on his side of that private road.

As to the variance relative to the curb, gutter, and sidewalk; on 4900 West there currently exists a ditch that is five feet deep in places, the assumption is with the local residents in mind that would be tiled and covered. He is also concerned about the sewer system and those that currently reside there; where would they fit and would they be grandfathered.

Cossette Wallace, 2133 S 4900 W, asked the height of these homes and if the homes would block her view; and would the occupants park in front of her house all the time. Chair Borklund replied that they have no control how people are parking; most of the homes will be facing the interior of the road and will not be the main road.

Marvin Holgate, 4090 Monroe Blvd; said that he developed the subdivision to the west and he was required by the county to put in a 25 foot road with no parking, and he wonders if that requirement was changed. If there is a 25 foot highway, that leaves an 8 foot dry space, and if a large 4-wheeler truck goes through there, someone will get hurt. There needs to be a stipulation that no parking be allowed on that front street. He has met with the County Attorney numerous times, and CCNR's cannot be enforced by the county. Director Wilkinson replied the HOA is a private group, and anything that happens there has to be a civil matter between the HOA and whoever the action is being taken against. However, the county does enforce whatever the Land Use Code states, so if the covenants are aligned with the land use code, there is a potential there.

Craig Standing said he appreciated the comments made by the community and he would like to respond to some of the comments made. As to how tall the homes are going to be, they are one level home. Additionally, he will look at revising the covenants to make sure that it states the height allowed for the garages or the exterior buildings that are within their vision of the subdivision. He hopes that this falls within the guidelines of the Weber County as far as covenants because he has written that all of the covenants have to be approved by him before they proceed with the construction of the buildings. That is where he is going to maintain control.

Chair Borklund asked about the concerns regarding which side of the road the sign would be on and also about how the homes connect to a sewer system. Mr. Standing replied that the monument sign is currently on the north east side of 4900 W. The sewer feed line is along 2200 S and they would follow engineering guidelines.

Commissioner Heslop said for clarification along 4900 W and 2200 S, there will be a privacy fence so there would be no parking along those two streets if they are going to access those homes. Mr. Standing replied that is correct.

Commissioner Andreotti said there was a concern about the drain ditch. Chair Borklund added the existing ditch would be tiled so they could get in and out more easily. Mr. Standing replied they don't want to maintain a hazardous area for people to fall or trip. The ditch would be filled in or tiled.

Craig Standing said there was a question regarding a senior living 55 and older housing covenant. He currently does not have that in the covenants and he does not want to add it as a covenant; however, his intent is to target the seniors; but he needs to be conscious of a restriction that may hinder the completion of the project.

In answer to a question, Mr. Standing replied that currently they put a minimum requirement of 17,000 sq. ft. for the homes with an attached garage but that number is still under review. When building a home he wants to make sure that everyone has the square footage to be comfortable and when projecting the right style of home, to ensure the roominess of the home doesn't detract from the aesthetics of the community.

Ben Hatfield said that he did get some good feedback and direction from the public. There is one thing that needs to be adhered to in a cluster subdivision; they are stuck with the uses and setback requirements for that zone. Where the lots are below 20,000 sq. ft., they would have an 8 and 10 foot side yard requirement, a 25 foot front yard, and a 30 foot rear yard setback. Chair Borklund asked if that limits the size of the home. Mr. Hatfield said that would dictate the total footprint of the home. It is up to the association whether they would allow a one or two story home. Often the developer will create an architectural committee that will stay on as the developer sells most of the lots, and the rest of the community can uphold the HOA standards.

Chair Borklund clarified that the deferral of the curb, gutter, and sidewalk is just a recommendation from the Planning Commission to the County Commission. Mr. Hatfield replied that is correct and the minimum standard for a right-of-way width is typically 60 feet, but for residential roads it goes down to a 50 foot minimum and that is what is being asked here.

MOTION: Commissioner Favero moved to recommend to the County Commission preliminary approval of Jacquelyn Estates Cluster Subdivision Phase 1 and 2 with the recommendation for the deferral of curb, gutter, and sidewalk improvements and private roads in the subdivision and on 2200 South, contingent upon all staff and other agency requirements including the Weber County Engineering Division, Weber Fire District, and Weber County Surveyors. Commissioner Andreotti seconded.

VOTE: A vote was taken and Chair Borklund indicated that the motion carried (3-0).

4. Public Comment for Items not on the Agenda: No public comments.

5. Planning Commission Remarks: Commissioner Favero welcomed Roger Heslop.

6. Planning Director Report: Sean Wilkinson welcomed Roger Heslop as the newest Planning Commissioner for Western Weber County, replacing the expired term of Doug Hansen. Mr. Andreotti was reappointed by the County Commission to serve another four year term. He thanked Doug Hansen for his service on this board.

7. Legal Counsel Remarks: No remarks from Legal Counsel.

Sean Wilkinson said that he would like to invite Jared Anderson, Weber County Engineer to come up and address some of the questions that were asked at the last Planning Commission meeting regarding some of the subdivisions in the Western Weber County and the drainage specifically. Jared Anderson said he appreciates the opportunity to answer all questions that he could and respond to those questions that he can't at a later time. Some of the questions had to do with the drainage on Fenster Farm Subdivision. Commissioner Andreotti said that on 5500 W, he had questions on how those fields are going to drain east of the subdivision. Mr. Anderson replied that what he had seen on the improvement drawings submitted to them, that they are supposed to have a drainage ditch dug on the east side of that subdivision that goes around the entire subdivision and connects on 5900 West and the county will address that.

Commissioner Andreotti said he has looked around and there are four drains, two on 5500 W and two up on the cul-de-sac, and they seem to work fine for what they are there for, but those four drains are higher than the fields. His concern is that the drainage ditch was filled in but he doesn't see how the fields are going to drain into that because they are under water now. Mr. Anderson replied they are supposed to dig a ditch on the outside of the subdivision boundary. Once those fields are being flood irrigated, and they tend to over flood, that water does need to get out and his understanding with the digging of that ditch, is that water will get out through that ditch. He is also interested in making sure that is dug, making sure that water that does come to that subdivision gets around this subdivision to 5900 W. Commissioner Favero said right now there is a ditch on the east side of the subdivision that goes east and west. On the north or the south side there doesn't appear to be much or anything and one lot is actually flooded. Mr. Anderson asked if that was outside of the subdivision boundaries, and Commissioner Favero replied yes. Mr. Anderson said he could check on that, but the developer is required to pipe the subdivision along 5900 W in front of the lots. Outside of the lot, that's an open ditch, and he didn't know if they could require the adjacent property owners to do anything.

