



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss, take comment on, and make decision regarding a proposal to amend the following parts of the Weber County Code: §102-1, §104-[ALL], §106-2, and §108-[ALL], to make decisions for planned residential unit developments legislative and not administrative by creating a planned residential unit overlay zone and repealing the planned residential unit entitlement and administrative criteria from each zone and the standards chapter; and to add flexible lot width and lot area standards into the subdivision code in a manner that allows flexibility and diversity of lot types in a subdivision while not increasing overall dwelling unit density.

Agenda Date: Tuesday, August 07, 2018
Staff Report Date: Tuesday, July 25, 2018
Applicant: Weber County Planning Division
File Number: ZTA 2017-17

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§101-1-7: Definitions
§102-1: General Provisions
§104-[ALL], Zones
§106-2: Subdivision Standards
§108-3: Cluster Subdivisions
§108-5: Planned Residential Unit Development (PRUD)

Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

On March 20, 2018, the County Commission asked staff to rework the planned residential unit (PRUD) ordinance to allow more legislative flexibility in the decision-making process.

A PRUD is a flexible development tool that is currently listed as a conditional use in many zones. Under state law, a decision on a conditional use permit is an administrative decision in which there is not support for legislative-type discretion. In order to support legislative discretion a PRUD decision would need to be converted from an administrative decision to a legislative decision. This proposal provides for that.

For a more in-depth reading outlining the issue at hand please refer to Exhibit B, which also includes an analysis of what other surrounding counties are doing.

Policy Analysis

Policy Considerations:

The following is an analysis of the various development policy implications that run with the proposed ordinance. The subjects are listed in the order they appear in the attached ordinance proposal (with line numbers).

Definitions.

Lines 10-16 and 25-32 move, but do not change, the definition of “base density.” This move is for clarity purposes only.

Lines 56-61 are being deleted from the code. It is not clear what part of the code this paragraph belongs. It references “any such legislative amendment” but offers no insight as to what legislative amendment it is referring. The context of all four paragraphs that precede it have no applicability to legislative amendments. This is likely a relic of a previous amendment that was not appropriately modified or deleted at the time. Deleting this paragraph has little or no consequence as all hearing requirements for legislative decisions are better and more clearly governed by state code.

Lines 65-297 deletes PRUD from the list of conditional uses in each zone. This eliminates the administrative nature of these types of decisions.

Lines 158-175 are part of the CVR-1 zone. The information listed in the CVR-1 zone’s site development standards section deviates from the conventional writing for site development standards of the other zones, making a quick change to the conditional use list insufficient to adequately address how the density of a PRUD overlay zone is intended to be calculated in this zone. These new additions and strike-outs accommodate for this concern and offer a more conventional tabulated approach to site development standards in the CVR-1 zone. This is intended for clarity purposes only.

291-294 are part of the DRR-1 zone. A major resource the county has used to offer flexibility to the Development at Powder Mountain has been through the deviations allowed through the PRUD code. However, this is not necessary for their development as they already have special rules that govern them based on the DRR-1 zone and their development agreement. Any deviation from the norm can be achieved through a permanent modification to either of these without the need for the extra time and effort to create another layer of approvals through the PRUD ordinance. This extra language in the DRR-1 zone will better memorialize this.

Lines 298-536 offer the new proposed PRUD overlay zone in Title 104 (zones). This whole chapter is copied and pasted (with some modifications as further explained below) from the existing PRUD standards section of Title 108 (standards). Moving it from 108 (standards) to 104 (zones) transforms the ordinance from an administrative set of standards into a legislative zoning designation.

Lines 299-316 offer definitions that are only applicable to the chapter, and not applicable to the entire code. Any changes made here are clerical in nature.

Lines 317-341 is a section from the old code. A few minor modifications have been made to it to clarify the legislative nature of the Commission’s decision to apply a PRUD overlay zone. It also offers better support for what to do if this code has any conflicts with other parts of the land use code, which we know to be very likely as the purpose of this code is to offer flexible deviation from other stricter regulations.

Lines 342-362 is a new section intended to communicate the applicability of the code, and designating all PRUDs approved prior to the adoption of this proposal as nonconforming (meaning legal-nonconforming). It also offers a simple method of amending those PRUDs provided that the amendment is small enough that it will not merit public outcry.

Lines 363-397 offer application requirements. This section has been rewritten nearly in its entirety to ensure the county gets the appropriate level of detail needed in order to understand a development proposal and make a final decision.

Lines 398-408 is in part taken from the old code and in part rewritten. It now offers more explanation regarding the rezoning process for a PRUD overlay zone.

Lines 409-434 is all new. It explains what should appear in an overall development plan. In this section we are requiring a PRUD to be designed to offer cluster elements as adopted in the new version of the cluster subdivision code. It explains that the applicability of standards of the cluster subdivision code can still be modified

for a PRUD, but advocates for the general configuration of cluster-type developing. Given that adoption of a PRUD overlay zone is legislative the specific points of the cluster code to be waived will be decided during development agreement process. This section also advocates for the overall development plan to have a quality transportation and land use component.

Lines 434-437 explains that the overall development plan is where lot development standards will be proposed/located for a PRUD development.

Lines 438-446 explains that the overall development plan is required to address the proposed architectural design, off-street parking, and lighting plans, and grafts in the dark sky standards of the Ogden Valley into all PRUD developments.

Lines 447-452 requires the overall development plan to be planned around moderate and high risk geologic hazards. This is different than our current development regulations in which a developer may develop on a high risk area as long as proper mitigation has been provided.

Lines 453-471 are copied and pasted from the current PRUD ordinance, however, some has been rewritten for clarity purposes.

Lines 472-487 offer use permissions and prohibitions that can occur in a PRUD development. Specifically, it enables all the uses allowed in the underlying zone, allows some small neighborhood commercial to be developed regardless of whether the underlying zone allows it (if the development is at least 100 units or greater), and places permission and restrictions on nightly rental uses.

488-495 govern the area and density of a PRUD. Under the current PRUD ordinance a PRUD has to contain at least 24 dwelling units and ten acres (four if in a residential zone). This section has been modified to allow a PRUD to contain a smaller acreage if there is over 100 acres and 90 percent of it is permanently preserved open space. This covers the recent application to amend the PRUD code to allow a lesser density in exchange for more open space which the planning commission heard (and the County Commission tabled) earlier this year.

Lines 496-535 offers the bonus density provisions. It still suggests that no bonus density should be offered in the Ogden Valley. As it relates to Western Weber, this section is carried over from the current PRUD ordinance with formatting changes. There are a number of new provisions here though, so read them carefully to ensure they capture the appropriate desires. More detail is offered below.

It is important to note that because a PRUD overlay zone will now become a legislative decision, this section constitutes a guideline for starting bonus density negotiation. It does not create a mandate for the County to offer a bonus, nor does it create a mandate to strictly comply with the bonus percentages of the table. It is merely a guide to document county priorities to help the developer know what can be reasonably expected as they engage the negotiation process.

Staff's original proposal suggested that no ceiling be specified for offering bonus density, and that the commission should be enabled to make bonuses their carrot to attract quality investment into implementation of the general plan, but the Western Weber Planning Commission was uncomfortable without the limit and asked for the last sentence of lines 500-501 to be added to the proposal to limit bonuses to no more than 50 percent of the base density.

Lines 511-535 has all of the bonus offerings from the current PRUD code, formatted a little differently, but also contains a few new ones. The bonus percentages allowed have been changed for a number of them to better reflect the county's method of prioritization. Here is a list of the new offerings:

- HOA park and public park have been separated into two different offerings and the density percentages have been adjusted.
- Land for a public recreational or emergency services facility has been added. In the event there is significant development in an area already the County may want to award a bigger bonus for this offering so public funds do not have to be invested to create a new facility.
- The bonus percentage for development for excess sewer has been adjusted to offer a proportional bonus-to-excess-sewer-infrastructure ratio, all based on the development's base density.

- The bonus for agricultural land has been modified to meet the new definition of prime agricultural land and has been adjusted to reflect what is in the cluster code – except require at least 20 contiguous acres.

Lines 513-535 offer a provision for affordable housing bonus (again, the bonus would not be applicable to Ogden Valley, but it would not hurt the Ogden Valley Planning Commission to consider it). Given the public's response to affordable housing in the recent Western Weber Futures open houses, this subject will likely be controversial and uncomfortable. It offers 10 percent **free** density for affordable housing. The idea here is to encourage each PRUD development to contain affordable housing. The general plan's moderate income housing element explains that as the Western Weber area grows, the need for affordable housing will rise proportionately. What we are finding now is that due to the large acreage requirement for housing in Western Weber, the existence of affordable housing is nearly impossible. In addition to this, the Wasatch Front is experiencing significant growth in real estate values, creating an affordable housing crisis for those fixed income families or individuals. Offering some allowance for affordable housing in a community helps decrease the probability that Weber County is perpetrating exclusionary zoning practices, which has been directly addressed by the courts as a fair housing/reasonable accommodation/equal protection issue.

While encouraging affordable housing, this section also governs the location and screening of the affordable housing building(s). They will need to be centrally located in the interior of the PRUD and surrounded by other homes so as not to be located directly adjacent to existing housing or existing public rights-of-way.

It should be observed that no parameters are being prescribed for the building types or spread of affordable housing within the development, except that it cannot be taller than two stories. This is intentional to allow the developer to choose how to best accommodate for it (if the developer even chooses to do it). This will allow a developer, after County Commission approval, to locate all 10 percent in a small footprint, thereby realizing cost savings and freeing up land acreage that could otherwise be used for other housing/uses or open spaces.

As an anecdote when considering affordable housing, a developer of a cluster subdivision that was approved in the last couple years with a bonus density for offering affordable housing is now struggling to find two affordable housing lots marketable. Someone, whether the developer or the resulting buyer, is likely to lose significant value with the affordable housing restriction. There are a number of reasons this is occurring, one of them being that the affordable housing lots were required to have an acreage that inhibits selling the property to an individual who qualifies for affordable housing at current free-market prices. If the lot acreage was allowed to be decreased and/or the two dwelling units were allowed to be located on the same lot (maybe as a duplex, condo, or other similar dwelling building (with the land being maintained by the HOA)) it is far more likely that these units could've been created specifically with market-based long-term affordable housing costs in mind. Other issues revolve around choices the developer made in order to get the bonus density that he is now regretting, of which little can be done unless the development density is reduced.

Lines 542-547 are lifted from the current PRUD code without changes, except clerical,

Lines 551-564 is a minor change to the new cluster subdivision code. It loosens up the mandatory section line road requirement of the new cluster subdivision code. We knew that because the cluster subdivision code was run through the process faster than usual there could be a few minor edits necessary in the coming months as we better realize the plain-text application of the new code. This edit is intended to take into consideration the possibility that a section line might run into a natural constraint, like a body of water, where it is impractical to require a street. This should be relatively rare.

Lines 566-590 is another minor change to the new cluster subdivision code. It offers one more allowance to reduce or eliminate the 450-foot-wide standard to consider an agricultural preservation parcel contiguous in a cluster subdivision. A developer recently discussed with us the nature and configuration of their desired cluster subdivision in which applying this standard would actually reduce the farmability of the two sides of the property. This additional language will allow the planning commission to better protect the farmability of oddly configured agricultural land when offering a waiver from the 450-foot rule.

Lines 592-894 show the current PRUD ordinance deleted from Title 108.

NOTE: As requested by the County Commission, part of the proposal from staff to the Planning Commission contained the following language as a proposed addition to the subdivision code. Neither the Western Weber Planning Commission nor the Ogden Valley Planning Commission were comfortable

with it, and ask that it be removed before the ordinance is sent for final approval by the County Commission. Staff's proposed text read as follows:

In the A-1 and A-2 zones, the following flexible lot area and width standards shall be allowed provided there is sufficient diversity of lot sizes and widths so that the average of all lot area and lot widths is not greater than that allowed by the site development standards of the zone:

- a. *Minimum lot area: 20,000 square feet.*
- b. *Minimum lot width: 80 feet.*
- c. *If a subdivision created under this subsection contains an open space parcel, that parcel shall be owned in common with the subdivision's other lot owners and a note shall be placed on the plat stating that the parcel cannot be redivided for development purpose. This restriction shall remain in effect unless applicable ordinances are changed that would otherwise allow greater density in the overall subdivision. A covenant specifying this shall be recorded in the chain of title of the parcel.*

This text would have offered flexible standards for subdivision lots that enable some lots in the A-1 and A-2 zones to be reduced to 20,000 square feet with 50 feet of lot width (reduced from 40,000 square feet and 150 feet of lot width) provided that the overall density is not increased. This would allow smaller lots to exist in the same subdivision as larger lots. It allows the developer a little more flexibility to cluster some lots (without using the new cluster subdivision ordinance) while also creating larger lots in the same development.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. When used as intended this ordinance will not just comply with the general plan, it will **implement** it by providing a legal mechanism to enable sufficient flexibility from the strict requirements of current ordinances that may not, themselves, be the optimal implementation mechanism for the general plan. More specifically, this proposal assists the implementation of the following provisions of the general plans:

Ogden Valley General Plan:

Community Character Vision:

The rural character of Ogden Valley is defined by its open fields, agricultural lands, stands of trees, peace and quiet, dark skies, clean air and water, abundant wildlife, and small villages; by Pineview Reservoir; by historic Ogden Canyon and by the long views of the surrounding foothills and mountain background. The Ogden Valley community desires physical development to complement, not overwhelm or compete with, the rural character of the Valley. In the Ogden Valley planning area, Weber County will promote and encourage unique and functional design in new developments, public spaces, and streetscapes to create a visible character distinct to Ogden Valley that enhances the Valley's character.

Land Use Vision:

The Ogden Valley community desires a place where land uses support healthy physical, social, and economic interactions. Land uses in Ogden Valley should complement, not overwhelm or compete with, the rural character of the Valley, as defined in the Community Character element vision statement.

Land Use Goal 1: A goal of Weber County is to reduce the overall amount and impact of future land development in the Ogden Valley planning area.

