

26-2-6 Cluster Subdivisions - Special Provisions.

(A) Design Standards:

- (1) The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, common open spaces and other design factors shall be in harmony with the intent of zoning regulations, elements of the General Plan that have been adopted by the Commission and design standards recommended by the Planning Commission and approved by the County Commission.
- (2) Streets shall be so designed as to take advantage of open space vistas and to create drives with a rural or open space character.
- (3) Cluster subdivisions, in the mountain areas of Weber County shall be designed in cluster of approximately 20 lots surrounded by and generally in the middle of the Common Open Space with distances of approximately one thousand (1,000) feet or more or significant topographic barriers separating the clusters. A major portion of land designated as Common Open Space shall serve a direct beneficial and usable purpose to the lots in the Cluster Subdivision and shall be reasonably accessible land. No lots shall be closer than one hundred (100) feet to major live stream drainages passing through the subdivision.
(Amd. Ord. #9-72, 4/4/72)
- (4) Cluster subdivisions, in areas of the County where year-round living is normally expected or proposed, shall use the following design elements in preparation of the preliminary plat of the cluster subdivision:
 - a. A majority of the proposed lots shall have direct access to the common open space. The remaining lots shall be connected to the common open space by a trail system or by a sidewalk system in urban type subdivisions.
 - b. The proposed common open space shall consist of land which under normal circumstances could be considered for subdivision. Land which could normally not be developed but provides an amenity may also be a part of the common open space, with 25 percent of this land credited towards the overall density of the development if this land is used to provide amenities to the development. This may include property in a flood plain, lakes, or other similar properties.
(Amd. Ord#2000-19, 7/12/00)
 - c. The number of lots in any cluster shall be approved by the Planning Commission. The Planning Commission shall approve any density bonus. The design of the clusters shall generally be such that open space vistas or developed open space intercede between clusters.
(Amd. Ord. #3-82, 1/26/82, #2000-19, 7/12/00)
- (5) 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 renting of the homes to a household with incomes at or below 80 percent of the area median income.
(Amd. Ord #2000-19, 7/12/00)
- (6) If agricultural preservation easement is proposed, the agricultural parcel shall be a contiguous parcel containing at minimum 10 acres. Roads that bisect the parcel shall be approved by the Planning Commission. The lots would not be required to have direct access to common open space.
(Amd. Ord #2000-19, 7/12/00)

- (B) Provision of Common Open Space:
- (1) The subdivider of a cluster subdivision shall submit plans of landscaping and improvements for the common open space. The developer shall also explain the intended use of the open space and provide detailed provisions of how the improvements thereon are to be financed and the area maintained. If the property is to remain agricultural, then a copy of the agricultural preservation agreement shall be submitted and recorded with the final plat. A cluster subdivision shall meet the requirements of the Weber County Zoning Ordinance, and shall assure proper use, construction and maintenance of open space facilities and shall result in a development superior to conventional development in terms of its benefits to future owners of the subdivision, surrounding residents and the general public.
 - (2) The Planning Commission may place whatever additional conditions or restrictions it may deem necessary to insure 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.
- (C) Guarantee of Common Open Space Improvements. As assurance of completion of common open space improvements, the subdivider may be required to file with the County Commissioners an approved financial guarantee, guaranteeing such completion in a manner satisfactory to the County Commissioners, within two (2) years of such filing. Upon completion of the improvements for which a financial guarantee has been filed, the subdivider shall call for inspection by the Planning Commission, such inspection to be made within fourteen (14) days from the date of request. If inspection shows that landscaping and construction have been completed in compliance with the approved plan, the financial guarantee therefore shall be released within seven (7) days from the time of inspection. If the financial guarantee is not released, refusal to release and reasons therefore shall be given the subdivider in writing, within fourteen (14) days from the time of inspection.
- (D) Continuation of Common Open Space. As assurance of continuation of common open space use in accordance with the plans approved by the Planning Commission the subdivider shall grant to Weber County, or an approved Land Trust, or another approved entity an "Open Space Easement" on and over the Common Open Space as part of the final subdivision plat. The final subdivision plat will provide that the Common Open Space remains open. If a bonus density was given for critical wildlife habitat, then a wildlife habitat easement shall be given to Utah State Division of Natural Resources. (Amd. Ord. #2000-19, 7/12/00)
- (E) Maintenance of Common Open Space, etc.:
- (1) As assurance of maintenance of the common open space and other improvements where so required, the subdivider shall cause to be formed prior to the recording of the final plat, a Lot Owners Association and shall establish articles of incorporation of the Association, by-laws and covenants outlining the purpose, organization and operation of the Association.
 - (2) Such articles of incorporation and covenants shall among other things provide:
 - a. That membership shall be mandatory for each lot purchased and each successive buyer.
 - b. That Common Open Space restrictions must be permanent, not just for a period of years.
 - c. That the Association shall be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
 - d. That lot owners must pay their pro-rate share of the costs.

- e. That the assessment levied by the Association can become a lien on the property.
- f. That the Association shall be able to adjust the assessment to meet changed needs.
- g. 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 members of the Lot Owners Association.