

**HARRISVILLE CITY
ORDINANCE NO. 397**

CLUSTERED DEVELOPMENT CONCEPTS

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, REPEALING
AND RE-ENACTING CHAPTER 6 OF THE ZONING
ORDINANCE REGARDING CLUSTERED DEVELOPMENT
CONCEPTS; MAKING TECHNICAL CHANGES;
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Harrisville City (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§ 10-8-84 and 10-8-60, 1953, as amended, allows the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development providing that appeals from land use decisions be made to an appeal authority;

WHEREAS, the City finds it necessary to update its ordinances in order to provide for the effective administration of the City;

WHEREAS, after publication of the required notice the City’s Planning Commission held its public hearing on May 14, 2008, to take public comment on the proposed ordinance, and subsequently at its regular meeting on July 2, 2008, gave its recommendation to approve this ordinance;

WHEREAS, the City Council received the recommendation from the Planning Commission and held its public meeting on July 22, 2008 and now desires to act on this Ordinance;

NOW, THEREFOR, be it ordained by the City Council of Harrisville City as follows:

Section 1: Repealer. Chapter 6 of the Zoning Ordinance entitled “Cluster Development” is hereby repealed in its entirety. Any other word, sentence, paragraph, or phrase in the municipal code inconsistent with this

Ordinance is also hereby repealed and any reference thereto is hereby vacated.

Section 2: Re-enactment. Chapter 6 of the Zoning Ordinance entitled “Clustered Development Concepts” is hereby enacted to read as set forth in this Ordinance.

Section 3: Severability. If any section, paragraph, sentence, clause, or phrase of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and such remainder shall remain in full force and effect.

Section 4: Effective Date. This Ordinance shall be effective immediately after posting or publication.

CHAPTER 6

Clustered Development Concepts

6.010. Purpose and intent.

Subdivisions in certain single-family residential zones may be approved under clustering concepts as set forth in this chapter. The purpose of this chapter is to allow a developer to save infrastructure costs that would be incurred in a conventional subdivision, encourage open space conservation, encourage imagination in subdivision development, and provide for efficient utilization of land by providing greater flexibility in the location clustered dwelling units. This chapter also allows a developer to more closely tailor a development project to a specific group of prospective owners, such as retired persons or equestrian oriented developments. The applications of cluster concepts is intended to encourage good neighborhood design and preserve open space while insuring substantial compliance with the intent of the city’s land use ordinances.

6.020. Limitations.

No petition or other application for a development shall be approved under this chapter unless the development meets the regulations of the single-family residential zone, subject to the concepts and incentives provided in this chapter.

6.030. General regulations.

1. **Minimum size.** A minimum of ten (10) acres of land area is required for any clustered subdivision.
2. **Application and ownership.** A clustered development is initiated by an application filed with the city and forwarded to the project management committee as the initial land use authority. The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

3. Planning and mitigation. The initial land use authority shall require that the arrangement of structures and open spaces be developed in such a manner to assure that adjacent properties will not be adversely affected, and account for all preliminary subdivision approval requirement and other ordinance set forth in the municipal code.
4. Planning commission. Upon recommendation of the project management committee, the planning commission shall make its recommendation to the city council for preliminary approval after any required public hearing.
5. Density. The maximum number of units, allowed in a clustered development shall be equal to the number of units that can be developed in the current zone, plus any applicable bonuses as set forth in this chapter.
6. Lot area, lot width, setbacks and lot coverage regulations shall be determined by approval of the development plan. The minimum distance between any part(s) of the main buildings shall be ten (10) feet, and the minimum side yard for any single lot shall not be less than ten (10) feet.
7. Open space. Every cluster development shall provide open space within the development. No streets, sidewalks, common space, or parking areas will be included as part of the required open space.
 - a. The open space may be:
 - i. Totally landscaped.
 - ii. Utilized as agricultural land.
 - iii. Incorporated into recreation areas.
 - b. Preservation of the open space area shall be ensured by a perpetual conservation easement deeded to an appropriate entity designated by the city.
 - i. The conservation easement shall be submitted by the applicant with the initial application, or, if the land use authority allows, may be prepared and approved by the city at a later date in conjunction with the final subdivision plat approval.
 - ii. The conservation easement shall address the preservation, use, maintenance, and ownership of all open space within the development.
 - iii. Ownership of the open space may be by:
 - (1) A homeowners' association.
 - (2) A duly created special service district.
 - (3) Harrisville City or its designee.
 - iv. Ownership of the conservation easement may be by:
 - (1) A 501(c)(3) corporation approved by the city.
 - (2) A duly created special service district.
 - (3) Harrisville City or its designee.
 - v. At no time shall both the open space and conservation easement be owned by the same party.