Land Use Principle 1.1: In general, additional density should not be authorized in the Ogden Valley planning area above that allowed by current zoning. Minimal density bonuses (the exact amount to be determined by ordinance, master plan, development agreement, etc.) should only be allowed when they are granted to incentivize significant contribution to the advancement of the goals and principles found in this plan.

Land Use Implementation 1.1.2: Amend the Weber County Land Use Code to minimize the density bonuses available in resort areas and Planned Residential Unit Development (PRUD) in a manner that only allows minimal bonuses in order to leverage significant and meaningful advancement of the goals and principles of this plan.

Land Use Principle 1.5: Encourage new development to locate in areas where water and sewer service could be provided by a sewer system. Encourage clustered residential developments with smaller building lots and larger areas of open space for most subdivisions

Residential Development Goal 1: A goal of Weber County is to provide housing choices in neighborhoods that will allow residents with a variety of incomes and at different stages of life to live in Ogden Valley.

Residential Development Principle 1.1: Encourage residential development projects to incorporate a mix of housing sizes, types, and prices.

Residential Development Implementation 1.1.1: Revise Cluster Subdivision and PRUD ordinances to require a variety of housing types in development projects larger than [establish the unit size by ordinance]. Monitor the ordinance-established number and price variability in development projects to determine whether it is either overly burdensome on the development community or impractical in achieving the desired outcome of a mix of available housing types and price ranges, and adjust the unit threshold as necessary.

Utilities and Public Services Goal 2: A goal of Weber County is to encourage alternatives to septic drainfield systems.

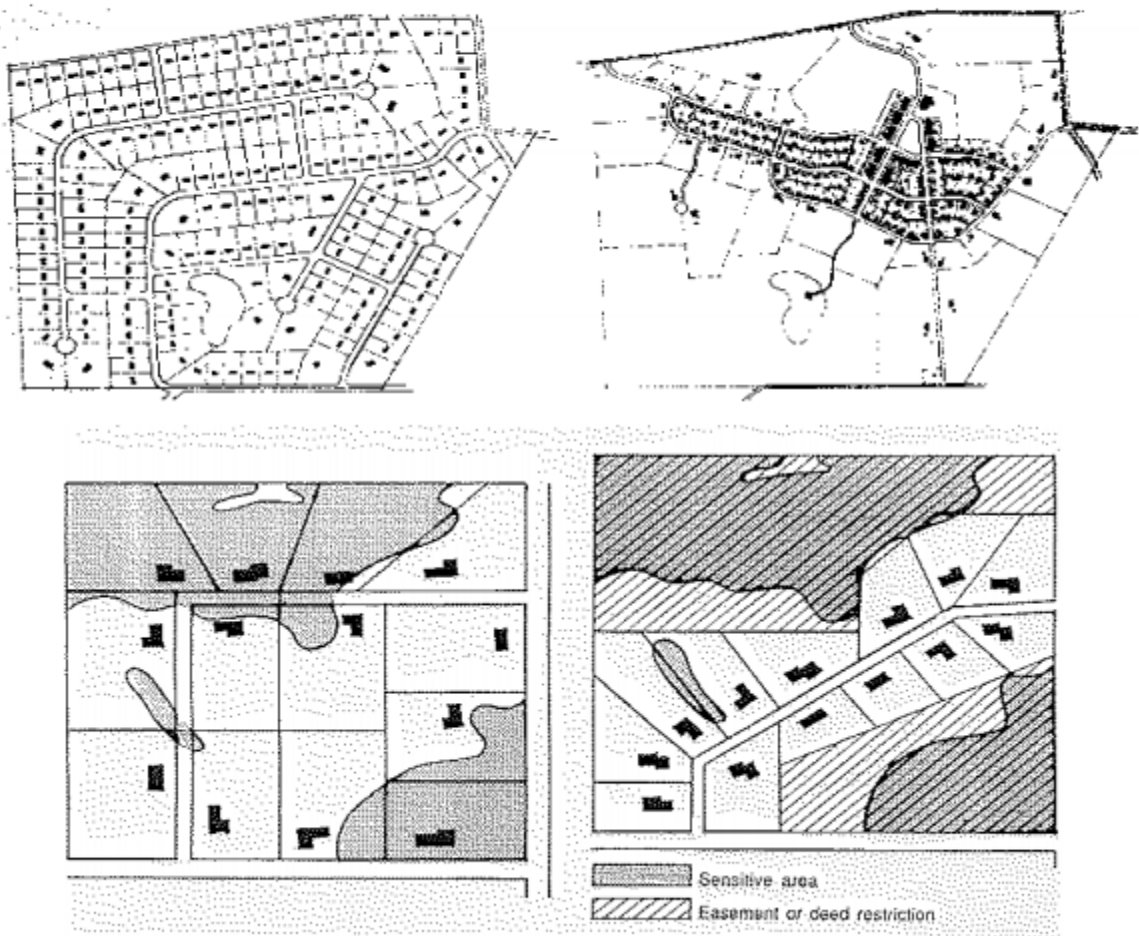
Utilities and Public Services Principle 2.1: New developments in the village areas (reference Commercial Development Implementation 1.1.1) and the resort areas should connect to existing sewer facilities or provide limited-capacity sewage treatment facilities for identified service areas. The facilities should be designed to be expandable to accommodate additional development in the village or resort areas. New residential developments not proximate to existing sewer service areas should employ clustering and provide limited capacity advanced sewage treatment facilities.

West Central Weber General Plan:

Policy: Pattern of Development: The existing one and two-acre zoning lends itself to a cluster subdivision pattern of development with preservation of open space. An increase in overall density is permitted in Weber County's current Cluster Subdivision Special Provision Ordinance (Chapter 22B) for preservation of open space; however, additional incentives are desired. It is anticipated that the open space and public space allocated as a result of incentive-based increased density should be useable, undeveloped, consolidated open space in the form of parks, natural areas, sensitive lands, agriculturally productive land, or other managed open space.

Implementation Action: Create an overlay in all A-1, A-2, and A-3 zones in the West Central Weber County area. The intent is to encourage clustering, which is further explained in the following example on a 20 acre parcel.

**Figure 3-1
Comparison of Typical Subdivision and Cluster Subdivision Patterns**



Past Action on this Item

On March 20, 2018 the Weber County Commission adopted a resolution indicating its intent to modify the PRUD ordinance to make it legislative instead of administrative. This resolution was intended to trigger the 'pending legislation' doctrine found in state code.

On June 27, 2018, the Ogden Valley Planning Commission made a favorable recommendation to the County Commission regarding the attached ordinance modifications.

On July 10, 2018, the Western Weber Planning Commission made a favorable recommendation to the County Commission regarding the attached ordinance modifications.

Noticing Compliance

A hearing for this item before the County Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

Staff Recommendation

Staff recommends approval of the attached ordinance based on the following findings:

1. The changes are supported by the 2016 Ogden Valley General Plan and the 2003 West Central Weber General Plan.
2. The changes will provide needed support flexible and innovative development designs without locking the County in to vague administrative decision criteria.
3. The changes are necessary to provide clarity in the Land Use Code.
4. The clarifications will provide for a more efficient administration of the Land Use Code.
5. The changes are not detrimental to the general health and welfare of County residents.

Exhibits

- A. Proposed PRUD Ordinance (containing track-change copy and clean copy).
- B. PRUD rewrite analysis: understanding the problem.

ORDINANCE NUMBER 2018-_____

AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE TO CREATE A NEW PRUD OVERLAY ZONE IN TITLE 104, AND REPEAL THE EXISTING PRUD STANDARDS IN TITLE 108, MAKING A DECISION ON A PRUD DEVELOPMENT A LEGISLATIVE DECISION RATHER THAN AN ADMINISTRATIVE DECISION. ALSO DELETING PRUD AS A CONDITIONAL USE LISTED IN VARIOUS ZONES.

WHEREAS, the Board of Weber County Commissioners (herein "Board") has heretofore adopted land use regulations regarding the development of planned residential unit developments (herein "PRUD"), a conditional use in various zones; and

WHEREAS, the Board has determined that certain provisions in these regulations are not resulting in desired PRUD outcomes; and

WHEREAS, the Board is desirous to modify these regulations to offer more legislative discretion in PRUD decision making; and

WHEREAS, the Board has determined that more legislative discretion and development negotiation capabilities in PRUD decisions making will facilitate PRUD outcomes that better suit their communities; and

WHEREAS, after public hearing on June 27, 2018, the Ogden Valley Planning Commission offered the Board a positive recommendation for the attached ordinance amendments.

WHEREAS, after public hearing on July 10, 2018, the Western Weber Planning Commission offered the Board a positive recommendation for the attached ordinance amendments.

WHEREAS, the Board finds that the amendments found herein are in strict compliance with both the Ogden Valley General Plan and the Western Weber General Plan; and

WHEREAS, the Board finds that the amendments found herein will better achieve the desired outcomes, promote the general public welfare, and ease administration of the land use code.

NOW THEREFORE, the Board hereby adopts the modifications below and incorporates them into the Weber County Land Use Code

See Exhibit A (Clean Copy) and Exhibit B (Track Changes)

This ordinance shall become effective fifteen (15) days after publication.

PASSED, ADOPTED, AND ORDERED PUBLISHED THIS _____ DAY OF _____, 2018.

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By _____,
James H. "Jim" Harvey, Chair

Commissioner Harvey voted _____
Commissioner Ebert voted _____
Commissioner Jenkins voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

1 **PART II – LAND USE CODE**

2 ...

3 **Title 101 – GENERAL PROVISIONS**

4 ...

5 **Sec. 101-1-7. – Definitions.**

6 ...

7 *Basement/cellar.* The term "basement/cellar" means a story having more than one-half of its
8 height below grade. The portion below the natural grade shall not be counted as part of the building
9 height.

10 *Base density.* The term "base density" means the number of dwelling units allowed in an area. For
11 development types that permit a reduced lot area than otherwise provided by the zone, the base
12 density shall be calculated as the net developable acreage, as defined herein, divided by the minimum
13 lot area of the zone, except when a greater area would otherwise be required by the Weber-Morgan
14 Health Department due to lack of sanitary sewer or culinary water, then the greater area shall be used.
15 This calculation can be observed by this formula: ((net developable acreage) / (minimum lot area)) =
16 base dwelling unit density. The result shall be rounded down to the nearest whole dwelling unit.

17 *Bed and breakfast dwelling.* The term "bed and breakfast dwelling" means an owner-occupied
18 dwelling in which not more than two rooms are rented out by the day, offering overnight lodgings to
19 travelers, and where one or more meals are provided by the host family, the price of which may be
20 included in the room rate.

21 ...

22 *Day care (child) home.* The term "day care (child) home" means an occupied residence where
23 care, protection, and supervision are provided to no more than eight children at one time, including the
24 caregiver's children under six years of age.

25 *Density, base.* See "base density."

26 *Detached lockout.* In the Ogden Valley Destination and Recreation Resort Zone, the term
27 "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with single-,
28 two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments (condo-tel),
29 private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels,
30 accessory dwelling units, and all or any portion of any other residential use, with separate or common
31 access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be
32 rented independently of the main unit for nightly rental by locking access. A detached lockout is
33 accessory to the main use and shall not be sold independently from the main unit. Unless specifically
34 addressed in the development agreement for the specific Ogden Valley Destination and [Recreation]
35 Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density
36 on a parcel of land.

37 *Public.* The term "public" means buildings or uses owned or operated by a branch of the
38 government or governmental entity and open to the public, such as libraries, schools, parks, other than
39 private facilities.

40 *Public utility substation.* See "Utility."

41 *Qualified professional.* The term "qualified professional" means a professionally trained person
42 with the requisite academic degree, experience and professional certification or license in the field or
43 fields relating to the subject matter being studied or analyzed.

44

45 ...

46 **Title 102 – ADMINISTRATION**

47 **CHAPTER 1. - GENERAL PROVISIONS**

48 ...

49 **Sec. 102-1-5. - Reserved.**

50 ...

51 **Title 104 - ZONES**

52 ...

53 **CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20**

54 ...

55 **Sec. 104-3-5. - Conditional uses.**

56 The following uses shall be permitted only when authorized by a conditional use permit as provided in
57 title 108, chapter 4 of this Land Use Code:

58 ...

59 (3) Private park, playground or recreation grounds and buildings not open to the general public and
60 to which no admission is made but not including privately owned commercial amusement
61 business.

62 (4) Reserved.

63 (5) Public utility substation.

64 ...

65 **CHAPTER 5. - AGRICULTURAL ZONE A-1**

66 ...

67 **Sec. 104-5-6. - Conditional uses.**

68 The following uses shall be permitted only when authorized by a conditional use permit obtained as
69 provided in title 108, chapter 4 of this Land Use Code:

70 ...

71 (6) Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide
72 and insecticide products, tools for garden and lawn care and the growing and sale of sod.

73 (7) Reserved. (8) Private park, playground or recreation grounds and buildings not open to the
74 general public and to which no admission charge is made, but not including private owned
75 commercial amusement business.

76 ...

77 **Sec. 104-5-7. - Site development standards.**

78 The following site development standards apply to the Agriculture Zone A-1:

	Permitted and Conditional Uses	Permitted Uses Requiring 2 and 5 Acres Minimum
Minimum lot area, unless developed under the provisions of Section 106-2-4.	40,000 sq. feet	2 acres - 5 acres
Minimum lot width, unless developed under the provisions of Section 106-2-4.	150 feet	150 feet

79 ...

80 **CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE**

81 ...

82 **Sec. 104-6-5. - Conditional uses.**

83 The following uses shall be allowed only when authorized by a conditional use permit obtained as
84 provided in title 108, chapter 4 of this Land Use Code.

85 ...

86 (9) Petting zoo where accessed by a collector road as shown on the county road plan.

87 (10) Reserved.

88 (11) Private park, playground or recreation area not open to the general public and to which no
89 admission charge is made, but not including privately owned commercial business.

90 ...

91 **CHAPTER 7. - AGRICULTURAL A-2 ZONE**

92 ...

93 **Sec. 104-7-5. - Conditional uses.**

94 The following uses shall be permitted only when authorized by a conditional use permit obtained as
 95 provided in title 108, chapter 4 of this Land Use Code.

