

**TITLE 6
ELMORE COUNTY
ZONING and DEVELOPMENT ORDINANCE**

**CHAPTER 39 – CLUSTER SUBDIVISION REQUIREMENTS AND
REGULATIONS**

Sections:

- 6-39-1: Purpose**
- 6-39-2: Applicability**
- 6-39-3: Process**
- 6-39-4: Standards**

Section 6-39-1: Purpose:

The purpose of cluster subdivision development is to provide limited clustered urban type subdivision development and lots where it will be compatible with existing uses in the vicinity. Cluster development also allows for orderly infill development as urban services become available. The cluster development will provide a means of preserving prime agriculture ground, preserving open space, protecting critical areas and reducing the extension of roads and utilities to serve the residential development. The cluster subdivision development will give landowners the option to consider cluster subdivision development when subdividing land into parcels in a manner that constitutes an alternative to the zone base densities identified in this title.

Section 6-39-2: Applicability:

A. Cluster development shall apply to any property that meets the following criteria:

1. Property is located within an Ag, Rec or RR/MU zoning district; and
2. The property is a minimum of ten (10) acres of contiguous land; and
3. Is located outside of a negotiated area of city impact.

Section 6-39-3: Process:

- A. All cluster subdivision development shall follow the subdivision process and regulations of this Title.

Section 6-39-4: Standards:

- A. **Base Density:** The residential density identified in Chapter 8 of this Title. A zoning map amendment (rezone) may be considered where appropriate and in conformance with this Title and the Comprehensive Plan.
- B. **Cluster Subdivision Density:** A density of twice the base district may be approved for cluster developments (example, an Ag district allows one (1) dwelling unit per forty (40) acres the Cluster Subdivision Density would allow two (2) dwelling units in lieu of one (1) dwelling unit.)
- C. **Density Bonus:** A density bonus of four times the base district may be approved for a cluster development provided that: (example, an Ag district allows one (1) dwelling unit per forty (40) acres the Cluster Subdivision Density Bonus would allow four (4) dwelling units in lieu of one (1) dwelling unit.)
 - 1. Connect to a community water and sewage disposal system.
 - 2. Buildable lots will not reduce the open space requirements of this chapter.
- D. **Buildable Lot Configuration:**
 - 1. All buildable lots shall meet the dimensional standards as shown in Table 6-39-1 as established by this Chapter.
 - 2. The balance of the property shall be platted as a lot used as open space.
- E. **Open Space Requirements:**
 - 1. The cluster subdivision development requires that a minimum of three-fourths (75%) of the total area of the cluster development be designated as set aside land to preserve open space, prime farm ground, protect wildlife habitat and/or critical areas. The required open space may not be developed until urban services become available.
 - 2. The required open space shall either have a deed restriction, dedication, reservation, conveyance, association or other legal instrument. The mean by which open space is preserved shall be approved by the Commission.
 - 3. Open space shall be contiguous and should attempt to interconnect with adjacent lands open space or critical areas.

4. New residential building permits shall not be allowed on the open space lots. Existing and agriculture structures shall be allowed on open space lots.

F. Access and Roads:

1. Each lot shall have the required access as required by this Title and Table 6-39-1 of this Chapter.
2. All roads shall comply with Chapter 17 of this Title.
3. Roads shall either be dedicated to applicable highway district or placed within a platted lot. Road lots and/or road dedication shall not be counted towards the required open space.

- G. Use Exception: A use exception for C1 commercial uses and development may be requested for all cluster development when appropriate for needed services. A use exception request shall not exceed twenty (20%) percent of the proposed developed area, excluding open space and shall have adequate water and sewer facilities available and capable of supporting C1 uses.

H. Other Cluster Development Requirements:

1. Where prime agricultural soils are present on the property, the applicant shall designate the prime agricultural lands in the required open space; and
2. All hazardous areas including but not limited to steep unstable slopes, riparian areas and flood zones shall not be used for residential purposes but can be used in the required open space.
3. The clustered subdivision development design shall locate all developable lots in one (1) general location and developable lots shall be contiguous on the subject property; and
4. The proposed cluster subdivision development shall protect all existing gravity flow irrigation systems and drainage systems; and
5. Sewage disposal systems shall comply with local and state individual sewage disposal regulations; and
6. If the cluster subdivision is located with an agriculture zone a note shall be placed on the plat and on each deed recognizing the Idaho Right to Farm Act; and
7. A note shall be placed on the plat and on each deed indicating that the individual lot owner shall connect to a municipal sewage collection and treatment facility when available or requested to connect. If a Membrane Bio-reactor (MBR) or Sequencing Batch Reactor (SBR) type of system with filtration is incorporated

into the development connection may not be necessary and exempt from this regulation a determined by the Director or Commission; and

8. All required improvements must be completed or bonded in compliance with this Chapter and Title prior to the sale of lots.

**Table 6-39-1
Cluster Development Setbacks, Lot, Frontage, and Height Requirements**

Zoning District/ Cluster Development	BUILDING SETBACKS IN FEET					LOT, FRONTAGE, AND HEIGHT				
	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Minimum Street Side	Minimum and Maximum Lot Size Ranges ⁽³⁾	Minimum Lot Frontage in Feet	Minimum Lot Width	Maximum Building Height in Feet	Minimum Lot Width to Depth Ratio	
Ag/Cluster Development	20	20	10	20	Min. 6,500 sq. ft.	30	70	35	1W to 3D ⁽⁵⁾	
Rec /Cluster Development	20	20	10	20	Min. 5,500 sq. ft.	30	60	35	1W to 3D ⁽⁵⁾	
Atlanta (4) Single story Two story	10 10	5 10	5 10	5 5	N/A	N/A	N/A	N/A	1W to 3D ⁽⁵⁾ 1W to 3D ⁽⁵⁾	
RR/MU/ Cluster Development	20	20	5	20	Min. 4,500 sq. ft.	30	50	35	1W to 3D ⁽⁵⁾	
C1/Cluster Development Mixed Use or Commercial Use Exception	20	20	0 or 10 ⁽¹⁾	20	Min. 1,000 ⁽²⁾ sq. ft.	30	30	35	1W to 3D ⁽⁵⁾	

- (1) The side yard setback shall be ten (10) feet when abutting a residential use or district.
- (2) The lot size shall be appropriately sized and configured to meet setback requirements and to provide for required off-street parking.
- (3) The required open space lot shall be configured as one (1) lot making up the balance of the parcel not being developed. Maximum lot sizes may vary
- (4) 20' for parking. Outbuilding/Accessory Structures Single story 200 sq ft or less 3' setback from rear, side and side yard.
- (5) The Director may approve alternate width to depth ratios based on parcel configuration, but long "rifle lots" shall be prohibited.