Commissioner Favero stated that something has to be done because one lot is flooded today, and the southwest lot is flooded and there is standing water irrigation. Mr. Anderson said that he could check on that and to address flooding issues for those lots, if the FEMA map for that existing area shows the floodplain boundary inside of the banks of the Weber River but they all know that is not the case. What FEMA has done in that area is they have pulled those panels and said, once your EWP River Project which they are currently working on is completed they will reevaluate and see where the flood elevation is going to be. What we need currently is the most conservative approach to where those elevations are going to be. URS, the Civil Engineering firm that did the FEMA Floodplain Analysis there, gave us the conservative numbers. Meaning the numbers they gave us will be reduced because they will be able to get more water off the river. We told them that they needed numbers right now to approve any subdivisions that might be coming in. The finished floor elevations will be above the floodplain in each of those estimates.

8. Adjournment: The meeting was adjourned at 6:15 p.m.

Respectfully Submitted,
Kary Serrano, Secretary
Weber County Planning Division



Weber County

August 5, 2014

To: Western Weber Township Planning Commission

From: Weber County Planning Division

Re: Work-Session regarding Weber County's Cluster Subdivision Ordinance

Dear Commissioners,

The enclosed cluster subdivision code is the most recent draft that has been prepared for your consideration. This draft will be discussed with you at our next work-session scheduled for Tuesday, August 12, 2014. Stricken words show existing language to be removed from the code. Underlined words show newly created and proposed language.

Based on your input received during this work-session, we hope to move towards preparing a final draft that we can present in a future public hearing.

We look forward to meeting with you so that we can continue working towards a code that is clear, easily administered, and fair to all with interests in the unincorporated areas of Weber County.

Sincerely,

Scott Mendoza
Weber County Planning Division

WEBER COUNTY LAND USE CODE
Title 108 - Chapter 3

Cluster Subdivisions

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

Sec. 108-3-1. Purpose and Intent

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

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

Comment [s1]: Added after planning commission comment.

Sec. 108-3-2. General Regulations

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

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

Comment [s2]: Addressed this section in Section 108-3-3 below. Got rid of "may approve".

Sec. 108-3-2. Approval Procedure

Comment [s3]: Moved this section up from the end of the chapter at Section 108-3-9.

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

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

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

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

Weber County shall approve an application for a cluster subdivision provided that the Planning Commission and County Commission can find that the subject proposal meets all applicable standards including, but not limited to, those listed below:

Comment [s4]: Moved Section 108-3-2 (General Regulations) --type standards to this location and expanded on the standards to better describe the Planning Commission's vision for cluster subdivisions. See buffer requirement, max cluster of lots, and cluster spacing standards.

1. A cluster subdivision shall have a general design that concentrates residential building lots into clusters (groups) that are, except for their frontage on a county standard road or other access approved as an Access Exception, entirely surrounded by open space dedicated as common area and/or individually owned agriculture preservation parcels. The open space area in between one cluster of lots and another shall not be less than 75 feet in width and the open space area in between lots and an exterior subdivision boundary shall not be less than 50 feet in width. This standard, related to open space in between lots and a subdivision's exterior boundary, shall be waived if lots, sharing a common line with the subdivision boundary, contain 15,000 square feet or more. This standard shall also be waived along an internal phasing boundary when the phasing line is acting as a temporary external boundary.
2. To ensure that encourage quality open space a cluster subdivision reflects the characteristics of the zone in which it is located, that promotes the intent of the chapter, the a minimum percentage of a cluster subdivision's Adjusted Gross Acreage left in open space shall be preserved as open space and dedicated as described in Section 108-3-3(1) above. The minimum percentage for each zone is as follows:
 - a. In the Forest-40 (F-40) Zone F-40, a minimum of 90 percent of a cluster subdivision shall be preserved as permanent open space.
 - b. In the Forest-5 (F-5) and Forest-10 (F-10) Zones F-10 and F-5, a minimum of 80 percent of a cluster subdivision shall be preserved as permanent open space.
 - c. In the Agricultural Valley-3 (AV-3), Zone AV-3 and the Forest Valley-3 (FV-3), and the Destination and Recreation Resort (DRR-1) Zone FV-3, a minimum of 60 percent of a cluster subdivision shall be preserved as permanent open space.
 - d. In the Agricultural-1 (A-1), Agricultural-2 (A-2), and the Agricultural-3 (A-3) Zone, a minimum of 50 percent of a cluster subdivision shall be preserved as open space.
 - e. In all other zones, listing a cluster subdivision as an allowed development type, a minimum of 30 percent of a cluster subdivision shall be preserved as permanent open space.
3. Streets shall be designed to take advantage of and provide visual access to open space vistas created by the subdivision's permanently preserved open space and the County's natural beauty and rural ambiance.
4. Lots shall be cluster into contiguous groups of not less than five three lots and no more than 20 lots in subdivisions consisting of 60 lots or more. Subdivisions consisting of fewer than 60 lots shall cluster lots into groups that do not exceed one-third of the total number of lots in the subdivision.

Comment [s5]: This standard should address the confusing standard found in paragraph 7 (below) where is wants open space area based on "net developable area". Keeping paragraph 7 would mean that the code has two standards for open space area preservation.

Comment [s6]: This text is the original from this section.

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

5. ~~Areas designated as floodplain by the Federal Emergency Management Agency and within required river and stream corridor setbacks shall be left as open space.~~
6. ~~Areas designated as floodplain (as defined by the Federal Emergency Management Agency and/or other qualified professional) and rivers/streams, with and including their designated stream corridor setbacks (as defined by the Weber County Land Use Code), shall be located within a cluster subdivision's open space area.~~
7. ~~There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total "net developable area" is not less than the amount by which the areas of the residential lots are reduced below the minimum area normally required in the zone in which the cluster subdivision is located. The term "net developable area" is land that is not excluded from use in density calculations or deemed undevelopable by this or any other county, state, or federal law, ordinance or regulation. The area within existing and proposed public and private road right-of-ways shall not be counted as "net developable area."~~
8. ~~Open space used in density calculations shall be a minimum of three contiguous acres in the RE-20, RE-15, A-1, A-2, and A-3 zones, and five contiguous acres in all other zones where permitted.~~

Comment [s8]: Original language previously in 108-3-5 entitled "Additional design standards and requirements". Paragraph 6 will replace paragraph 5.