96 (12) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

97 (13) Reserved.

98 (14) Private park, playground or recreation area not open to the general public and to which no
 99 admission charge is made, but not including privately owned commercial business.

100 ...

101 **Sec. 104-7-6. - Site development standards.**

102 The following site development standards apply to the Agriculture Zone A-2:

	Permitted and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area		
Single-family dwelling, unless developed under the provisions of Section 106-2-4.	40,000 sq. ft.	
Other	2 acres	5 acres
Minimum lot width, unless developed under the provisions of Section 106-2-4.	150 feet	300 feet

103 ...

104 **CHAPTER 8. - AGRICULTURAL ZONE A-3**

105 ...

106 **Sec. 104-8-5. - Conditional uses.**

107 The following uses shall be permitted only when authorized by a conditional use permit obtained as
 108 provided in title 108, chapter 4 of this Land Use Code.

109 ...

110 (14) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

- 111 (15) Reserved.
- 112 (16) Private park, playground or recreation area not open to the general public and to which no
113 admission charge is made, but not including privately owned commercial amusement business.

114 ...

115 **CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40**

116 ...

117 **Sec. 104-9-3. - Conditional uses.**

118 The following uses shall be permitted only when authorized by a conditional use permit obtained as
119 provided in this Land Use Code:

120 ...

- 121 (6) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber
122 County Excavation Ordinance.

- 123 (7) Reserved.

- 124 (8) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the
125 requirements of the Forest Campground Ordinance of Weber County. Dude ranches.

126 ...

127 **CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

128 ...

129 **Sec. 104-11-4. - Conditional uses.**

130 The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as
131 provided in title 108, chapter 4 of this Land Use Code:

132 ...

- 133 (26) Travel agency.

- 134 (27) Reserved.

- 135 (28) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a
136 night watchman provided that an additional 3,000 square feet of landscaped area is provided for
137 the residential use.

138 ...

139

140 **Sec. 104-11-6. - Minimum lot area, width and yard regulations.**

- 141 (a) Area. The following minimum lot area is required for the uses specified, but never less than two and
142 half acres:

USE	AREA
Condominium rental apartment or other lodging use that provides nightly or longer lodging:	7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.
Dwelling unit, if approved as part of a PRUD overlay zone:	7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.
Lockout sleeping room:	500 square feet.
Other uses:	None.

143 (b) *Width.* 150-foot minimum lot width, as measured at the yard setback and the street frontage.

144 (c) *Yard setbacks.* The minimum yard setbacks are as follows:

YARD	SETBACK
Front:	30 feet
Side:	20 feet minimum, except as otherwise required by this or any other county ordinance.
Rear:	20 feet minimum, except as otherwise required by this or any other county ordinance.

145 (d) *Building height.* The maximum height for a building shall be 50 feet.

146 ...

147 **CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10**

148 ...

149 **Sec. 104-12-3. - Conditional uses.**

150 The following uses shall be permitted only when authorized by a conditional use permit as provided in
 151 title 108, chapter 4 of this Land Use Code:

152 (1) Educational/institutional identification sign.

153 (2) Reserved.

154 (3) Private park, playground or recreation area, but not including privately owned commercial
155 amusement business.

156 ...

157 **CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1**

158 ...

159 **Sec. 104-13-3. - Conditional uses.**

160 The following uses shall be permitted only when authorized by a conditional use permit obtained as
161 provided in title 108, chapter 4 of this Land Use Code:

162 ...

163 (7) Parking lot accessory to uses permitted in this zone.

164 (8) Reserved.

165 (9) Private park, playground or recreation area, but not including privately owned commercial
166 amusement business.

167 ...

168 **CHAPTER 14. - FOREST VALLEY ZONE FV-3**

169 ...

170 **Sec. 104-14-3. - Conditional uses.**

171 The following uses shall be permitted only when authorized by a conditional use permit obtained as
172 provided in title 108, chapter 4 of this Land Use Code:

173 ...

174 (9) Parking lot accessory to uses permitted in this zone.

175 (10) Reserved.

176 (11) Private park, playground or recreation area, but not including privately owned commercial
177 amusement business.

178 ...

179 **CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2**

180 ...

181 **Sec. 104-15-3. - Conditional uses.**

182 The following uses shall be permitted only when authorized by a conditional use permit as provided in
183 title 108, chapter 4 of this Land Use Code.

184 ...

- 185 (2) Educational/institutional identification signs.
186 (3) Reserved.
187 (4) Private park, playground, or recreation area, but not including privately owned commercial
188 amusement business.

189 ...

190 **CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

191 ...

192 **Sec. 104-16-3. - Conditional uses.**

193 The following uses shall be permitted only when authorized by a conditional use permit as provided in
194 title 108 of this Land Use Code.

195 ...

- 196 (7) Nursing home.
197 (8) Reserved.
198 (9) Private park, playground, or recreation area, but not including privately owned commercial
199 amusement business.

200 ...

201 **CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3**

202 ...

203 **Sec. 104-17-3. - Conditional uses.**

204 The following uses shall be permitted only when authorized by a conditional use permit obtained as
205 provided in title 108, chapter 4 of this Land Use Code:

206 ...

- 207 (7) Nightly rental.
208 (8) Reserved.
209 (9) Private park, playground and/or recreation area, but not including privately owned commercial
210 amusement business.

211 ...

212 **CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

213 ...

214 **Sec. 104-19-2. - Permitted uses.**

215 The following uses are permitted in the Residential Manufactured Home Zone RMH-1-6:

- 216 (1) Accessory building incidental to the use of a main building; main building designed or used to
217 accommodate the main use to which the premises are devoted; and accessory uses customarily
218 incidental to a main use.
- 219 (2) Manufactured home (double wide or wider) in an approved manufactured home subdivision. A
220 single wide with or without a room expansion or extension is prohibited.
- 221 (3) Temporary building or use incidental to construction work. Such building shall be removed within
222 six months upon completion or abandonment of the construction work.

223 **Sec. 104-19-3. - Conditional uses.**

- 224 (a) Manufactured home subdivision in accordance with the site development standards prescribed by the
225 Weber County Subdivision Ordinance.
- 226 (b) Reserved.
- 227 (c) Public utility substations.

228 **Sec. 104-19-4. - Site development standards.**

229 The following site development standards apply to the Residential Manufactured Home Zone
230 RMH-1-6:

- 231 (1) Minimum area: Four acres for manufactured home subdivision.

232 ...

233 **Sec. 104-19-5. - Special provisions for manufactured home subdivisions.**

- 234 (a) Each manufactured home must have wheels and tow tongue removed and must be placed on and
235 anchored to a permanent concrete foundation constructed to county standards.
- 236 (b) There shall be two off-street parking spaces provided on the same lot with each manufactured home.
237 Said spaces shall be located in an area that could be covered by a carport or within which a garage
238 could legally be built. Required parking spaces may be in tandem but may not be located in the front
239 yard setback.
- 240 (c) No manufactured home containing less than 600 square feet of habitable floor area shall be permitted
241 to be located in a manufactured home subdivision.
- 242 (d) Each manufactured home shall be skirted either with a plastered concrete foundation, decorative
243 masonry, concrete block, aluminum or a continuation of the facing material of the manufactured home.
- 244 (e) A land use permit and a building permit shall be required before a manufactured home is located on a
245 lot in a manufactured home subdivision.
- 246 (f) Each manufactured home shall meet construction standards as defined herein and as specified by the
247 Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.

248 ...

249 **CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1**

250 ...

251 **Sec. 104-29-2. - Development standards.**

252 ...

253 (j.) *Alternative development standards.* After recommendation from the planning commission, the county
254 commission may approve alternative development standards than those found in this section provided
255 the alternative standards are a part of a legislatively approved development agreement with a master
256 plan and they assist with the implementation of the agreement or master plan.

257 **...Sec. 104-29-8. - Land uses.**

Use	Permitted (P) Conditional (C)
...	
Cluster subdivision excluding bonus density; meeting the requirements of <u>title 108</u> , chapter 3	P
Welcome/information center	P
...	

258 ...

259 **CHAPTER 27. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE.**

260 **Sec. 104-27-1. - Definitions.**

261 When used in this chapter, the following words and phrases have the meaning ascribed to them in this
262 section, unless the context indicates a different meaning:

263 *Common open space.* The phrase “common open space” means land area in a planned residential
264 unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and
265 driveway areas for common use and enjoyment of the residents of the PRUD

266 *Common open space easement.* The phrase “common open space easement” means a required right
267 of use granted to the county by the owner of a planned residential unit development, on and over land in a
268 planned residential unit development designated as common open space, which easement guarantees to

269 the county that the designated common open space and recreation land is permanently reserved for
270 access, parking and recreation and open green space purposes in accordance with the plans and
271 specifications approved by the planning commission and county commission at the time of approval of the
272 PRUD overlay zone or as such plans are amended from time to time with the approval of the county
273 commission.

274 *Planned residential unit development (PRUD)*. The phrase “planned residential unit development”
275 means a development in which the regulations of the zone, in which the development is situated, are waived
276 to allow flexibility and innovation in site, building design and location in accordance with an approved overall
277 development plan and imposed general requirements.

278 **Sec. 104-27-2. - Purpose and intent.**

279 (a) A planned residential unit development (PRUD) overlay zone is intended to allow a legislatively
280 adopted overlay zone that provides for diversification in the relationship of various uses and structures
281 to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to
282 encourage new and innovative concepts in the design of neighborhood and housing projects in
283 urbanizing areas. To this end, the development should be planned and entitled as one complete land
284 development. Phasing of the complete land development may occur over time if approved by the
285 county commission and if in compliance with the entitlements of the complete land development.

286 (b) A PRUD overlay zone approval shall advance the purpose and intent of the underlying zone. However,
287 after recommendation from the planning commission, the county commission may allow deviations
288 from the purpose and intent of the underlying zone if a proposed PRUD substantially advances the
289 implementation of a significant and meaningful general plan goal, principle, and implementation
290 strategy. Unless specified otherwise in the development agreement or overall development plan,
291 development of a PRUD shall adhere to the applicable regulations and other provisions of this Land
292 Use Code.

293 (c) The county commission may apply any condition of approval reasonably necessary to advance the
294 directives of the general plan or to promote the public health, safety, and general welfare whilst being
295 conscientious of unduly inhibiting the advantages of simultaneously planning large acreages of land
296 in advance of what would otherwise likely be a less organized development pattern of multiple smaller
297 scale developments.

298 (d) If any provision of an approved PRUD overlay zone or related development agreement creates an
299 explicit conflict with any other part of this Land Use Code, the applicability of those other provisions
300 shall be modified to the minimum extent that enables the PRUD overlay zone provisions to apply. An
301 omission from a PRUD overlay zone shall not be construed to be an implicit conflict with any other part
302 of this Land Use Code.

303 **Sec. 104-27-3. - Applicability.**

304 (a) *Effective date*. Except as specified in subsection (c) and (d) of this section, this chapter shall apply to
305 all properties for which the owner seeks PRUD overlay zone approval on or after March 20, 2018.

306 (b) *Allowed zones*. A planned residential unit development overlay zone may only be considered in the
307 following zones:

- 308 (1) Residential estates zones;
- 309 (2) Agricultural and agricultural valley zones;
- 310 (3) Forest, forest residential, and forest valley zones;

- 311 (4) Single-family, two-family and three-family residential zones;
- 312 (5) Commercial valley resort recreation zone; and
- 313 (6) Residential manufactured home zone.
- 314 (c) *Nonconforming PRUD*. All PRUDs approved administratively prior to the date specified in subsection
 315 (a) of this section are hereby nonconforming PRUDs. A nonconforming PRUD may be amended from
 316 time to time under the same rules that governed its creation, provided that the amendment is a de
 317 minimis change that is routine and uncontested. The Planning Director or the Planning Commission
 318 has independent authority to determine what constitutes a routine and uncontested de minimus
 319 decision. If it is determined to not be routine or uncontested then the applicant shall pursue PRUD
 320 overlay zone approval pursuant to this chapter.
- 321 (d) *Previously existing development agreements*. Nothing in this chapter shall be construed to inhibit the
 322 entitlements of an approved development agreement executed prior to the date specified in subsection
 323 (a) of this section.

324 **Sec. 104-27-4. – Application requirements.**

- 325 (a) An application for a PRUD overlay zone and development agreement shall be submitted to the
 326 Planning Division on a form as acceptable by the Planning Division, together with all accompanying
 327 documents, plans, and studies required by this chapter. The application shall contain authorization
 328 from all owners of land within the property’s legal description. The following are the minimum
 329 requirements necessary to submit a complete application:
- 330 (1) An overall development plan, complying with the requirements of Section 104-27-5, including the
 331 following:
- 332 a. A map of the general configuration of the development, together with land tabulations
 333 detailing the proposed uses of land for all areas of the project, and proposed lot or parcel
 334 development standards;
- 335 b. An open space preservation plan, showing proposed uses and parcel development
 336 standards;
- 337 c. A transportation plan that accommodates vehicular and pedestrian circulation, parking, etc.;
- 338 d. Areas reserved for public uses such as schools and playgrounds, landscaping, recreational
 339 facilities, if applicable;
- 340 e. Proposed architectural design standards, including drawings and sketches demonstrating
 341 the proposed design, character, features, and color palette of the proposed development;
- 342 f. If in a natural hazards study area or a known natural hazard is present onsite, the application
 343 shall include a natural hazards map;
- 344 g. Any proposed mappable voluntary contributions, including those proposed in pursuit of
 345 density bonuses; and
- 346 f. A development phasing plan, if applicable.
- 347 (2) A narrative clearly explaining the desired development. The narrative shall also clearly address
 348 the considerations listed in Section 104-27-9.

- 349 (3) A list of development commitments the applicant is prepared to make with the county, and a list
 350 detailing what the development needs from the county. This list will be the initial basis for
 351 development agreement negotiation.
- 352 (4) Base density calculations, and a tabulation and explanation of requested bonus density.
- 353 (5) The legal description for all properties to be included in the overlay zone and development
 354 agreement, together with a general vicinity map of the rezone extents.
- 355 (6) Additional information as may be necessary to determine that the contemplated arrangement of
 356 uses make it desirable to apply regulations and requirements differing from those ordinarily
 357 applicable under the land use code.
- 358 (b) An application fee shall be paid at the time of application submittal.