- c. Notwithstanding other provisions of this section, all common space shall be landscaped by the developer and maintained from the onset through a lawfully organized and fully functional homeowners' association or by the home owner for the duration of the development.
8. General design. The general design of public improvements shall comply with the city's public works standards except where such exceed the quality set forth in the standards or as mutually agreed by the parties in a development agreement approved by the city in order to enhance the development.
 - a. A common building theme shall be required and approved by the planning commission for each clustered development. The design shall provide unification of exterior architectural style, color, and size of each unit, however, with an appropriate housing mix.
 - b. The applicant shall provide for covenants, conditions, and restrictions relating to the clustered development as approved by the city.
 - c. Lot layout, setbacks, and site development in a clustered development shall be consistent with the zone closest to the overall average lot size for the zone for lots of a similar size. For example, if the average lot size in the clustered development is 15,000 square feet, then the site development standards of the RE-15 zone (or its successor) apply.
 - i. Because of the varying nature of lots in a clustered development the location, size and general footprint of all dwellings and other main buildings shall be shown on the plans submitted for review.
 - ii. Proposed traffic management, storm water management, grading, sewer, secondary water, landscaping, fencing, and all other improvement plans shall be submitted for approval to the land use authority and shall be in a form and manner similar to regulations for a conventional subdivision unless otherwise agreed by a development agreement approved by the city.
 - iii. The proposed development shall be connected to a state approved sewer system.
 - iv. The proposed development shall not exceed the service capabilities of the city or an affected entity, nor shall such be detrimental to the health, safety, or general welfare of persons residing in the vicinity.
9. Security and guarantee. The developer is required to follow the escrow and guarantee period requirements set forth in the Subdivision Ordinance and elsewhere in the municipal code for any clustered development.

6.040. Uses.

Uses permitted in the cluster development shall conform to the most closely related zone as determined by the land use authority, as identified in a development agreement, or as specified in the covenants, conditions and restrictions for the clustered development.

6.050. Bonus density.

The planning commission may award a density bonus for each clustered development not to exceed a maximum of 20% of the lots that the development would have had in a conventional subdivision in the same zone. Density bonuses shall be awarded based upon the following options selected by the applicant:

1. Open space preservation. A 5% density bonus shall be awarded if 50% of the total development remains open space excepting any lots added as part of this section as a bonus.
2. Building design. A 5% density bonus shall be awarded if the covenants, conditions, and restrictions within the development require a minimum of 70% brick or rock on exterior finishes for homes within the development.
3. Front porch. A 5% density bonus shall be awarded if the covenants, conditions, and restrictions within the development include the construction of front porches that accommodate seating.
4. Landscaped park strips: A 5% density bonus shall be awarded if the applicant includes as part of the development planting approved trees species with minimum 2" caliper every 50 feet in park strips, or by an approved informal placement together with moving the sidewalk 4 feet closer to the homes or by using serpentine sidewalks in a fashion to "meander" through the park strip and front yard areas.
5. Landscaped entrance ways: A 5% density bonus shall be awarded if the applicant provides all entryways to the subdivision development include a landscaped entryway and a city approved monument style identification sign. A maintenance plan is also required to receive this bonus.
6. Amenities. A 5% density bonus shall be awarded if the development provides at least two approved amenities such as playground equipment, volleyball courts, tennis courts, pool, recreation center, community center, golf course, or similar amenity.
7. Performance. A 10% density bonus shall be awarded for energy efficient homes and appliances as certified by city approved energy efficiency organization.

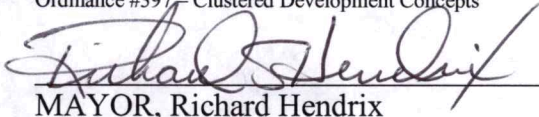
6.060. Conformance to law.

A development under this chapter is a special type of subdivision approved by the city which shall meet the public works standards, the subdivision ordinance, land use regulations, and other laws applicable to development.

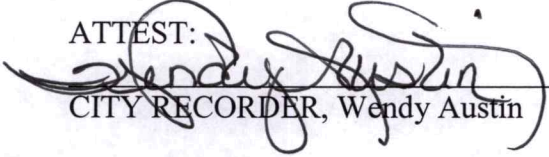
PASSED AND ADOPTED by the City Council on this 22nd day of July 2008.

Harrisville City

Ordinance #397 - Clustered Development Concepts



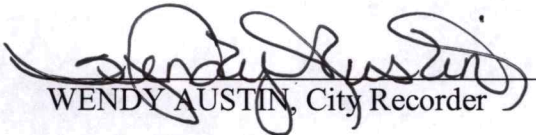
 MAYOR, Richard Hendrix
 Harrisville City

ATTEST:


 CITY RECORDER, Wendy Austin

RECORDED this 22nd day of July 2008.
 PUBLISHED OR POSTED this 23rd day of July 2008.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING
 According to the provision of U.C.A. § 10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at:
 1) City Hall 2) 2150 North and 3) Cabin
 On the above reference dates.


 WENDY AUSTIN, City Recorder

Date: 7-23-08

Roll call vote is as follows:		
Mr. Crowther	<u>yes</u>	no
Ms. Tait	<u>yes</u>	no
Mr. Wilhelmsen	<u>yes</u>	no
Mr. Richins	<u>yes</u>	no
Ms. Fowers	<u>absent</u>	yes no