Comment [s9]: There is no need to have this standard because a minimum open space area standard already exists in paragraph 2 above.

Comment [s10]: This standard has been amended and included in the section immediately below.

Sec. 108-3-4. Width, Yard and Height Regulations Open Space Plan Approval, Ownership, Maintenance, Preservation, and Guarantee of Improvement Standards

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

1. Plan Approval.
 - a. An application, related to the preliminary and/or final approval of a cluster subdivision, shall be accompanied by an Open Space Preservation Plan that includes a narrative (that describes all proposed uses, phasing, and maintenance methods for all open space parcels) and a site plan that shows the location(s) of existing and/or proposed future structures.
 - i. Open space, dedicated as common area parcels, shall show the location of future structures by identifying the structure's approximate footprint. Structures housing a subdivision utility (e.g., irrigation pump house) and/or serving as a subdivision amenity (e.g., club house) shall be subject to all applicable standards including, but not limited to, all applicable architectural and design review standards found in Title 108 (Standards) of the Weber County Land Use Code.
 - ii. Open space, dedicated as individually owned agricultural preservation parcels, may show locatable building envelopes that identify the limits of future building locations.
2. Ownership.
 - a. Open space parcels, dedicated as common area, shall be commonly owned by an appropriate and legally established home/lot owners association.

- b. Open space parcels, dedicated as agricultural preservation parcels, may be owned individually; however, ownership shall be regulated in the following manner:
 - i. Individually owned agricultural preservation parcels that contain ten acres or more may be owned by whosoever chooses to own the parcel(s).
 - ii. Individually owned agricultural preservation parcels that contain less than ten acres shall be owned by an owner of a lot within the same cluster subdivision.
- 3. Maintenance.
 - a. ~~Open space shall be maintained in accordance with an open space preservation maintenance and improvements plan submitted by the developer and approved plan by the planning commission and county commission. The plan shall detail the intended use of the open space and any proposed improvements to be placed in the open space.~~
 - b. It shall be the responsibility of the open space parcel owner to use, manage, and maintain its/his/her parcel in a manner that is consistent with the approved Open Space Preservation Plan and executed agricultural preservation easement as described below in **section 108-3-4(4) (Preservation)**.
- 4. Preservation.
 - a. To ensure ~~that~~ open space parcels are permanently reserved ~~preserved~~ and maintained in a manner that is consistent with the approved Open Space Preservation Plan, the ~~developers/property owners landowner and/or authorized representative shall, prior to recording or as part of~~ recording the final cluster subdivision plat of the ~~proposed cluster subdivision~~:
 - i. Grant and convey, to the County, an open space easement ~~for open space~~ over the required areas dedicated as common area and/or agricultural preservation open space parcels; and
 - ii. Grant and convey, to the ~~lot/homeowner's~~ association if applicable, of the ~~proposed cluster subdivision~~ an open space easement ~~for open space~~ over the required areas dedicated as common area and/or agricultural preservation open space parcels.
 - b. If a bonus density is granted for the preservation of critical or valuable wildlife habitat, a wildlife habitat easement shall be offered to the Utah state Division of Wildlife Resources. ~~Bonus densities for critical or valuable wildlife habitat shall be based on a review of the subdivision by the state division of wildlife resources and their finding that the subdivision preserves critical or valuable wildlife habitat.~~
 - c. If a bonus density is granted for affordable housing, then the affordable housing lots shall be identified on the subdivision plat. A deed restriction shall also be recorded on these lots limiting the sale, or rental of the homes to a household with incomes at or below 80 percent of the county median income.
 - d. If a bonus density is granted for affordable housing, the owner and/or authorized representative shall complete the following:
 - i. Identify the lot(s) with a lot number as required by Title 106 (Subdivisions) of the Weber County Land Use Code.

Comment [s11]: Should we reference the Preservation section due to the need to record an Ag preservation plan that notifies all that a lot owner needs to own an ag parcel under 10 acres?

Comment [s12]: This paragraph was in the Open Space Preservation section in the current code. Moved it to this section because it is more closely related to "maintenance". Amended it as shown in paragraph "b".

Comment [s13]: This section is, currently under the existing code, in its own section (Sec. 108-3-7; Open Space Preservation").

Comment [s14]: Summarized and put this stricken language into the bonus sections because this description belongs with the bonus standard. This is a standard that should be with the bonus criterion.

- ii. Further identify and label, on the final plat, the lot(s) as an Affordable Housing Lot.
 - iii. Present an affordable housing deed restriction to the planning commission and gain their approval. The deed restriction shall limit the sale or rental of the lot and home(s) to a household with an income at or below 80 percent of the County median income.
 - iv. Provide a note, on the final plat, that briefly explains the nature of the housing restriction on the lot.
 - v.
- e.—~~If an agricultural preservation easement is proposed, the agricultural parcel shall be a contiguous parcel containing at minimum ten acres and a copy of an approved agricultural preservation agreement shall be submitted and recorded with the final plat.~~
- f. If a bonus density is granted for an agricultural preservation parcel, the owner and/or authorized representative shall complete the following:
- i. Identify and label, on the final plat, the parcel(s) as an Agricultural Preservation Parcel.
 - ii. Further identify the Agricultural Preservation Parcel(s) by placing a letter of the alphabet immediately after the label. For example, Agricultural Preservation Parcel A, B, or C, etc.
 - iii. Present an agricultural preservation easement to the planning commission and gain their approval.
 - iv. Record an approved agricultural preservation easement on each parcel identified as an Agricultural Preservation Parcel.
- g.—~~The required open space may be owned by up to two lot owners in the subdivision, in parcels of not less than ten acres each and provided that no structures or accessory structures be built in the open space with the exception of agricultural buildings approved as part of the agricultural preservation plan.~~
- h. Guarantee of common open space improvements. As assurance of completion of common open space improvements, the subdivider shall be required to file with the county commissioners an approved financial guarantee, guaranteeing completion in a manner satisfactory to the county commissioners, within two years of such filing. (Moved this sub-section to 108-3-4(5)(b and c) below.)
- i. The planning commission may place additional conditions or restrictions it deems necessary to ensure development and maintenance of the desired character, including plans for deposition or re use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners.
5. Guarantee of Open Space Improvements.
- a.—~~As assurance of completion of common open space improvements, the subdivider shall be required to file with the county commissioners an approved financial guarantee, guaranteeing completion in a manner satisfactory to the county commissioners, within two years of such filing. (Moved from the old "Open Space Preservation" section.)~~

Comment [s15]: Re-wrote this paragraph in the one below.