359 **Sec. 104-27-5. - General requirements.**

- 360 (a) *Rezone and development agreement required.* Approval of a PRUD overlay zone shall follow the
 361 provisions and requirements specified herein in addition to the rezone provisions of Title 102, Chapter
 362 5. Prior to the execution or validity of a PRUD overlay zone, a development agreement of mutual
 363 agreement between the developer and the county shall be prepared and readied for execution upon
 364 or simultaneous to adoption of the PRUD overlay zone. The development agreement shall clearly
 365 document the County's roles and responsibilities to the developer and the developer's roles and
 366 responsibilities to the County, and shall, at a minimum, provide any other provision necessary to
 367 effectively execute the flexible provisions of this chapter, or any other provision as may be required by
 368 the county commission or county attorney's office. Nothing in this chapter shall be construed to entitle
 369 approval of a PRUD overlay zone or associated development agreement.
- 370 (b) *Overall development plan.* The development agreement shall include an overall development plan
 371 detailing the proposed development as specified herein. No changes or alterations to the approved
 372 overall development plan shall be made without first obtaining an amendment to the development
 373 agreement, except for landscaping as provided in subsection (c) of this section. The overall
 374 development plan shall provide a desirable layout or, if the specific layout is to be determined at later,
 375 desirable standards for the following:
- 376 (1) *Cluster development.* All subdivisions within a PRUD overlay zone shall comply with Title 108,
 377 Chapter 3, Cluster Subdivisions, except those lot development standards as listed in subsection
 378 (4) of this section. The overall development plan shall demonstrate that the development can
 379 feasibly comply with the cluster subdivision requirements. Specific deviations from the cluster
 380 subdivision requirements may be granted by the county commission, after recommendation from
 381 the planning commission, if the deviation offers a better community outcome or better contributes
 382 to the implementation of a significant and meaningful general plan goal, principle, or
 383 implementation strategy.
- 384 (2) *Land use configuration.* The development plan shall show the general locations of proposed land
 385 uses including open space areas, and offer a land use inventory specifying approximate land
 386 acreage per use.
- 387 (3) *Street configuration.* The overall development plan shall show, at a minimum, the general location
 388 of existing or proposed streets in the development. Streets shall offer efficient and convenient
 389 connectivity to existing street rights-of-way and shall be laid out to provide for safety, ease of use,
 390 and navigation throughout the development. Streets shall offer prioritization of non-motorized
 391 transportation. The development plan shall show general location of streets stubbing into an
 392 adjacent property in at least one location, more if necessary to comply with block-width or
 393 intersection distance requirements of this land use code. At least two points of access into the

394 development is required if it contains more than 30 residences, or as otherwise required by the
395 local fire or emergency services authority. Public or private ownership of streets.

396 (4) *Lot development standards.* The development plan shall propose lot or parcel area, lot or parcel
397 width, lot or parcel yard setbacks, lot or parcel coverage and building height regulations for all
398 lots, parcels, and open space areas that will contain development or structures.

399 (5) *Architecture design.* The architectural design of buildings and the design's relationship to the site
400 and to development beyond the boundaries of the proposal.

401 (6) *Off street parking.* The overall development plan shall provide for complete off-street parking
402 standards in the event that the parking standards of this land use code are insufficient. Parking
403 areas shall offer prioritization of non-motorized transportation.

404 (7) *Lighting.* A lighting plan, or provisions for creating a lighting plan, that complies with all
405 requirements of Title 108, Chapter 16: Ogden Valley Outdoor Lighting Ordinance, which is
406 incorporated by reference herein as applicable to a cluster subdivision in the Western Weber
407 Planning Area.

408 (8) *Natural hazards and other constraints.* The overall development plan shall show consideration for
409 natural hazards and other environmental constraints, such as floodplains, wetlands, waterways,
410 sensitive ecology, wildlife habitat, etc. If a natural hazard is known to exist onsite, or if the site is
411 located in a natural hazards study area, as specified in Title 108, Chapter 22, Natural Hazard
412 Areas, or if other environmental constraints exist onsite, a natural hazards map and environmental
413 constraints map, if applicable, shall be included as part of the overall development plan submittal.

414 (c) *Landscaping plan.* The development agreement shall include a landscaping plan that meets or
415 exceeds the landscaping requirements found elsewhere in this land use code.

416 (1) The landscape requirements of the Ogden Valley architectural, landscape, and screening design
417 standards, Title 108, Chapter 2, are hereby incorporated herein and applicable in all PRUD
418 overlay zones.

419 (2) No money held in the financial guarantee for the completion of landscaping of any phase of a
420 PRUD shall be released until all landscaping requirements are completed for that phase, with the
421 exception of single-family dwellings. In the case of single-family dwellings, that portion of the
422 guarantee, equal to that portion of the phase represented by the dwelling, may be released.

423 (3) Application of the development agreement's landscape plan may be modified during the land use
424 permit or building permit review process provided a more site-specific landscape plan is submitted
425 with the site plan and is stamped by a licensed landscape architect, who shall certify the following:

426 a. That the area of landscaping exceeds the approved landscape plan;

427 b. That the number and quality of plants exceed the approved landscape plan;

428 c. That the functional use of vegetation, such as shade from trees or site-screening from
429 bushes, meet or exceed relevant landscaping requirement of the land use code and the
430 intent of the approved landscape plan; and

431 d. That the portion of landscaping per phase exceeds the portions per phase of the approved
432 plan.

433 **Sec. 104-27-6. - Use permissions and prohibitions.**

434 (a) *General uses.* All uses specified in the underlying zone are allowed in a PRUD, unless specifically
435 prohibited in the development agreement.

436 (b) *Other small-scale service uses.* If a PRUD contains 100 dwelling units or more, other uses may be
437 approved by the county commission, after receiving recommendation from the planning commission,
438 provided that clear evidence demonstrates that those uses are necessary for the provision of small-
439 scale local neighborhood services to the residents of the development and the immediate surrounding
440 neighborhood. The county commission has legislative discretion to determine what a small-scale local
441 neighborhood service is. The development agreement shall contain provisions for the proposed uses,
442 ownership, operational characteristics, and physical design to assure compliance with this section.

443 (c) *Nightly rentals.* Housing units to be used in whole or in part for nightly rentals shall only be allowed in
444 neighborhoods that can support the transient use. Nightly rentals shall only be allowed when their
445 existence substantially advances a general plan goal, principle, and implementation strategy. In the
446 Western Weber Planning Area, nightly rentals require the owner of the property to reside onsite and
447 be present during the nightly rental. PRUD developments that permit nightly rentals shall be clearly
448 declared and provided for in the development agreement.

449 **Sec. 104-27-7. - Area and residential density regulations.**

450 (a) *Area and base density.* A development in a PRUD overlay zone shall contain at least 24 dwelling units
451 and have an area sufficient to offer a base density, as defined in Section 101-1-7, of 24 dwelling units,
452 but the area shall never be less than four acres in any residential zone and ten acres in all other
453 allowed zones. The minimum number of dwelling units may be reduced to six if the PRUD contains a
454 minimum area of 100 acres and provides a common open space easement, as defined in Section 104-
455 27-1, over at least 90 percent of the PRUD's gross acreage. The development agreement shall
456 memorialize and entitle the base density calculation.

457 (b) *Bonus density.*

458 (1) *Western Weber Planning Area bonus density.* After recommendation from the planning
459 commission, the county commission may allow for an increased number of residential lots in a
460 PRUD development by awarding bonus densities to those PRUDs developed within the Western
461 Weber County Planning Area in exchange for meaningful public offerings. No more than 50
462 percent total bonus density shall be awarded to any PRUD development.

463 a. The following table offers a guide to assist in prioritizing bonus density based on a
464 development's offerings. After recommendation from the planning commission, the county
465 commission has legislative authority to determine final bonus density awarded. At the county
466 commission's discretion, these may be in place of or in addition to the bonuses already
467 available in the cluster subdivision code. Regardless, the development's offerings shall
468 provide a public benefit proportionate to the final awarded bonus density. The development's
469 bonus density offerings and the county's bonus density awards shall be clearly documented
470 and tabulated in the development agreement:

471

OFFERING	BONUS DENSITY
<i>Roadway landscape design plan.</i> Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length:	15 percent.
<i>Public access.</i> A minimum of one approved public access to public lands:	5 percent.
<i>HOA park.</i> An HOA park, open to the general public:	5 percent.
<i>Public park.</i> A park donated to and with the consent of the county, local park district, or other county approved entity:	10 percent.
<i>Public building.</i> Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:	10 percent.
<i>Excess sewer capacity.</i> Development of excess sewage treatment capacity:	3 percent for every 10 percent capacity increase over the development's base density.
<i>Prime agricultural land.</i> Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by Section 101-1-7:	One percent per acre up to 50 percent.
<i>Historic preservation.</i> Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:	5 percent.
<i>Wildlife habitat open space easement.</i> A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value:	15 percent.
<i>Small neighborhood commercial.</i> Neighborhood small-scale commercial retail or non-drive-thru restaurant, in a PRUD development with 100 or more dwelling units.	10 percent.
<i>Affordable housing.</i> Affordable housing, in compliance with (1)b. of this Subsection B.	10 Percent.

473

474
475

b. *Affordable housing bonus.* Base density may be increased by ten percent if the development complies with the following:

476
477

1. The ten percent additional density is permanently set aside for affordable housing as outlined by the Affordable Housing Act of 1990.

478
479
480
481
482
483

2. The additional density is located in the interior of the development, as central as is practicable given site constraints, land uses, open spaces, and street configuration, and is completely surrounded by other dwelling units within the development. Open space may abut a part provided the open space is large enough to offer a sufficient buffer from existing residential uses in the area. The building height is limited to 35 feet or two stories above grade.

484
485
486
487
488

3. The development agreement shall offer an effective, efficient, and industry best-practice supported method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and dwelling units to a household with an income at or below 80 percent of the county median income;

489
490
491
492

4. A final subdivision plat shall identify and label a lot or dwelling unit set aside as an affordable housing lot or dwelling unit, and provide a note on the final subdivision plat explaining the nature of the housing restriction and the method by which occupancy and affordability will be regulated.

493
494
495
496

(2) *Ogden Valley Planning Area bonus density.* A PRUD overlay zone should create no new density entitlements in the Ogden Valley. A PRUD overlay zone may be designated as a receiving area for transferrable development rights or a similar density transfer program. The development agreement shall clearly specify the logistics of such a program.

497 ...

498 **Title 106 - SUBDIVISIONS**

499 ...

500 **CHAPTER 2. - SUBDIVISION STANDARDS**

501 ...

502 **Sec. 106-2-2. - Street and alley widths, cul-de-sacs, easements.**

503
504
505
506
507
508

(a) Street dedication. Streets in year round subdivisions shall be dedicated to the county as public streets except that private streets improved to county public street standards may be permitted in condominiums. Mountain land subdivisions in high mountain areas of the county for seasonal recreation and summer homes shall have private streets built to county private street standards for such subdivisions except that the county may require public dedication for major or loop road access purposes.

509 ...

510 **Title 108 - STANDARDS**

511 ...

512 **CHAPTER 3. – CLUSTER SUBDIVISIONS**

513 ...

514 **Sec. 108-3-4. –Residential cluster subdivision design and layout standards, generally.**

515 ...

516 (b) *Street configuration.* Streets shall have logical and efficient connections, with block lengths or
517 intersection distances no less than provided in Section 106-2-3.

518 (1) *Western Weber Planning Area Streets.* In the Western Weber Planning Area, streets shall
519 generally follow existing street grid design. Section line streets are mandatory unless, based on
520 the transportation element of the general plan and other plans or studies, the County Engineer
521 determines that no street will ever be needed on the particular section line. When practicable,
522 quarter section lines shall denote the general location of other through streets. If current parcel
523 configuration does not make this practicable, a through-street, or stubbed-street that will be a
524 future through-street, shall be located as close to these lines as otherwise reasonably possible.

525 ...

526 **Sec. 108-3-5. - Open space preservation plan.**

527 ...

528 (c) *Open space development standards and ownership regulations.* All open space area proposed to
529 count toward the minimum open space area required by this chapter shall be clearly identified on the
530 open space site plan. The following standards apply to their creation. Open space area in excess of
531 the minimum required by this chapter is exempt from these standards.

532 ...

533 (3) *Agricultural open spaces to be contiguous and useful.* In all agricultural zones, open space parcels
534 shall be arranged to create future long-term agricultural opportunities in the following ways:

535 ...

536 c. The exterior boundary of a contiguous open space area that is intended to satisfy the open
537 space requirements of this chapter shall be configured so a fifty-foot-wide farm implement can
538 reach all parts of the area with three or more passes or turns. Generally, this requires the area
539 to be at least 450 wide in any direction at any given point to be considered contiguous. This
540 three turn standard may be reduced by the planning commission for portions of the parcel
541 affected by the following:

542 1. The configuration of the existing exterior boundary of the proposed subdivision makes it
543 impossible;

544 2. A street required by Section 108-3-4 constrains the width of the parcel or bisects what
545 would otherwise be one contiguous open space area if the street did not exist;

546 3. Natural features, or permanent man-made improvements onsite that cannot be moved or
547 realigned, cause an interruption to crop producing capabilities; or

548 4. Due to existing or reasonably anticipated future conditions, not offering the reduction will
549 inhibit long-term agricultural opportunities onsite or on adjacent permanently preserved
550 agricultural parcels.

551 ...

552 **CHAPTER 5. – RESERVED.**

553

554

555

556

557

558

559

560

561

562

563

564

565

566

567

568

569

570

571

572

573

574

575

576

1 **PART II – LAND USE CODE**

2 ...

3 **Title 101 – GENERAL PROVISIONS**

4 ...

5 **Sec. 101-1-7. – Definitions.**

6 ...

7 *Basement/cellar.* The term "basement/cellar" means a story having more than one-half of its
8 height below grade. The portion below the natural grade shall not be counted as part of the building
9 height.

