

Section 16.09.16 Minimum Open Space Requirements.

The (M) Mountain Zone shall have a minimum amount of forty (40) percent open space. Additional open space may be required or density bonuses given in specific Planned Performance Developments. Regardless of the percentage of open space required in this zone at least the required open space must be located on slopes of less than ten (10) percent grade.

(1) Intended Uses for Open Space.

(a) Open space should preserve environmentally sensitive areas, including slopes, unstable soils, geologic hazard areas, wetlands, desirable vegetation areas, wildlife habitat, view corridors, flood plains, culinary water sources, aquifer recharge areas, streams, seeps, springs and drainage corridors, ridge-lines, or other environmentally sensitive areas or important features.

(b) Open space reserved for slopes less than ten (10) percent is to allow for pedestrian seating, walking, play areas, or open gathering areas to create an open, inviting feel to the property, and/or landscaped areas to improve appearance of the area.

(c) Roadways, parking, storage areas, residential, and any land within a building lot, whether single family or multi-family, and any area within twenty (20) feet of any building shall be excluded in calculating the required area for open space.

(2) Open Space to Remain in Perpetuity. As assurance that the designated open space will remain open and unobstructed from the ground upward, the developers shall execute an open space preservation agreement with the County, which agreement shall run with the land and shall be binding upon the developer, heirs, successors, and assigns. The open space agreement shall preclude building on or development of the designated open space areas throughout the life of the development, unless approved by the County Legislative Body. The land shall either be dedicated to the County for a public use, if acceptable to the County, or to the homeowners association to hold as dedicated open space. If deemed appropriate by the Planning Department, for smaller subdivisions, the open space may be contained within the lots owned by separate ownership, but must be deed restricted to prevent building of any structures, including fences thereon. Trail requirements of the Wasatch County Trail Plan will still apply to smaller subdivisions.

(3) Ownership. Open space shall remain under the ownership of the homeowners association. In the event that Wasatch County accepts dedication of the open space, the County shall then assume the responsibility of maintaining the property.

(4) Construction and Maintenance. The developer shall construct and landscape all areas and build all facilities, as per the approved plan. The Homeowners Association shall maintain all common areas and facilities. Wasatch County may place a lien upon each property contained within the development for the costs of such maintenance. Such lien may be foreclosed in the same fashion as a lien placed for property taxes.

(5) Development Allowed by Conditional Use. Planned Performance Developments shall be considered as a Conditional Use in the (M) Mountain Zone. Conditions and density will be based upon the results of a physical constraints analysis.

Any proposal with more than one (1) ERU per every five (5) acres must earn additional density by complying with the guidelines in the performance in Chapter 16.29 of this Title.