Comment [s16]: This standard has changed and is addressed in the "Ownership" section above.

Comment [s17]: This paragraph is addressed in the "Guarantee" section below.

Comment [s18]: Addressed the "financial guarantee" requirement below in the next section...5b and 5c.

- b. Open space improvements that require a Certificate of Occupancy (e.g., clubhouse, pool, pergola, gazebo, etc.) from the Weber County Building Inspection Division shall not require the deposit of a Financial Guarantee as defined by the Weber County Land Use Code; however, improvements shall be completed according to the approved phasing component of an Open Space Preservation Plan. **Failure to complete improvements, as presented in the Open Space Preservation Plan, shall result in the suspension of final plat approvals and the recordation of an instrument notifying prospective lot buyers that future land use permits may not be issued for any construction.**
- c. Open space improvements that do not require a Certificate of Occupancy (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.) from the Weber County Building Division shall, prior to receiving a final approval/acceptance from the Board of Weber County Commissioners, require the deposit of a Financial Guarantee, as defined by the Weber County Land Use Code. Improvements shall be completed according to the approved phasing component of an Open Space Preservation Plan.

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

Open space parcels shall be developed in a manner that meets all applicable standards found in the Weber County Land Use Code; however, some specific development standards have been varied in order to provide flexibility and encourage design creativity within cluster subdivisions. The following provides site development standards for open space parcels in cluster subdivisions:

1. Parcel Area.

- a. Unless otherwise regulated by the Weber-Morgan Health Department and/or Title 108, Chapter 14 (Hillside Development Review Procedures and Standards) of the Weber County Land Use Code, the minimum area for an open space parcel located within a cluster subdivision shall be as follows:
 - i. Open space parcels dedicated as common area shall not be restricted in area/size; however, open space parcels that are dedicated as individually owned agricultural preservation parcels shall be subject to the following minimum area requirements:
 - 1. Individually owned open space parcels intended to garner a bonus density, based on the bonus criteria provided in Section 108-3-7 below, shall contain an area that meets the minimum acreage requirement of any chosen bonus density criterion.
 - 2. All other individually owned open space parcels shall contain a minimum of three acres but may require more area depending upon the ownership options provided in Section 108-3-4(2)(b) above. Parcels containing less than five acres are not

Comment [s19]: Is there anything else that drives area requirements?

Comment [s20]: This standard will address the issue of having open space parcels divided by roads or located within road rights-of-ways.

considered Agricultural Parcels, as defined by the Weber County Land Use Code, and do not qualify for agricultural exemptions.

2. Parcel Width.

- a. Notwithstanding Section 106-2-4(d) and/or unless otherwise regulated by the Weber-Morgan Health Department and/or Title 108, Chapter 14 (Hillside Development Review Procedures and Standards) of the Weber County Land Use Code, open space parcels located within a cluster subdivisions shall not be subject to frontage requirements and are not restricted in width.

Comment [s21]: Subdivision code's frontage requirement.

3. Parcel Coverage.

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

4. Yard Setbacks.

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

Comment [s22]: There are 8 sub-sections that relate to setbacks.

5. Structure Height.

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

Comment [s23]: There are 3 sub-sections that relate to height.

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

Residential building lots shall be developed in a manner that meets all applicable standards found in the Weber County Land Use Code; however, some specific development standards have been varied in order to provide flexibility and encourage design creativity within cluster subdivisions. The following provides site development standards for lots in cluster subdivisions:

1. Lot Area.

- a. ~~The minimum lot area in a cluster subdivision shall be 10,000 square feet unless approved as part of a planned residential unit development.~~
- b. Unless otherwise regulated by the Weber-Morgan Health Department and/or Title 108, Chapter 14 (Hillside Development Review Procedures and Standards) of the Weber

Comment [s24]: Are there any other codes that drive area for a lot?

County Land Use Code, the minimum area for a lot in a cluster subdivision shall be as follows:

- i. Lots that share a common line with a cluster subdivision's exterior boundary shall contain an area of not less than 15,000 square feet.
- ii. Lots that lie within the interior of a cluster subdivision and/or have an open space buffer of not less than 50 feet, in between the lot and the subdivision's exterior boundary, shall contain an area of not less than 6,000 square feet. A phasing line, acting as a temporary external boundary separating one phase from another, is not considered an exterior boundary and shall not require a lot area of 15,000 square feet or the adjacency of an open space parcel.

2. Lot Width.

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

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

3. Lot Coverage.

a. Lots located within cluster subdivisions shall not be subject to a coverage restriction when siting a dwelling or other main building; however, when siting accessory buildings,

lots shall be subject to Section 108-7-4 (Area of Accessory Building) of the Weber County Land Use Code.

Comment [s25]: This standard already exists. We are just referring to it.

4. Yard Setbacks.

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

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

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

5. Structure Height.

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

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

The following presents the bonus density opportunities that are available to cluster subdivisions located within certain zoning boundaries:

1. In the Forest-40 (F-40) Zones F-40, and the Foreset-10 (F-10) Zones, a maximum bonus density of 20 percent may be granted approved and shall be based on an accumulation of the following:
 - a. Developing a cluster subdivision that the planning commission determines meets the purpose and intent of this chapter, a five percent bonus may be granted.
 - ~~b. Providing road stubs to 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. Provides access to public lands; up to a five percent bonus density may be granted.
 - d. The common area is open to the public and provides amenities to the general public such as trails; up to a five percent bonus density may be granted.
 - e. Protection of areas that are identified, through review and written comment given by the Utah state Division of Wildlife Resources, as critical wildlife habit; up to a ten percent bonus density may be granted.
2. In the Agricultural Valley Zone AV-3, Forest Zone F-5 and the Forest Valley Zone FV-3: a maximum bonus density of 30 percent may be approved and shall be based on an accumulation of the following:

Comment [s26]: FIX THIS IN THE SECTIONS BELOW ALSO.