10 *Base density.* The term "base density" means the number of dwelling units allowed in an area. For
11 development types that permit a reduced lot area than otherwise provided by the zone, the base
12 density shall be calculated as the net developable acreage, as defined herein, divided by the minimum
13 lot area of the zone, except when a greater area would otherwise be required by the Weber-Morgan
14 Health Department due to lack of sanitary sewer or culinary water, then the greater area shall be used.
15 This calculation can be observed by this formula: ((net developable acreage) / (minimum lot area)) =
16 base dwelling unit density. The result shall be rounded down to the nearest whole dwelling unit.

17 *Bed and breakfast dwelling.* The term "bed and breakfast dwelling" means an owner-occupied
18 dwelling in which not more than two rooms are rented out by the day, offering overnight lodgings to
19 travelers, and where one or more meals are provided by the host family, the price of which may be
20 included in the room rate.

21 ...

22 *Day care (child) home.* The term "day care (child) home" means an occupied residence where
23 care, protection, and supervision are provided to no more than eight children at one time, including the
24 caregiver's children under six years of age.

25 *Density, base.* ~~See "base density." The term "base density" means the number of dwelling units~~
26 ~~allowed in an area. For development types that permit a reduced lot area than otherwise provided by~~
27 ~~the zone, the base density shall be calculated as the net developable acreage, as defined herein,~~
28 ~~divided by the minimum lot area of the zone, except when a greater area would otherwise be required~~
29 ~~by the Weber-Morgan Health Department due to lack of sanitary sewer or culinary water, then the~~
30 ~~greater area shall be used. This calculation can be observed by this formula: ((net developable~~
31 ~~acreage) / (minimum lot area)) = base dwelling unit density. The result shall be rounded down to the~~
32 ~~nearest whole dwelling unit.~~

33 *Detached lockout.* In the Ogden Valley Destination and Recreation Resort Zone, the term
34 "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with single-,
35 two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments (condo-tel),
36 private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels,
37 accessory dwelling units, and all or any portion of any other residential use, with separate or common
38 access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be
39 rented independently of the main unit for nightly rental by locking access. A detached lockout is
40 accessory to the main use and shall not be sold independently from the main unit. Unless specifically
41 addressed in the development agreement for the specific Ogden Valley Destination and [Recreation]

42 Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density
43 on a parcel of land.

44 *Public.* The term "public" means buildings or uses owned or operated by a branch of the
45 government or governmental entity and open to the public, such as libraries, schools, parks, other than
46 private facilities.

47 *Public utility substation.* See "Utility."

48 *Qualified professional.* The term "qualified professional" means a professionally trained person
49 with the requisite academic degree, experience and professional certification or license in the field or
50 fields relating to the subject matter being studied or analyzed.

51

52 ...

53 Title 102 – ADMINISTRATION

54 CHAPTER 1. - GENERAL PROVISIONS

55 ...

56 **Sec. 102-1-5. - Reserved.~~Hearing and publication notice for county commission.~~**

57 ~~Before finally adopting any such legislative amendment, the board of county commissioners shall hold a~~
58 ~~public hearing thereon, at least 14 days' notice of the time and place of which shall be given as per state~~
59 ~~code. The unanimous vote of the full body of the county commission is required to overturn the~~
60 ~~recommendation of the planning commission, if there was a unanimous vote of the planning commission~~
61 ~~in favor or denial of the petition.~~

62 ...

63 Title 104 - ZONES

64 ...

65 CHAPTER 3. - RESIDENTIAL ESTATES ZONES RE-15 AND RE-20

66 ...

67 **Sec. 104-3-5. - Conditional uses.**

68 The following uses shall be permitted only when authorized by a conditional use permit as provided in
69 title 108, chapter 4 of this Land Use Code:

70 ...

71 (3) Private park, playground or recreation grounds and buildings not open to the general public and
72 to which no admission is made but not including privately owned commercial amusement
73 business.

74 (4) Reserved.~~Planned residential unit development in accordance with title 108, chapter 5 of this~~
75 ~~Land Use Code.~~

76 (5) Public utility substation.

77 ...

78 **CHAPTER 5. - AGRICULTURAL ZONE A-1**

79 ...

80 **Sec. 104-5-6. - Conditional uses.**

81 The following uses shall be permitted only when authorized by a conditional use permit obtained as
82 provided in title 108, chapter 4 of this Land Use Code:

83 ...

84 (6) Greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide
85 and insecticide products, tools for garden and lawn care and the growing and sale of sod.

86 (7) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

87 (8) Private park, playground or recreation grounds and buildings not open to the general public and
88 to which no admission charge is made, but not including private owned commercial amusement
89 business.

90 ...

91 **Sec. 104-5-7. - Site development standards.**

92 The following site development standards apply to the Agriculture Zone A-1:

	Permitted and Conditional Uses	Permitted Uses Requiring 2 and 5 Acres Minimum
Minimum lot area, unless developed under the provisions of Section 106-2-4.	40,000 sq. feet	2 acres - 5 acres
Minimum lot width, unless developed under the provisions of Section 106-2-4.	150 feet	150 feet

93 ...

94 **CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE**

95 ...

96 **Sec. 104-6-5. - Conditional uses.**

97 The following uses shall be allowed only when authorized by a conditional use permit obtained as
 98 provided in title 108, chapter 4 of this Land Use Code.

99 ...

100 (9) Petting zoo where accessed by a collector road as shown on the county road plan.

101 (10) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 4 of this~~
 102 ~~Land Use Code.~~

103 (11) Private park, playground or recreation area not open to the general public and to which no
 104 admission charge is made, but not including privately owned commercial business.

105 ...

106 **CHAPTER 7. - AGRICULTURAL A-2 ZONE**

107 ...

108 **Sec. 104-7-5. - Conditional uses.**

109 The following uses shall be permitted only when authorized by a conditional use permit obtained as
 110 provided in title 108, chapter 4 of this Land Use Code.

111 (12) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

112 (13) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 4 of this~~
 113 ~~Land Use Code.~~

114 (14) Private park, playground or recreation area not open to the general public and to which no
 115 admission charge is made, but not including privately owned commercial business.

116 ...

117 **Sec. 104-7-6. - Site development standards.**

118 The following site development standards apply to the Agriculture Zone A-2:

	Permitted and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area		
Single-family dwelling, unless developed under the provisions of Section 106-2-4.	40,000 sq. ft.	
Other	2 acres	5 acres

Minimum lot width, unless developed under the provisions of Section 106-2-4.	150 feet	300 feet
--	----------	----------

119 ...

120 **CHAPTER 8. - AGRICULTURAL ZONE A-3**

121 ...

122 **Sec. 104-8-5. - Conditional uses.**

123 The following uses shall be permitted only when authorized by a conditional use permit obtained as
 124 provided in title 108, chapter 4 of this Land Use Code.

125 ...

126 (14) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.

127 (15) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

128 (16) Private park, playground or recreation area not open to the general public and to which no
 129 admission charge is made, but not including privately owned commercial amusement business.

130 ...

131 **CHAPTER 9. - FOREST ZONES F-5, F-10, AND F-40**

132 ...

133 **Sec. 104-9-3. - Conditional uses.**

134 The following uses shall be permitted only when authorized by a conditional use permit obtained as
 135 provided in this Land Use Code:

136 ...

137 (6) Mines, quarries and gravel pits, sand and gravel operations subject to the provisions of the Weber
 138 County Excavation Ordinance.

139 (7) ~~Reserved. Planned Residential Unit Development in accordance with this Land Use Code.~~

140 (8) Private parks and recreation grounds. Private campgrounds and picnic areas meeting the
 141 requirements of the Forest Campground Ordinance of Weber County. Dude ranches.

142 ...

143 **CHAPTER 11. - COMMERCIAL VALLEY RESORT RECREATION ZONE CVR-1**

144 ...

145 **Sec. 104-11-4. - Conditional uses.**

146 The following uses shall be allowed only when authorized by a Conditional Use Permit obtained as
 147 provided in title 108, chapter 4 of this Land Use Code:

148 ...

149 (26) Travel agency.

150 (27) ~~Reserved. Planned residential unit development (PRUD) as part of a recreation resort complex~~
 151 ~~subdivision, where part of a PRUD in a recreation resort complex.~~

152 (28) Dwelling unit as part of a commercial building for proprietor or employee who also serves as a
 153 night watchman provided that an additional 3,000 square feet of landscaped area is provided for
 154 the residential use.

155 ...

156

157 **Sec. 104-11-6. - Minimum lot area, width and yard regulations.**

158 (a) Area. The following minimum lot area is required for the uses specified, but never less than two and
 159 half acres:

<u>USE</u>	<u>AREA</u>
<u>Condominium rental apartment or other lodging use that provides nightly or longer lodging:</u>	<u>7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.</u>
<u>Dwelling unit, if approved as part of a PRUD overlay zone:</u>	<u>7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.</u>
<u>Lockout sleeping room:</u>	<u>500 square feet.</u>
<u>Other uses:</u>	<u>None.</u>

160 (b) Width. 150-foot minimum lot width, as measured at the yard setback and the street frontage.

161 (c) Yard setbacks. The minimum yard setbacks are as follows:

<u>YARD</u>	<u>SETBACK</u>
<u>Front:</u>	<u>30 feet</u>

<u>Side:</u>	<u>20 feet minimum, except as otherwise required by this or any other county ordinance.</u>
<u>Rear:</u>	<u>20 feet minimum, except as otherwise required by this or any other county ordinance.</u>

162 (d) Building height. The maximum height for a building shall be 50 feet.

163 ~~(a) Area. A minimum of a 2.5 acre site, with the following minimum area requirement for uses within that~~
 164 ~~site:~~

165 ~~(1) Condominium rental apartments, dwellings, multifamily dwellings, and/or other uses providing~~
 166 ~~nightly or longer term lodging, per building 7,500 square feet of net developable area plus 2,000~~
 167 ~~square feet of net developable area for each dwelling unit in excess of two dwelling units.~~

168 ~~(2) Lockout sleeping room, 500 square feet.~~

169 ~~(3) Other uses: none.~~

170 ~~(b) Width: 150 feet minimum frontage.~~

171 ~~(c) Yard.~~

172 ~~(1) Front: 30 feet minimum.~~

173 ~~(2) Side: 20 feet minimum, except as otherwise required by this or any other county ordinance.~~

174 ~~(3) Rear: 20 feet minimum, except as otherwise required by this or any other county ordinance.~~

175 ~~(d) Building height. Conditional use permit is required if over 25 feet in height.~~

176 ...

177 **CHAPTER 12. - SINGLE-FAMILY RESIDENTIAL ZONES R-1-12, R-1-10**

178 ...

179 **Sec. 104-12-3. - Conditional uses.**

180 The following uses shall be permitted only when authorized by a conditional use permit as provided in
 181 title 108, chapter 4 of this Land Use Code:

182 (1) Educational/institutional identification sign.

183 (2) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
 184 ~~Land Use Code.~~

185 (3) Private park, playground or recreation area, but not including privately owned commercial
 186 amusement business.

187 ...

188 **CHAPTER 13. - FOREST RESIDENTIAL ZONE FR-1**

189 ...

190 **Sec. 104-13-3. - Conditional uses.**

191 The following uses shall be permitted only when authorized by a conditional use permit obtained as
192 provided in title 108, chapter 4 of this Land Use Code:

193 ...

194 (7) Parking lot accessory to uses permitted in this zone.

195 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
196 ~~Land Use Code.~~

197 (9) Private park, playground or recreation area, but not including privately owned commercial
198 amusement business.

199 ...

200 **CHAPTER 14. - FOREST VALLEY ZONE FV-3**

201 ...

202 **Sec. 104-14-3. - Conditional uses.**

203 The following uses shall be permitted only when authorized by a conditional use permit obtained as
204 provided in title 108, chapter 4 of this Land Use Code:

205 ...

206 (9) Parking lot accessory to uses permitted in this zone.

207 (10) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of the Land~~
208 ~~Use Code.~~

209 (11) Private park, playground or recreation area, but not including privately owned commercial
210 amusement business.

211 ...

212 **CHAPTER 15. - TWO-FAMILY RESIDENTIAL ZONE R-2**

213 ...

214 **Sec. 104-15-3. - Conditional uses.**

215 The following uses shall be permitted only when authorized by a conditional use permit as provided in
216 title 108, chapter 4 of this Land Use Code.

217 ...

218 (2) Educational/institutional identification signs.

219 (3) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 of this~~
220 ~~Land Use Code.~~

221 (4) Private park, playground, or recreation area, but not including privately owned commercial
222 amusement business.

223 ...

224 **CHAPTER 16. - MULTIPLE-FAMILY RESIDENTIAL ZONE R-3**

225 ...

226 **Sec. 104-16-3. - Conditional uses.**

227 The following uses shall be permitted only when authorized by a conditional use permit as provided in
228 title 108 of this Land Use Code.

229 ...

230 (7) Nursing home.

231 (8) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 of this~~
232 ~~Land Use Code.~~

233 (9) Private park, playground, or recreation area, but not including privately owned commercial
234 amusement business.

235 ...

236 **CHAPTER 17. - FOREST RESIDENTIAL ZONE FR-3**

237 ...

238 **Sec. 104-17-3. - Conditional uses.**

239 The following uses shall be permitted only when authorized by a conditional use permit obtained as
240 provided in title 108, chapter 4 of this Land Use Code:

241 ...

242 (7) Nightly rental.

243 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~

244 (9) Private park, playground and/or recreation area, but not including privately owned commercial
245 amusement business.

246 ...

247 **CHAPTER 19. - RESIDENTIAL MANUFACTURED HOME ZONE RMH-1-6**

248 ...

249 **Sec. 104-19-2. - Permitted uses.**

250 The following uses are permitted in the Residential Manufactured Home Zone RMH-1-6:

251 (1) Accessory building incidental to the use of a main building; main building designed or used to
252 accommodate the main use to which the premises are devoted; and accessory uses customarily
253 incidental to a main use.