- a. Developing a cluster subdivision that the planning commission determines meets the intent of this chapter, a ten percent bonus may be granted.
 - b. For each five percent of open space preserved in the subdivision in excess of the minimum required by this chapter, up to a five percent bonus density may be granted.
 - c. Providing road stubs to adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation; a five percent bonus density may be granted per stub up to a maximum of ten percent.
 - d. Provides access to public lands; up to a five percent bonus density may be granted.
 - e. The common area is open to the public and provides amenities to the general public such as trail; up to a ten percent bonus density may be granted.
 - f. Ten percent of the lots and homes are permanently set aside for affordable housing (as outlined by the Affordable Housing Act of 1990), up to a ten percent bonus density may be granted.
 - g. Preservation of an agricultural parcel with an agricultural preservation plan approved by the planning commission and an agricultural preservation easement recorded on the parcel:
 - i. Between ten and 20 acres, up to a ten percent bonus density may be granted.
 - ii. 20 acres or larger; up to a 15 percent bonus density may be granted.
 - h. Preservation of historical sites and buildings (barns, homes, trails, or other structures); up to a five percent bonus density may be granted.
 - i. Development of excess sewage treatment capacity; up to a five percent bonus density may be granted.
 - j. Preservation in open space of areas that are identified by the state division of wildlife resources as providing valuable wildlife habit; up to a ten percent bonus density may be granted.
 - k. Preservation in open space of areas that are identified by the state division of wildlife resources as critical wildlife habit; up to a 15 percent bonus density may be granted.
 - l. Open space is contiguous to permanently preserved open space on an adjoining property; up to a five percent bonus density may be granted.
 - m. Preserving in open space a 300-foot setback from the high water mark of Pineview Reservoir; up to ten percent bonus density may be granted.
3. In the Agricultural Zones A-1, A-2 and A-3, up to a maximum bonus density of 50 percent may be approved and shall be based on an accumulation of the following:
- a. Developing a cluster subdivision that the planning commission determines meets the intent of this chapter: a 15 percent bonus may be granted.
 - b. For each five percent of open space preserved in the subdivision in excess of the minimum required by this chapter: up to a five percent bonus density may be granted.
 - c. Providing road stubs to adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation: a five percent bonus density may be granted per stub up to a maximum of ten percent.
 - d. Provides access to public lands: up to a ten percent bonus density may be granted.

- e. The common area is open to the public and provides amenities to the general public such as trail: up to a 15 percent bonus density may be granted.
- f. Ten percent of the lots and homes are permanently set aside for affordable housing (as outlined by the Affordable Housing Act of 1990): up to a 25 percent bonus density may be granted.
- g. Preservation of an agricultural parcel with an agricultural preservation plan approved by the planning commission and a agricultural preservation easement recorded on the parcel:
 - i. Between ten and 20 acres: up to a 15 percent bonus density may be granted.
 - ii. 20 acres or up to a 20 percent bonus density may be granted.
- h. Preservation of historical sites and buildings (barns, homes, trails, or other structures): up to a five percent bonus density may be granted.
- i. Development of excess sewage treatment capacity: up to a five percent bonus density may be granted.
- j. Preservation of open space of areas that are identified by the state division of wildlife resources as providing valuable wildlife habit: up to a ten percent bonus density may be granted.
- k. Preservation in open space of areas that are identified by the state division of wildlife resources as critical wildlife habit: up to a 15 percent bonus density may be granted.
- l. Open space is contiguous to permanently preserved open space on an adjoining property: up to a 20 percent bonus density may be granted.

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

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

1. Establish a lot/homeowner's association and submit, for Weber County review, the necessary articles of incorporation, bylaws, and/or declaration of covenants, conditions, and restrictions that provide for, but are not limited to, the following:
 - a. Compliance with Utah State Code.
 - b. The reason and purpose for the association's existence.
 - c. Mandatory membership for each lot/homeowner and their successors in interest.

- d. The perpetual nature of the easements related to all dedicated open space parcels.
 - e. Responsibilities related to liability, taxes, and the maintenance of recreational and other infrastructure/facilities.
 - f. Financial obligations and responsibilities, including the ability to adjust the obligations and responsibilities due to change in needs.
 - g. Association enforcement remedies and a notification of the County's ability to enforce the terms of the owner's dedication on the subdivision dedication plat.
 - ~~h. That membership shall be mandatory for each lot purchased and each successive buyer.~~
 - ~~i. That common open space restrictions must be permanent, not just for a period of years.~~
 - ~~j. That the association shall be responsible for liability, local taxes and the maintenance of recreational and other facilities.~~
 - ~~k. That lot owners must pay their pro rata share of the costs.~~
 - ~~l. That the assessment levied by the association can become a lien on the property.~~
 - ~~m. That the association shall be able to adjust the assessment to meet changed needs.~~
 - ~~n. That in the event the lot owners' association does not maintain the common open space and improvements as proposed and indicated at the time of subdivision, the county may at its option, do or contract to have done the required maintenance and recover the costs incident thereto by means of a lien against the involved properties of the lot owners' association members.~~
2. Register the lot/homeowner's association with the State of Utah, Department of Commerce.

Comment [s27]: We will amend the subdivision code (section 106-7; Owners Dedication) by creating additional language for the owner's dedication that clarifies the owners commitment to maintain open space parcels in a manner that is consistent with approvals.

Comment [s28]: These (h-o) have been incorporated into the standards above in a-g.

Comment [s29]: This has been eliminated because it seems to imply that the County will enforce this provision of the CC&R's.

Sec. 108-3-9. Procedure

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

WEBER COUNTY LAND USE CODE
Title 108 - Chapter 3

Cluster Subdivisions

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

Sec. 108-3-1. Purpose and Intent

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

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

Sec. 108-3-2. General Regulations

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

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

Sec. 108-3-2. Approval Procedure

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

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

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

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

Weber County shall approve an application for a cluster subdivision provided that the Planning Commission and County Commission can find that the subject proposal meets all applicable standards including, but not limited to, those listed below:

1. A cluster subdivision shall have a general design that concentrates residential building lots into clusters (groups) that are, except for their frontage on a county standard road or other access approved as an Access Exception, entirely surrounded by open space dedicated as common area and/or individually owned agriculture preservation parcels. The open space area in between one cluster of lots and another shall not be less than 75 feet in width and the open space area in between lots and an exterior subdivision boundary shall not be less than 50 feet in width. This standard, related to open space in between lots and a subdivision's exterior boundary, shall be waived if lots, sharing a common line with the subdivision boundary, contain 15,000 square feet or more. This standard shall also be waived along an internal phasing boundary when the phasing line is acting as a temporary external boundary.
2. To ensure that encourage quality open space a cluster subdivision reflects the characteristics of the zone in which it is located, that promotes the intent of the chapter, the a minimum percentage of a cluster subdivision's Adjusted Gross Acreage left in open space shall be preserved as open space and dedicated as described in [Section 108-3-3\(1\)](#) above. The minimum percentage for each zone is as follows:
 - a. In the Forest-40 (F-40) Zone ~~F-40~~, a minimum of 90 percent of a cluster subdivision shall be preserved as ~~permanent~~ open space.
 - b. In the Forest-5 (F-5) and Forest-10 (F-10) Zones ~~F-10 and F-5~~, a minimum of 80 percent of a cluster subdivision shall be preserved as ~~permanent~~ open space.
 - c. In the Agricultural Valley-3 (AV-3), ~~Zone AV-3 and the~~ Forest Valley-3 (FV-3), and the Destination and Recreation Resort (DRR-1) Zone ~~FV-3~~, a minimum of 60 percent of a cluster subdivision shall be preserved as ~~permanent~~ open space.
 - d. In the Agricultural-1 (A-1), Agricultural-2 (A-2), and the Agricultural-3 (A-3) Zone, a minimum of 50 percent of a cluster subdivision shall be preserved as open space.
 - e. In all other zones, listing a cluster subdivision as an allowed development type, a minimum of 30 percent of a cluster subdivision shall be preserved as ~~permanent~~ open space.
3. ~~Streets shall be designed to take advantage of and provide visual access to open space vistas created by the subdivision's permanently preserved open space and the County's natural beauty and rural ambiance.~~
4. Lots shall be cluster into contiguous groups of not less than ~~five~~ three lots and no more than 20 lots in subdivisions consisting of 60 lots or more. Subdivisions consisting of fewer than 60 lots shall cluster lots into groups that do not exceed one-third of the total number of lots in the subdivision.

5. ~~Areas designated as floodplain by the Federal Emergency Management Agency and within required river and stream corridor setbacks shall be left as open space.~~
6. Areas designated as floodplain (as defined by the Federal Emergency Management Agency and/or other qualified professional) and rivers/streams, with and including their designated stream corridor setbacks (as defined by the Weber County Land Use Code), shall be located within a cluster subdivision's open space area.
7. ~~There shall be permanently reserved within the subdivision for recreation and/or open space, parcels of land whose total "net developable area" is not less than the amount by which the areas of the residential lots are reduced below the minimum area normally required in the zone in which the cluster subdivision is located. The term "net developable area" is land that is not excluded from use in density calculations or deemed undevelopable by this or any other county, state, or federal law, ordinance or regulation. The area within existing and proposed public and private road right-of-ways shall not be counted as "net developable area."~~
8. ~~Open space used in density calculations shall be a minimum of three contiguous acres in the RE-20, RE-15, A-1, A-2, and A-3 zones, and five contiguous acres in all other zones where permitted.~~

Sec. 108-3-4. Width, Yard and Height Regulations Open Space Plan Approval, Ownership, Maintenance, Preservation, and Guarantee of Improvement Standards

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

1. Plan Approval.
 - a. An application, related to the preliminary and/or final approval of a cluster subdivision, shall be accompanied by an Open Space Preservation Plan that includes a narrative (that describes all proposed uses, phasing, and maintenance methods for all open space parcels) and a site plan that shows the location(s) of existing and/or proposed future structures.
 - i. Open space, dedicated as common area parcels, shall show the location of future structures by identifying the structure's approximate footprint. Structures housing a subdivision utility (e.g., irrigation pump house) and/or serving as a subdivision amenity (e.g., club house) shall be subject to all applicable standards including, but not limited to, all applicable architectural and design review standards found in Title 108 (Standards) of the Weber County Land Use Code.
 - ii. Open space, dedicated as individually owned agricultural preservation parcels, may show locatable building envelopes that identify the limits of future building locations.
2. Ownership.
 - a. Open space parcels, dedicated as common area, shall be commonly owned by an appropriate and legally established home/lot owners association.

- b. Open space parcels, dedicated as agricultural preservation parcels, may be owned individually; however, ownership shall be regulated in the following manner:
 - i. Individually owned agricultural preservation parcels that contain ten acres or more may be owned by whosoever chooses to own the parcel(s).
 - ii. Individually owned agricultural preservation parcels that contain less than ten acres shall be owned by an owner of a lot within the same cluster subdivision.
3. Maintenance.
- a. ~~Open space shall be maintained in accordance with an open space preservation maintenance and improvements plan submitted by the developer and approved plan by the planning commission and county commission. The plan shall detail the intended use of the open space and any proposed improvements to be placed in the open space.~~
 - b. It shall be the responsibility of the open space parcel owner to use, manage, and maintain its/his/her parcel in a manner that is consistent with the approved Open Space Preservation Plan and executed agricultural preservation easement as described below in **section 108-3-4(4) (Preservation)**.
4. Preservation.
- a. ~~To ensure that open space parcels are permanently reserved preserved and maintained in a manner that is consistent with the approved Open Space Preservation Plan, the developers/property owners landowner and/or authorized representative shall, prior to recording or as part of recording the final cluster subdivision plat of the proposed cluster subdivision:~~
 - i. ~~Grant and convey, to the County, an open space easement for open space over the required areas dedicated as common area and/or agricultural preservation open space parcels; and~~
 - ii. ~~Grant and convey, to the lot/homeowner's association if applicable, of the proposed cluster subdivision an open space easement for open space over the required areas dedicated as common area and/or agricultural preservation open space parcels.~~
 - b. If a bonus density is granted for the preservation of critical or valuable wildlife habitat, a wildlife habitat easement shall be offered to the Utah state Division of Wildlife Resources. ~~Bonus densities for critical or valuable wildlife habitat shall be based on a review of the subdivision by the state division of wildlife resources and there finding that the subdivision preserves critical or valuable wildlife habitat.~~
 - c. If a bonus density is granted for affordable housing, then the affordable housing lots shall be identified on the subdivision plat. A deed restriction shall also be recorded on these lots limiting the sale, or rental of the homes to a household with incomes at or below 80 percent of the county median income.
 - d. If a bonus density is granted for affordable housing, the owner and/or authorized representative shall complete the following:
 - i. Identify the lot(s) with a lot number as required by Title 106 (Subdivisions) of the Weber County Land Use Code.