254 (2) Manufactured home (double wide or wider) in an approved manufactured home subdivision. ~~of~~
255 ~~manufactured home PRUD. (A sSingle wides with or without a room expansions or extensions~~
256 ~~are is prohibited.)~~

257 (3) Temporary building or use incidental to construction work. Such building shall be removed within
258 six months upon completion or abandonment of the construction work.

259 **Sec. 104-19-3. - Conditional uses.**

260 (a) Manufactured home subdivision in accordance with the site development standards prescribed by the
261 Weber County Subdivision Ordinance.

262 (b) ~~Reserved. Manufactured home PRUD in accordance with the site development standards and planned~~
263 ~~residential unit development chapter of this Land Use Code.~~

264 (c) Public utility substations.

265 **Sec. 104-19-4. - Site development standards.**

266 The following site development standards apply to the Residential Manufactured Home Zone
267 RMH-1-6:

268 (1) Minimum area: ~~four acres for manufactured home PRUD.~~ Four acres for manufactured home
269 subdivision.

270 ...

271 **Sec. 104-19-5. - Special provisions for manufactured home subdivisions ~~and PRUDs.~~**

272 (a) Each manufactured home must have wheels and tow tongue removed and must be placed on and
273 anchored to a permanent concrete foundation constructed to county standards.

274 (b) There shall be two off-street parking spaces provided on the same lot with each manufactured home.
275 Said spaces shall be located in an area that could be covered by a carport or within which a garage
276 could legally be built. Required parking spaces may be in tandem but may not be located in the front
277 yard setback.

278 (c) No manufactured home containing less than 600 square feet of habitable floor area shall be permitted
279 to be located in a manufactured home subdivision.

280 (d) Each manufactured home shall be skirted either with a plastered concrete foundation, decorative
281 masonry, concrete block, aluminum or a continuation of the facing material of the manufactured home.

282 (e) A land use permit and a building permit shall be required before a manufactured home is located on a
283 lot in a manufactured home subdivision ~~or PRUD.~~

284 (f) Each manufactured home shall meet construction standards as defined herein and as specified by the
285 Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.

286 ...

287 **CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1**

288 ...

289 **Sec. 104-29-2. - Development standards.**

290 ...

291 (j.) Alternative development standards. After recommendation from the planning commission, the county
 292 commission may approve alternative development standards than those found in this section provided
 293 the alternative standards are a part of a legislatively approved development agreement with a master
 294 plan and they assist with the implementation of the agreement or master plan.

295 ...

296 **Sec. 104-29-8. - Land uses.**

Use	Permitted (P) Conditional (C)
...	
Cluster subdivision excluding bonus density; meeting the requirements of <u>title 108, chapter 3</u>	P
PRUD excluding bonus density; meeting the requirements of <u>title 108, chapter 5</u>	Pursuant to chapter 5
Welcome/information center	P
...	

297 ...

298 **CHAPTER 27. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD) OVERLAY ZONE.**

299 **Sec. 104-27-1. - Definitions.**

300 When used in this chapter, the following words and phrases have the meaning ascribed to them in this
 301 section, unless the context indicates a different meaning:

302 Common open space. The phrase “common open space” means land area in a planned residential
303 unit development reserved and set aside for recreation uses, landscaping, open green areas, parking and
304 driveway areas for common use and enjoyment of the residents of the PRUD

305 Common open space easement. The phrase “common open space easement” means a required right
306 of use granted to the county by the owner of a planned residential unit development, on and over land in a
307 planned residential unit development designated as common open space, which easement guarantees to
308 the county that the designated common open space and recreation land is permanently reserved for
309 access, parking and recreation and open green space purposes in accordance with the plans and
310 specifications approved by the planning commission and county commission at the time of approval of the
311 PRUD overlay zone or as such plans are amended from time to time with the approval of the county
312 commission.

313 Planned residential unit development (PRUD). The phrase “planned residential unit development”
314 means a development in which the regulations of the zone, in which the development is situated, are waived
315 to allow flexibility and innovation in site, building design and location in accordance with an approved overall
316 development plan and imposed general requirements.

317 **Sec. 104-27-2. - Purpose and intent.**

318 (a) A planned residential unit development (PRUD) overlay zone is intended to allow a legislatively
319 adopted overlay zone that provides for diversification in the relationship of various uses and structures
320 to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to
321 encourage new and innovative concepts in the design of neighborhood and housing projects in
322 urbanizing areas. To this end, the development should be planned and entitled as one complete land
323 development. Phasing of the complete land development may occur over time if approved by the
324 county commission and if in compliance with the entitlements of the complete land development.

325 (b) A PRUD overlay zone approval shall advance the purpose and intent of the underlying zone. However,
326 after recommendation from the planning commission, the county commission may allow deviations
327 from the purpose and intent of the underlying zone if a proposed PRUD substantially advances the
328 implementation of a significant and meaningful general plan goal, principle, and implementation
329 strategy. Unless specified otherwise in the development agreement or overall development plan,
330 development of a PRUD shall adhere to the applicable regulations and other provisions of this Land
331 Use Code.

332 (c) The county commission may apply any condition of approval reasonably necessary to advance the
333 directives of the general plan or to promote the public health, safety, and general welfare whilst being
334 conscientious of unduly inhibiting the advantages of simultaneously planning large acreages of land
335 in advance of what would otherwise likely be a less organized development pattern of multiple smaller
336 scale developments.

337 (d) If any provision of an approved PRUD overlay zone or related development agreement creates an
338 explicit conflict with any other part of this Land Use Code, the applicability of those other provisions
339 shall be modified to the minimum extent that enables the PRUD overlay zone provisions to apply. An
340 omission from a PRUD overlay zone shall not be construed to be an implicit conflict with any other part
341 of this Land Use Code.

342 **Sec. 104-27-3. - Applicability.**

343 (a) Effective date. Except as specified in subsection (c) and (d) of this section, this chapter shall apply to
344 all properties for which the owner seeks PRUD overlay zone approval on or after March 20, 2018.

345 (b) Allowed zones. A planned residential unit development overlay zone may only be considered in the
346 following zones:

- 347 (1) Residential estates zones;
- 348 (2) Agricultural and agricultural valley zones;
- 349 (3) Forest, forest residential, and forest valley zones;
- 350 (4) Single-family, two-family and three-family residential zones;
- 351 (5) Commercial valley resort recreation zone; and
- 352 (6) Residential manufactured home zone.

353 (c) *Nonconforming PRUD.* All PRUDs approved administratively prior to the date specified in subsection
354 (a) of this section are hereby nonconforming PRUDs. A nonconforming PRUD may be amended from
355 time to time under the same rules that governed its creation, provided that the amendment is a de
356 minimis change that is routine and uncontested. The Planning Director or the Planning Commission
357 has independent authority to determine what constitutes a routine and uncontested de minimus
358 decision. If it is determined to not be routine or uncontested then the applicant shall pursue PRUD
359 overlay zone approval pursuant to this chapter.

360 (d) *Previously existing development agreements.* Nothing in this chapter shall be construed to inhibit the
361 entitlements of an approved development agreement executed prior to the date specified in subsection
362 (a) of this section.

363 **Sec. 104-27-4. – Application requirements.**

364 (a) An application for a PRUD overlay zone and development agreement shall be submitted to the
365 Planning Division on a form as acceptable by the Planning Division, together with all accompanying
366 documents, plans, and studies required by this chapter. The application shall contain authorization
367 from all owners of land within the property's legal description. The following are the minimum
368 requirements necessary to submit a complete application:

369 (1) An overall development plan, complying with the requirements of Section 104-27-5, including the
370 following:

371 a. A map of the general configuration of the development, together with land tabulations
372 detailing the proposed uses of land for all areas of the project, and proposed lot or parcel
373 development standards;

374 b. An open space preservation plan, showing proposed uses and parcel development
375 standards;

376 c. A transportation plan that accommodates vehicular and pedestrian circulation, parking, etc.;

377 d. Areas reserved for public uses such as schools and playgrounds, landscaping, recreational
378 facilities, if applicable;

379 e. Proposed architectural design standards, including drawings and sketches demonstrating
380 the proposed design, character, features, and color palette of the proposed development;

381 f. If in a natural hazards study area or a known natural hazard is present onsite, the application
382 shall include a natural hazards map;

383 g. Any proposed mappable voluntary contributions, including those proposed in pursuit of
384 density bonuses; and

- 385 f. A development phasing plan, if applicable.
- 386 (2) A narrative clearly explaining the desired development. The narrative shall also clearly address
387 the considerations listed in Section 104-27-9.
- 388 (3) A list of development commitments the applicant is prepared to make with the county, and a list
389 detailing what the development needs from the county. This list will be the initial basis for
390 development agreement negotiation.
- 391 (4) Base density calculations, and a tabulation and explanation of requested bonus density.
- 392 (5) The legal description for all properties to be included in the overlay zone and development
393 agreement, together with a general vicinity map of the rezone extents.
- 394 (6) Additional information as may be necessary to determine that the contemplated arrangement of
395 uses make it desirable to apply regulations and requirements differing from those ordinarily
396 applicable under the land use code.
- 397 (b) An application fee shall be paid at the time of application submittal.

398 **Sec. 104-27-5. - General requirements.**

- 399 (a) *Rezone and development agreement required.* Approval of a PRUD overlay zone shall follow the
400 provisions and requirements specified herein in addition to the rezone provisions of Title 102, Chapter
401 5. Prior to the execution or validity of a PRUD overlay zone, a development agreement of mutual
402 agreement between the developer and the county shall be prepared and readied for execution upon
403 or simultaneous to adoption of the PRUD overlay zone. The development agreement shall clearly
404 document the County's roles and responsibilities to the developer and the developer's roles and
405 responsibilities to the County, and shall, at a minimum, provide any other provision necessary to
406 effectively execute the flexible provisions of this chapter, or any other provision as may be required by
407 the county commission or county attorney's office. Nothing in this chapter shall be construed to entitle
408 approval of a PRUD overlay zone or associated development agreement.
- 409 (b) *Overall development plan.* The development agreement shall include an overall development plan
410 detailing the proposed development as specified herein. No changes or alterations to the approved
411 overall development plan shall be made without first obtaining an amendment to the development
412 agreement, except for landscaping as provided in subsection (c) of this section. The overall
413 development plan shall provide a desirable layout or, if the specific layout is to be determined at later,
414 desirable standards for the following:
- 415 (1) *Cluster development.* All subdivisions within a PRUD overlay zone shall comply with Title 108,
416 Chapter 3, Cluster Subdivisions, except those lot development standards as listed in subsection
417 (4) of this section. The overall development plan shall demonstrate that the development can
418 feasibly comply with the cluster subdivision requirements. Specific deviations from the cluster
419 subdivision requirements may be granted by the county commission, after recommendation from
420 the planning commission, if the deviation offers a better community outcome or better contributes
421 to the implementation of a significant and meaningful general plan goal, principle, or
422 implementation strategy.
- 423 (2) *Land use configuration.* The development plan shall show the general locations of proposed land
424 uses including open space areas, and offer a land use inventory specifying approximate land
425 acreage per use.
- 426 (3) *Street configuration.* The overall development plan shall show, at a minimum, the general location
427 of existing or proposed streets in the development. Streets shall offer efficient and convenient

428 connectivity to existing street rights-of-way and shall be laid out to provide for safety, ease of use,
429 and navigation throughout the development. Streets shall offer prioritization of non-motorized
430 transportation. The development plan shall show general location of streets stubbing into an
431 adjacent property in at least one location, more if necessary to comply with block-width or
432 intersection distance requirements of this land use code. At least two points of access into the
433 development is required if it contains more than 30 residences, or as otherwise required by the
434 local fire or emergency services authority. Public or private ownership of streets.

435 (4) Lot development standards. The development plan shall propose lot or parcel area, lot or parcel
436 width, lot or parcel yard setbacks, lot or parcel coverage and building height regulations for all
437 lots, parcels, and open space areas that will contain development or structures.

438 (5) Architecture design. The architectural design of buildings and the design's relationship to the site
439 and to development beyond the boundaries of the proposal.

440 (6) Off street parking. The overall development plan shall provide for complete off-street parking
441 standards in the event that the parking standards of this land use code are insufficient. Parking
442 areas shall offer prioritization of non-motorized transportation.

443 (7) Lighting. A lighting plan, or provisions for creating a lighting plan, that complies with all
444 requirements of Title 108, Chapter 16: Ogden Valley Outdoor Lighting Ordinance, which is
445 incorporated by reference herein as applicable to a cluster subdivision in the Western Weber
446 Planning Area.

447 (8) Natural hazards and other constraints. The overall development plan shall show consideration for
448 natural hazards and other environmental constraints, such as floodplains, wetlands, waterways,
449 sensitive ecology, wildlife habitat, etc. If a natural hazard is known to exist onsite, or if the site is
450 located in a natural hazards study area, as specified in Title 108, Chapter 22, Natural Hazard
451 Areas, or if other environmental constraints exist onsite, a natural hazards map and environmental
452 constraints map, if applicable, shall be included as part of the overall development plan submittal.

453 (c) Landscaping plan. The development agreement shall include a landscaping plan that meets or
454 exceeds the landscaping requirements found elsewhere in this land use code.

455 (1) The landscape requirements of the Ogden Valley architectural, landscape, and screening design
456 standards, Title 108, Chapter 2, are hereby incorporated herein and applicable in all PRUD
457 overlay zones.

458 (2) No money held in the financial guarantee for the completion of landscaping of any phase of a
459 PRUD shall be released until all landscaping requirements are completed for that phase, with the
460 exception of single-family dwellings. In the case of single-family dwellings, that portion of the
461 guarantee, equal to that portion of the phase represented by the dwelling, may be released.

462 (3) Application of the development agreement's landscape plan may be modified during the land use
463 permit or building permit review process provided a more site-specific landscape plan is submitted
464 with the site plan and is stamped by a licensed landscape architect, who shall certify the following:

465 a. That the area of landscaping exceeds the approved landscape plan;

466 b. That the number and quality of plants exceed the approved landscape plan;

467 c. That the functional use of vegetation, such as shade from trees or site-screening from
468 bushes, meet or exceed relevant landscaping requirement of the land use code and the
469 intent of the approved landscape plan; and

470 d. That the portion of landscaping per phase exceeds the portions per phase of the approved
471 plan.

472 **Sec. 104-27-6. - Use permissions and prohibitions.**

473 (a) *General uses.* All uses specified in the underlying zone are allowed in a PRUD, unless specifically
474 prohibited in the development agreement.

475 (b) *Other small-scale service uses.* If a PRUD contains 100 dwelling units or more, other uses may be
476 approved by the county commission, after receiving recommendation from the planning commission,
477 provided that clear evidence demonstrates that those uses are necessary for the provision of small-
478 scale local neighborhood services to the residents of the development and the immediate surrounding
479 neighborhood. The county commission has legislative discretion to determine what a small-scale local
480 neighborhood service is. The development agreement shall contain provisions for the proposed uses,
481 ownership, operational characteristics, and physical design to assure compliance with this section.

482 (c) *Nightly rentals.* Housing units to be used in whole or in part for nightly rentals shall only be allowed in
483 neighborhoods that can support the transient use. Nightly rentals shall only be allowed when their
484 existence substantially advances a general plan goal, principle, and implementation strategy. In the
485 Western Weber Planning Area, nightly rentals require the owner of the property to reside onsite and
486 be present during the nightly rental. PRUD developments that permit nightly rentals shall be clearly
487 declared and provided for in the development agreement.

488 **Sec. 104-27-7. - Area and residential density regulations.**

489 (a) *Area and base density.* A development in a PRUD overlay zone shall contain at least 24 dwelling units
490 and have an area sufficient to offer a base density, as defined in Section 101-1-7, of 24 dwelling units,
491 but the area shall never be less than four acres in any residential zone and ten acres in all other
492 allowed zones. The minimum number of dwelling units may be reduced to six if the PRUD contains a
493 minimum area of 100 acres and provides a common open space easement, as defined in Section 104-
494 27-1, over at least 90 percent of the PRUD's gross acreage. The development agreement shall
495 memorialize and entitle the base density calculation.

496 (b) *Bonus density.*

497 (1) *Western Weber Planning Area bonus density.* After recommendation from the planning
498 commission, the county commission may allow for an increased number of residential lots in a
499 PRUD development by awarding bonus densities to those PRUDs developed within the Western
500 Weber County Planning Area in exchange for meaningful public offerings. No more than 50
501 percent total bonus density shall be awarded to any PRUD development.

502 a. The following table offers a guide to assist in prioritizing bonus density based on a
503 development's offerings. After recommendation from the planning commission, the county
504 commission has legislative authority to determine final bonus density awarded. At the county
505 commission's discretion, these may be in place of or in addition to the bonuses already
506 available in the cluster subdivision code. Regardless, the development's offerings shall
507 provide a public benefit proportionate to the final awarded bonus density. The development's
508 bonus density offerings and the county's bonus density awards shall be clearly documented
509 and tabulated in the development agreement:

<u>OFFERING</u>	<u>BONUS DENSITY</u>
<u>Roadway landscape design plan.</u> Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length:	<u>15 percent.</u>
<u>Public access.</u> A minimum of one approved public access to public lands:	<u>5 percent.</u>
<u>HOA park.</u> An HOA park, open to the general public:	<u>5 percent.</u>
<u>Public park.</u> A park donated to and with the consent of the county, local park district, or other county approved entity:	<u>10 percent.</u>
<u>Public building.</u> Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:	<u>10 percent.</u>
<u>Excess sewer capacity.</u> Development of excess sewage treatment capacity:	<u>3 percent for every 10 percent capacity increase over the development's base density.</u>
<u>Prime agricultural land.</u> Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by Section 101-1-7:	<u>One percent per acre up to 50 percent.</u>
<u>Historic preservation.</u> Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:	<u>5 percent.</u>
<u>Wildlife habitat open space easement.</u> A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value:	<u>15 percent.</u>
<u>Small neighborhood commercial.</u> Neighborhood small-scale commercial retail or non-drive-thru restaurant, in a PRUD development with 100 or more dwelling units.	<u>10 percent.</u>
<u>Affordable housing.</u> Affordable housing, in compliance with (1)b. of this Subsection B.	<u>10 Percent.</u>

512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550

b. Affordable housing bonus. Base density may be increased by ten percent if the development complies with the following:

1. The ten percent additional density is permanently set aside for affordable housing as outlined by the Affordable Housing Act of 1990.
2. The additional density is located in the interior of the development, as central as is practicable given site constraints, land uses, open spaces, and street configuration, and is completely surrounded by other dwelling units within the development. Open space may abut a part provided the open space is large enough to offer a sufficient buffer from existing residential uses in the area. The building height is limited to 35 feet or two stories above grade.
3. The development agreement shall offer an effective, efficient, and industry best-practice supported method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and dwelling units to a household with an income at or below 80 percent of the county median income;
4. A final subdivision plat shall identify and label a lot or dwelling unit set aside as an affordable housing lot or dwelling unit, and provide a note on the final subdivision plat explaining the nature of the housing restriction and the method by which occupancy and affordability will be regulated.

(2) Ogden Valley Planning Area bonus density. A PRUD overlay zone should create no new density entitlements in the Ogden Valley. A PRUD overlay zone may be designated as a receiving area for transferrable development rights or a similar density transfer program. The development agreement shall clearly specify the logistics of such a program.

...
Title 106 - SUBDIVISIONS
...
CHAPTER 2. - SUBDIVISION STANDARDS
...
Sec. 106-2-2. - Street and alley widths, cul-de-sacs, easements.
(a) Street dedication. Streets in year round subdivisions shall be dedicated to the county as public streets except that private streets improved to county public street standards may be permitted in ~~planned residential unit developments or~~ condominiums. Mountain land subdivisions in high mountain areas of the county for seasonal recreation and summer homes shall have private streets built to county private street standards for such subdivisions except that the county may require public dedication for major or loop road access purposes.
...
Title 108 - STANDARDS
...

551 **CHAPTER 3. – CLUSTER SUBDIVISIONS**

552 ...

553 **Sec. 108-3-4. –Residential cluster subdivision design and layout standards, generally.**

554 ...

555 (b) *Street configuration.* Streets shall have logical and efficient connections, with block lengths or
556 intersection distances no less than provided in Section 106-2-3.

557 (1) *Western Weber Planning Area Streets.* In the Western Weber Planning Area, streets shall
558 generally follow existing street grid design. Section line streets are mandatory ~~and shall not be~~
559 ~~waived~~ unless, based on the transportation element of the general plan and other plans or studies,
560 the County Engineer determines that no street will ever be needed on the particular section line.
561 When practicable, quarter section lines shall denote the general location of other through streets.
562 If current parcel configuration does not make this practicable, a through-street, or stubbed-street
563 that will be a future through-street, shall be located as close to these lines as otherwise reasonably
564 possible.

565 ...

566 **Sec. 108-3-5. - Open space preservation plan.**

567 ...

568 (c) *Open space development standards and ownership regulations.* All open space area proposed to
569 count toward the minimum open space area required by this chapter shall be clearly identified on the
570 open space site plan. The following standards apply to their creation. Open space area in excess of
571 the minimum required by this chapter is exempt from these standards.

572 ...

573 (3) *Agricultural open spaces to be contiguous and useful.* In all agricultural zones, open space parcels
574 shall be arranged to create future long-term agricultural opportunities in the following ways:

575 ...

576 c. The exterior boundary of a contiguous open space area that is intended to satisfy the open
577 space requirements of this chapter shall be configured so a fifty-foot-wide farm implement can
578 reach all parts of the area with three or more passes or turns. Generally, this requires the area
579 to be at least 450 wide in any direction at any given point to be considered contiguous. This
580 three turn standard may be reduced by the planning commission for portions of the parcel
581 affected by the following:

582 1. The configuration of the existing exterior boundary of the proposed subdivision makes it
583 impossible;

584 2. A street required by Section 108-3-4 constrains the width of the parcel or bisects what
585 would otherwise be one contiguous open space area if the street did not exist; ~~or~~

586 3. Natural features, or permanent man-made improvements onsite that cannot be moved or
587 realigned, cause an interruption to crop producing capabilities; or

588 4. Due to existing or reasonably anticipated future conditions, not offering the reduction will
589 inhibit long-term agricultural opportunities onsite or on adjacent permanently preserved
590 agricultural parcels.

591 ...

592 **CHAPTER 5. ~~RESERVED.~~ PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)**

593 **Sec. 108-5-1. – Definitions.**

594 When used in this chapter, the following words and phrases have the meaning ascribed to them in this
595 section, unless the context indicates a different meaning:

596 *Common open space* means land area in a planned residential unit development reserved and set aside
597 for recreation uses, landscaping, open green areas, parking and driveway areas for common use and
598 enjoyment of the residents of the PRUD

599 *Common open space easement* means a required right of use granted to the county by the owner of a
600 planned residential unit development, on and over land in a planned residential unit development
601 designated as common open space, which easement guarantees to the county that the designated
602 common open space and recreation land is permanently reserved for access, parking and recreation and
603 open green space purposes in accordance with the plans and specifications approved by the planning
604 commission and county commission at the time of approval of the PRUD or as such plans are amended
605 from time to time with the approval of the county commission.

606 *Planned residential unit development (PRUD)* means a development in which the regulations of the zone,
607 in which the development is situated, are waived to allow flexibility and initiative in site, building design
608 and location in accordance with an approved plan and imposed general requirements.

609 **Sec. 108-5-2. – Purpose and intent.**

610 (a) — A planned residential unit development (PRUD) is intended to allow for diversification in the
611 relationship of various uses and structures to their sites and to permit more flexibility of such sites and to
612 encourage new and imaginative concepts in the design of neighborhood and housing projects in
613 urbanizing areas. To this end, the development should be planned as one complex land use.

614 (b) — Substantial compliance with the zone regulations and other provisions of this chapter in requiring
615 adequate standards related to the public health, safety, and general welfare shall be observed, without
616 unduly inhibiting the advantages of large scale planning for residential and related purposes.

617 **Sec. 108-5-3. – Permitted zones.**

618 A planned residential unit development shall be permitted as a conditional use in all forest, agricultural,
619 residential zones, and notwithstanding any other provisions of this chapter, the provisions as hereinafter
620 set forth shall be applicable if any conflict exists.

621 **Sec. 108-5-4. – Use requirements.**

622 (a) — An overall development plan for a planned residential unit development showing residential uses,
623 housing types, locations, sizes, height, number of residential units, access roads, common area and other
624 open spaces, etc., may be approved by the planning commission and county commission and building
625 permits issued in accordance with such plan, even though the residential uses and dwelling types and the
626 location of the buildings proposed may differ from the residential uses and dwelling types and regulations
627 governing such uses in effect in the zone in which the development is proposed provided the
628 requirements of this chapter are complied with. Accessory nonresidential uses may be included in
629 planned residential unit developments of 100 units or more to provide a necessary service to the
630 residents of the development as determined by the planning commission provided agreements and
631 restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical
632 design to the county's satisfaction are filed by and entered into by the developer to assure that the
633 approved necessary services intent is maintained.

634 (b) — Once the overall development plan showing details of buildings, structures and uses has been
635 approved by the county commission, after recommendations of the planning commission, no changes or

636 ~~alterations to said development plan or uses shall be made without first obtaining the approval of the~~
637 ~~planning commission and county commission, except for landscaping, provided subsection (c) of this~~
638 ~~section has been complied with.~~

639 ~~(c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum~~
640 ~~acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to the~~
641 ~~planning area planning commission and shall be stamped by a licensed landscape architect certifying the~~
642 ~~following:~~

643 ~~(1) That the area of landscaping area exceeds the approved landscape plan;~~

644 ~~(2) That the number and quality of plants exceed the approved landscape plan;~~

645 ~~(3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan;~~
646 ~~and~~

647 ~~(4) That all requirements of the Land Use Code have been met.~~

648 ~~No money held in the financial guarantee for the completion of landscaping of any phase of a PRUD shall~~
649 ~~be released until all landscaping requirements are completed for that phase, with the exception of single-~~
650 ~~family dwellings. In the case of single-family dwellings, that portion of the guarantee, equal to that portion~~
651 ~~of the phase represented by the dwelling, may be released.~~

652 ~~(d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout~~
653 ~~sleeping rooms) for nightly rentals shall be declared and designated on the site development plan, and~~
654 ~~shall adhere to the additional parking requirements for rental sleeping rooms as provided in title 108,~~
655 ~~chapter 8, section 2 of this Land Use Code.~~

656 **~~Sec. 108-5-5. -- Area and residential density regulations.~~**

657 ~~(a) A PRUD shall contain a minimum area of ten acres and consist of at least 24 housing units in all~~
658 ~~forestry and agricultural zones, and contain a minimum area of four acres in all residential zones.~~

659 ~~(b) The number of dwelling units in a PRUD shall be the same as the number permitted by the lot area~~
660 ~~requirements of the same zone in which the PRUD is located. Land used for schools, churches, other~~
661 ~~nonresidential service type buildings and uses, for streets and exclusively for access to the useable area~~
662 ~~of a PRUD shall not be included in the area for determining the number of allowable dwelling units.~~

663 ~~(c) Notwithstanding section 108-5-5(b), the county may, at its discretion, allow for an increased number~~
664 ~~of residential lots in a PRUD by awarding bonus densities to those PRUDs developed within the Western~~
665 ~~Weber County Planning Area. PRUDs developed within the Ogden Valley Planning Area are not eligible~~
666 ~~for bonus densities. The following presents the bonus density opportunities that are available to PRUDs~~
667 ~~located within specific zoning classification boundaries:~~

668 ~~(1) In the Forest (F-40) and the Residential Estates (RE-15 and RE-20) Zones, the county may award a~~
669 ~~maximum bonus density of ten percent based on an accumulation of any combination of the following:~~

670 ~~a. If the PRUD provides a minimum of one road stub to an adjacent property where the planning~~
671 ~~commission determines that streets are needed to provide for current or future traffic circulation, up to a~~
672 ~~five percent bonus density may be granted.~~

673 ~~b. If the PRUD provides a minimum of one approved public access to public lands, up to a five percent~~
674 ~~bonus density may be granted.~~