- ii. Further identify and label, on the final plat, the lot(s) as an Affordable Housing Lot.
 - iii. Present an affordable housing deed restriction to the planning commission and gain their approval. The deed restriction shall limit the sale or rental of the lot and home(s) to a household with an income at or below 80 percent of the County median income.
 - iv. Provide a note, on the final plat, that briefly explains the nature of the housing restriction on the lot.
 - v.
 - e. ~~If an agricultural preservation easement is proposed, the agricultural parcel shall be a contiguous parcel containing at minimum ten acres and a copy of an approved agricultural preservation agreement shall be submitted and recorded with the final plat.~~
 - f. If a bonus density is granted for an agricultural preservation parcel, the owner and/or authorized representative shall complete the following:
 - i. Identify and label, on the final plat, the parcel(s) as an Agricultural Preservation Parcel.
 - ii. Further identify the Agricultural Preservation Parcel(s) by placing a letter of the alphabet immediately after the label. For example, Agricultural Preservation Parcel A, B, or C, etc.
 - iii. Present an agricultural preservation easement to the planning commission and gain their approval.
 - iv. Record an approved agricultural preservation easement on each parcel identified as an Agricultural Preservation Parcel.
 - g. ~~The required open space may be owned by up to two lot owners in the subdivision, in parcels of not less than ten acres each and provided that no structures or accessory structures be built in the open space with the exception of agricultural buildings approved as part of the agricultural preservation plan.~~
 - h. ~~Guarantee of common open space improvements. As assurance of completion of common open space improvements, the subdivider shall be required to file with the county commissioners an approved financial guarantee, guaranteeing completion in a manner satisfactory to the county commissioners, within two years of such filing. (Moved this sub-section to 108-3-4(5)(b and c) below.)~~
 - i. The planning commission may place additional conditions or restrictions it deems necessary to ensure development and maintenance of the desired character, including plans for deposition or re use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners.
5. **Guarantee of Open Space Improvements.**
- a. ~~As assurance of completion of common open space improvements, the subdivider shall be required to file with the county commissioners an approved financial guarantee, guaranteeing completion in a manner satisfactory to the county commissioners, within two years of such filing. (Moved from the old "Open Space Preservation" section.)~~

- b. Open space improvements that require a Certificate of Occupancy (e.g., clubhouse, pool, pergola, gazebo, etc.) from the Weber County Building Inspection Division shall not require the deposit of a Financial Guarantee as defined by the Weber County Land Use Code; however, improvements shall be completed according to the approved phasing component of an Open Space Preservation Plan. **Failure to complete improvements, as presented in the Open Space Preservation Plan, shall result in the suspension of final plat approvals and the recordation of an instrument notifying prospective lot buyers that future land use permits may not be issued for any construction.**
- c. Open space improvements that do not require a Certificate of Occupancy (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.) from the Weber County Building Division shall, prior to receiving a final approval/acceptance from the Board of Weber County Commissioners, require the deposit of a Financial Guarantee, as defined by the Weber County Land Use Code. Improvements shall be completed according to the approved phasing component of an Open Space Preservation Plan.

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

Open space parcels shall be developed in a manner that meets all applicable standards found in the Weber County Land Use Code; however, some specific development standards have been varied in order to provide flexibility and encourage design creativity within cluster subdivisions. The following provides site development standards for open space parcels in cluster subdivisions:

1. Parcel Area.

- a. Unless otherwise regulated by the Weber-Morgan Health Department and/or Title 108, Chapter 14 (Hillside Development Review Procedures and Standards) of the Weber County Land Use Code, the minimum area for an open space parcel located within a cluster subdivision shall be as follows:
 - i. Open space parcels dedicated as **common area** shall not be restricted in area/size; however, open space parcels that are dedicated as **individually owned agricultural preservation parcels** shall be subject to the following minimum area requirements:
 - 1. Individually owned open space parcels intended to garner a **bonus density**, based on the bonus criteria provided in **Section 108-3-7** below, shall contain an area that meets the minimum acreage requirement of any chosen bonus density criterion.
 - 2. All other individually owned open space parcels shall contain a minimum of three acres but may require more area depending upon the ownership options provided in **Section 108-3-4(2)(b)** above. **Parcels containing less than five acres are not**

considered Agricultural Parcels, as defined by the Weber County Land Use Code, and do not qualify for agricultural exemptions.

2. Parcel Width.
 - a. Notwithstanding Section 106-2-4(c) and/or unless otherwise regulated by the Weber-Morgan Health Department and/or Title 108, Chapter 14 (Hillside Development Review Procedures and Standards) of the Weber County Land Use Code, open space parcels located within a cluster subdivisions shall not be subject to frontage requirements and are not restricted in width.
3. Parcel Coverage.
 - a. Open space parcels shall, for the most part, remain open and uncovered by roofed structures; therefore, the following coverage limits shall apply:
 - i. Coverage of common area parcels shall not exceed ten percent of the total parcel area.
 - ii. Coverage of individually owned agriculture parcels shall not exceed five percent of the total parcel area.
4. Yard Setbacks.
 - a. Structures built on open space parcels shall meet the setback standards that are required by the zone in which the structure is located and/or all other applicable code standards including, but not limited to, those described in Title 108, Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County Land Use Code.
5. Structure Height.
 - a. Structures built on open space parcels shall meet the height standards that are required by the zone in which the structure is located and/or all other applicable code standards including, but not limited to, those described in Title 108, Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County Land Use Code.

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

Residential building lots shall be developed in a manner that meets all applicable standards found in the Weber County Land Use Code; however, some specific development standards have been varied in order to provide flexibility and encourage design creativity within cluster subdivisions. The following provides site development standards for lots in cluster subdivisions:

1. Lot Area.
 - a. ~~The minimum lot area in a cluster subdivision shall be 10,000 square feet unless approved as part of a planned residential unit development.~~
 - b. Unless otherwise regulated by the Weber-Morgan Health Department and/or Title 108, Chapter 14 (Hillside Development Review Procedures and Standards) of the Weber

County Land Use Code, the minimum area for a lot in a cluster subdivision shall be as follows:

- i. Lots that share a common line with a cluster subdivision's exterior boundary shall contain an area of not less than 15,000 square feet.
- ii. Lots that lie within the interior of a cluster subdivision and/or have an open space buffer of not less than 50 feet, in between the lot and the subdivision's exterior boundary, shall contain an area of not less than 6,000 square feet. A phasing line, acting as a temporary external boundary separating one phase from another, is not considered an exterior boundary and shall not require a lot area of 15,000 square feet or the adjacency of an open space parcel.

2. Lot Width.

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

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

3. Lot Coverage.

- a. Lots located within cluster subdivisions shall not be subject to a coverage restriction when siting a dwelling or other main building; however, when siting accessory buildings,

lots shall be subject to Section 108-7-4 (Area of Accessory Building) of the Weber County Land Use Code.

4. Yard Setbacks.

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

i. Front: 20 feet.

ii. Side: 8 feet.

iii. Rear: 20 feet.

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

5. Structure Height.

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

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

The following presents the bonus density opportunities that are available to cluster subdivisions located within certain zoning boundaries:

1. In the Forest-40 (F-40) ~~Zones~~ F-40, and ~~the Foreset-10 (F-10) Zones~~, a maximum bonus density of 20 percent may be ~~granted~~ approved ~~and shall be based on an accumulation of the following:~~
 - a. ~~Developing a cluster subdivision that the planning commission determines meets the purpose and intent of this chapter, a five percent bonus may be granted.~~
 - b. ~~Providing road stubs to 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. ~~Provides access to public lands; up to a five percent bonus density may be granted.~~
 - d. ~~The common area is open to the public and provides amenities to the general public such as trails; up to a five percent bonus density may be granted.~~
 - e. ~~Protection of areas that are identified, through review and written comment given by the Utah state Division of Wildlife Resources, as critical wildlife habit; up to a ten percent bonus density may be granted.~~
2. In the Agricultural Valley Zone AV-3, Forest Zone F-5 and the Forest Valley Zone FV-3: a maximum bonus density of 30 percent may be approved and shall be based on an accumulation of the following:

- a. Developing a cluster subdivision that the planning commission determines meets the intent of this chapter, a ten percent bonus may be granted.
 - b. For each five percent of open space preserved in the subdivision in excess of the minimum required by this chapter, up to a five percent bonus density may be granted.
 - c. Providing road stubs to adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation; a five percent bonus density may be granted per stub up to a maximum of ten percent.
 - d. Provides access to public lands; up to a five percent bonus density may be granted.
 - e. The common area is open to the public and provides amenities to the general public such as trail; up to a ten percent bonus density may be granted.
 - f. Ten percent of the lots and homes are permanently set aside for affordable housing (as outlined by the Affordable Housing Act of 1990), up to a ten percent bonus density may be granted.
 - g. Preservation of an agricultural parcel with an agricultural preservation plan approved by the planning commission and a agricultural preservation easement recorded on the parcel:
 - i. Between ten and 20 acres, up to a ten percent bonus density may be granted.
 - ii. 20 acres or larger; up to a 15 percent bonus density may be granted.
 - h. Preservation of historical sites and buildings (barns, homes, trails, or other structures); up to a five percent bonus density may be granted.
 - i. Development of excess sewage treatment capacity; up to a five percent bonus density may be granted.
 - j. Preservation in open space of areas that are identified by the state division of wildlife resources as providing valuable wildlife habit; up to a ten percent bonus density may be granted.
 - k. Preservation in open space of areas that are identified by the state division of wildlife resources as critical wildlife habit; up to a 15 percent bonus density may be granted
 - l. Open space is contiguous to permanently preserved open space on an adjoining property; up to a five percent bonus density may be granted.
 - m. Preserving in open space a 300-foot setback from the high water mark of Pineview Reservoir; up to ten percent bonus density may be granted.
3. In the Agricultural Zones A-1, A-2 and A-3, up to a maximum bonus density of 50 percent may be approved and shall be based on an accumulation of the following:
- a. Developing a cluster subdivision that the planning commission determines meets the intent of this chapter: a 15 percent bonus may be granted.
 - b. For each five percent of open space preserved in the subdivision in excess of the minimum required by this chapter: up to a five percent bonus density may be granted.
 - c. Providing road stubs to adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation: a five percent bonus density may be granted per stub up to a maximum of ten percent.
 - d. Provides access to public lands: up to a ten percent bonus density may be granted.

- e. The common area is open to the public and provides amenities to the general public such as trail: up to a 15 percent bonus density may be granted.
- f. Ten percent of the lots and homes are permanently set aside for affordable housing (as outlined by the Affordable Housing Act of 1990): up to a 25 percent bonus density may be granted.
- g. Preservation of an agricultural parcel with an agricultural preservation plan approved by the planning commission and a agricultural preservation easement recorded on the parcel:
 - i. Between ten and 20 acres: up to a 15 percent bonus density may be granted.
 - ii. 20 acres or up to a 20 percent bonus density may be granted.
- h. Preservation of historical sites and buildings (barns, homes, trails, or other structures): up to a five percent bonus density may be granted.
- i. Development of excess sewage treatment capacity: up to a five percent bonus density may be granted.
- j. Preservation of open space of areas that are identified by the state division of wildlife resources as providing valuable wildlife habit: up to a ten percent bonus density may be granted.
- k. Preservation in open space of areas that are identified by the state division of wildlife resources as critical wildlife habit: up to a 15 percent bonus density may be granted.
- l. Open space is contiguous to permanently preserved open space on an adjoining property: up to a 20 percent bonus density may be granted.

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

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

1. Establish a lot/homeowner's association and submit, for Weber County review, the necessary articles of incorporation, bylaws, and/or declaration of covenants, conditions, and restrictions that provide for, but are not limited to, the following:
 - a. Compliance with Utah State Code.
 - b. The reason and purpose for the association's existence.
 - c. Mandatory membership for each lot/homeowner and their successors in interest.

- d. The perpetual nature of the easements related to all dedicated open space parcels.
 - e. Responsibilities related to liability, taxes, and the maintenance of recreational and other infrastructure/facilities.
 - f. Financial obligations and responsibilities, including the ability to adjust the obligations and responsibilities due to change in needs.
 - g. Association enforcement remedies and a notification of the County's ability to enforce the terms of the owner's dedication on the subdivision dedication plat.
 - ~~h. That membership shall be mandatory for each lot purchased and each successive buyer~~
 - ~~i. That common open space restrictions must be permanent, not just for a period of years.~~
 - ~~j. That the association shall be responsible for liability, local taxes and the maintenance of recreational and other facilities.~~
 - ~~k. That lot owners must pay their pro rata share of the costs.~~
 - ~~l. That the assessment levied by the association can become a lien on the property.~~
 - ~~m. That the association shall be able to adjust the assessment to meet changed needs.~~
 - ~~n. That in the event the lot owners' association does not maintain the common open space and improvements as proposed and indicated at the time of subdivision, the county may at its option, do or contract to have done the required maintenance and recover the costs incident thereto by means of a lien against the involved properties of the lot owners' association members.~~
2. Register the lot/homeowner's association with the State of Utah, Department of Commerce.

Sec. 108-3-9. Procedure

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