675 ~~c.—If the PRUD provides common area that offers easily accessible amenities, such as a trail, park, or~~
676 ~~community garden, that are open for use by the general public, up to a five percent bonus density may be~~
677 ~~granted.~~

678 ~~d.—If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an~~
679 ~~open space easement that permanently preserves areas that have been identified by the state division of~~
680 ~~wildlife resources as having substantial or crucial wildlife habitat value, up to a ten percent bonus density~~
681 ~~may be granted.~~

682 ~~(2)—In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to 30~~
683 ~~percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD's~~
684 ~~adjusted gross acreage as defined in section 101-1-7. However, if the applicant preserves open space~~
685 ~~area above 30 percent, the county may grant a bonus density of up to 50 percent. Overall bonus density~~
686 ~~potential shall be no greater than a percentage equal to the percentage of the PRUD's total area~~
687 ~~preserved as open space. The county may award bonus densities based on an accumulation of any~~
688 ~~combination of the following:~~

689 ~~a.—If a PRUD provides and implements an approved roadway landscape and design plan that includes,~~
690 ~~but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an~~
691 ~~appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every~~
692 ~~100 feet of road length, up to 20 percent bonus density may be granted.~~

693 ~~b.—For each five percent increment of open space preserved over 50 percent: a five percent bonus~~
694 ~~density shall be granted up to the total bonus density allowed by subsection (c)(2).~~

695 ~~c.—If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus~~
696 ~~density may be granted.~~

697 ~~d.—If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or~~
698 ~~community gardens, that are open for use by the general public, up to a 15 percent bonus density may be~~
699 ~~granted.~~

700 ~~e.—If a PRUD donates and/or permanently preserves a site determined to be desirable and necessary,~~
701 ~~to a local park district or other county approved entity, for the perpetual location and operation of a public~~
702 ~~park, cultural, or other recreation facility; up to a 20 percent bonus may be granted.~~

703 ~~f.—If ten percent of the lots and homes in a PRUD are permanently set aside for affordable housing as~~
704 ~~outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus density may be granted. If a~~
705 ~~bonus density is granted to affordable housing, the applicant shall:~~

706 ~~1.—Present and gain county approval of an effective plan and method for guaranteeing and enforcing~~
707 ~~perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the~~
708 ~~sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the~~
709 ~~county median income;~~

710 ~~2.—Identify and label, on the final plat, the lots set aside as affordable housing lots; and~~

711 ~~3.—Provide a note on the final plat explaining the nature of the housing restriction on the lot and the~~
712 ~~method by which occupancy and affordability will be regulated.~~

713 ~~g.—If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan~~
714 ~~approved by the planning commission and records an agricultural preservation easement on the parcel, a~~
715 ~~bonus density may be approved as follows:~~

716 ~~1.— For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density~~
717 ~~may be granted.~~

718 ~~2.— For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density~~
719 ~~may be granted.~~

720 ~~3.— For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density~~
721 ~~may be granted.~~

722 ~~4.— For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density~~
723 ~~may be granted.~~

724 ~~5.— For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.~~

725 ~~h.— If a PRUD provides for the preservation of historical sites and buildings that have been identified by~~
726 ~~the state historic preservation office as having notable historical value, up to a five percent bonus density~~
727 ~~may be granted.~~

728 ~~i.— If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent~~
729 ~~bonus density may be granted.~~

730 ~~j.— If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an~~
731 ~~open space easement that permanently preserves areas that have been identified by the state division of~~
732 ~~wildlife resources as having substantial or crucial wildlife habitat value, up to a 15 percent bonus density~~
733 ~~may be granted.~~

734 ~~k.— If a PRUD includes an open space parcel that consists of five acres or more and is contiguous to~~
735 ~~permanently preserved open space on an adjoining property located outside of the proposed PRUD, up~~
736 ~~to a 20 percent bonus density may be granted.~~

737 ~~(d)— If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total~~
738 ~~of the units allowed in each zone, however, the units allowed in each zone must be constructed in the~~
739 ~~respective zone.~~

740 ~~(e)— It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD~~
741 ~~beyond what county development ordinances would normally allow, by requesting housing unit credit and~~
742 ~~transfer for lands to be included in the PRUD boundary as common open space which have little or no~~
743 ~~possibility of housing development. Such areas may include swamp lands, bodies of water, excessively~~
744 ~~steep slopes and hillsides, mountain areas which do not have the capability of housing development due~~
745 ~~to lack of water, access, natural resource limitations, etc. Therefore, the planning commission shall~~
746 ~~determine what part if any, of such lands may be included in a PRUD as useable open space common~~
747 ~~area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD~~
748 ~~and, when such determination justifies such inclusion, the planning commission shall allow the transfer of~~
749 ~~units. In making this determination, the planning commission shall be guided by the following factors:~~

750 ~~(1)— The physical relationship of the proposed common areas to the developable areas of the PRUD~~
751 ~~shall be such that the common areas are suitable for landscaped and/or developed open space or for~~
752 ~~recreational use of direct benefit, access and usability to the unit owners.~~

753 ~~(2)— The lands shall contribute to the actual quality, livability and aesthetics of the PRUD and shall be~~
754 ~~physically integrated into the development design.~~

755 ~~(3)— The lands must be suitable for and possess the capability for housing development.~~

756 ~~(4) Lands with an average slope of 40 percent or more in the FR-1, FV-3, F-5, F-10, and F-40 Zones~~
757 ~~and 30 percent or more in all other zones shall not be classified as developable land and shall not be~~
758 ~~considered when determining the number of allowable units in a proposed PRUD.~~

759 ~~**Sec. 108-5-6. – General requirements.**~~

760 ~~(a) The development shall be in a single or corporate ownership at the time of development or the~~
761 ~~subject of an application filed jointly by the owners of the property.~~

762 ~~(b) The property adjacent to the planned residential unit development shall not be detrimentally affected~~
763 ~~without the county imposing reasonable conditions or, in the absence of appropriate natural or~~
764 ~~constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the~~
765 ~~perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required~~
766 ~~on the immediate periphery of a PRUD.~~

767 ~~(c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed~~
768 ~~shall be determined acceptable by approval of the site development plan.~~

769 ~~(d) The county commission may, at its discretion and after receiving a recommendation from the~~
770 ~~planning commission, consider and approve a plan that provides for ownership, preservation,~~
771 ~~maintenance, and guarantee of improvements for proposed open space(s). Open space parcels, and any~~
772 ~~improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially~~
773 ~~guaranteed as follows:~~

774 ~~(1) *Plan approval.* An open space preservation plan shall accompany an application for PRUD~~
775 ~~approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance~~
776 ~~methods for all open space parcels, and a site plan that shows proposed common areas, individually~~
777 ~~owned preservation parcels, and the locations of existing and proposed future structures.~~

778 ~~a. For open space dedicated as common area parcels, the site plan shall show the location of existing~~
779 ~~and future structures by identifying the structure's approximate footprint. Structures housing a utility or~~
780 ~~servicing as a development amenity shall be subject to all applicable standards including all design review~~
781 ~~and applicable architectural standards found in title 108 of the Weber County Land Use Code.~~

782 ~~b. For open space dedicated as individually owned preservation parcels, the site plan shall identify~~
783 ~~locatable building envelopes within which all existing and future buildings must be located.~~

784 ~~(2) *Ownership.*~~

785 ~~a. Open space parcels of any size and dedicated as common area shall be commonly owned by an~~
786 ~~appropriate homeowner's association established under U.C.A. 1953, § 57-8-1 et seq., the Condominium~~
787 ~~Ownership Act, or § 57-8a-101 et seq., the Community Association Act.~~

788 ~~b. Other open space parcels, consisting of five acres or more, may be owned individually.~~

789 ~~1. Individually owned preservation parcels of ten acres or more in area may be owned by any person,~~
790 ~~regardless of whether the person owns a residential lot within the PRUD.~~

791 ~~2. Individually owned preservation parcels of less than ten acres in area may only be owned by an~~
792 ~~owner of a lot within the same PRUD.~~

793 ~~3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following~~
794 ~~manner:~~

795 ~~i.—An explanation of the applicable ownership standard and a perpetual restriction conforming thereto~~
796 ~~shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to~~
797 ~~subsection (3); and~~

798 ~~ii.—A note describing the applicable ownership standard shall be placed on the final recorded subdivision~~
799 ~~plat.~~

800 ~~iii.—A notice describing the applicable ownership standard shall be recorded on each individually owned~~
801 ~~preservation parcel at the time of recording a subdivision plat.~~

802 ~~(3)—*Preservation.*~~

803 ~~a.—Open space parcels are to be permanently preserved in a manner that is consistent with the~~
804 ~~approved open space preservation plan.~~

805 ~~b.—The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording~~
806 ~~the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner~~
807 ~~association if applicable, an open space easement over all areas dedicated as common area or~~
808 ~~individually owned preservation parcels. The open space easement shall incorporate and conform to the~~
809 ~~open space preservation plan approved under subsection (1).~~

810 ~~c.—If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or~~
811 ~~crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement~~
812 ~~meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.~~

813 ~~d.—If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the~~
814 ~~applicant shall:~~

815 ~~1.—Identify and label on the final plat each such parcel as an agricultural, forest, or other type of~~
816 ~~preservation parcel;~~

817 ~~2.—Further identify each preservation parcel by placing a unique identifying letter of the alphabet~~
818 ~~immediately after the label;~~

819 ~~3.—Present an agricultural, forest, or other type of preservation easement to the county and gain its~~
820 ~~approval; and~~

821 ~~4.—Record an approved preservation easement on each parcel identified as an agricultural, forest, or~~
822 ~~other type of preservation parcel.~~

823 ~~e.—The county may impose any additional conditions and restrictions it deems necessary to ensure~~
824 ~~maintenance of the open space and adherence to the open space preservation plan. Such conditions~~
825 ~~may include a plan for the disposition or re-use of the open space property if the open space is not~~
826 ~~maintained in the manner agreed upon or is abandoned by the owners.~~

827 ~~(4)—*Guarantee of open space improvements.*~~

828 ~~a.—The county shall not require an applicant to deposit a financial guarantee for open space~~
829 ~~improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and~~
830 ~~that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting~~
831 ~~from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall~~
832 ~~complete the improvements according to the approved phasing component of an open space~~
833 ~~preservation plan. If the applicant fails to complete improvements as presented in the open space~~
834 ~~preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and~~

835 ~~record an instrument notifying prospective lot buyers that future land use permits may not be issued for~~
836 ~~any construction.~~

837 ~~b.—The county shall require an applicant to deposit a financial guarantee for all open space~~
838 ~~improvements (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a~~
839 ~~certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a~~
840 ~~proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners.~~
841 ~~The applicant or developer shall complete all improvements according to the approved phasing~~
842 ~~component of an open space preservation plan.~~

843 ~~(5)—Maintenance. The open space parcel owner, whether an individual or an association, shall use,~~
844 ~~manage, and maintain the owner's parcel in a manner that is consistent with the open space preservation~~
845 ~~plan approved under subsection (1), and the agriculture, forest, or other type of preservation easement~~
846 ~~executed under subsection (3).~~

847 **~~Sec. 108-5-7.—Submission of application.~~**

848 ~~(a)—An application for a planned residential unit development shall be to the planning commission and~~
849 ~~shall be accompanied by an overall development plan, including an open space preservation plan,~~
850 ~~showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as~~
851 ~~schools and playgrounds, landscaping, recreational facilities, areas reserved and proposals for~~
852 ~~accommodating vehicular and pedestrian circulation, parking, etc., development phases, and architectural~~
853 ~~drawings and sketches demonstrating the design and character of the proposed development.~~

854 ~~(b)—Additional information shall be included as may be necessary to determine that the contemplated~~
855 ~~arrangement of uses make it desirable to apply regulations and requirements differing from those~~
856 ~~ordinarily applicable under this chapter.~~

857 **~~Sec. 108-5-8.—Planning commission consideration.~~**

858 ~~In considering the proposed planned residential unit development, the planning commission shall~~
859 ~~consider:~~

860 ~~(1)—The architectural design of buildings and their relationship on the site and development beyond the~~
861 ~~boundaries of the proposal.~~

862 ~~(2)—Which streets shall be public and which shall be private; the entrances and exits to the development~~
863 ~~and the provisions for internal and external traffic circulation and off-street parking.~~

864 ~~(3)—The landscaping and screening as related to the proposed uses within the development and their~~
865 ~~integration into the surrounding area.~~

866 ~~(4)—Lighting and the size, location, design, and quality of signs.~~

867 ~~(5)—The residential density of the proposed development and its distribution as compared with the~~
868 ~~residential density of the surrounding lands, either existing or as indicated on the zoning map or general~~
869 ~~plan proposals of the county as being a desirable future residential density.~~

870 ~~(6)—The demonstrated ability of the applicant to financially carry out the proposed project under total or~~
871 ~~phase development proposals within the time limit established.~~

872 **~~Sec. 108-5-9.—Planning commission action.~~**

873 ~~The planning commission, after considering applicable codes and any anticipated detrimental effects,~~
874 ~~may recommend an approval, recommend an approval with conditions, or recommend denial of the~~
875 ~~PRUD to the county commission.~~

876 **~~Sec. 108-5-10. – County commission action.~~**

877 ~~The county commission, after holding a public meeting, may approve or disapprove the application for a~~
878 ~~PRUD. If approving an application, the county commission may attach conditions as it may deem~~
879 ~~necessary to secure the purposes of this chapter. Approval of the county commission, together with any~~
880 ~~conditions imposed, constitutes approval of the proposed development as a conditional use in the zone in~~
881 ~~which it is proposed.~~

882 **~~Sec. 108-5-11. – Land use permit issuance.~~**

883 ~~The planning division shall not issue any land use permit for any proposed building, structure, or use~~
884 ~~within the project unless such building, structure, or use complies with the approved plans and any~~
885 ~~conditions imposed. Approved development plans shall be filed with the planning division, building~~
886 ~~inspector and county engineer.~~

887 **~~Sec. 108-5-12. – Time limit.~~**

888 ~~Unless substantial action has been taken, leading toward completion of a PRUD or an approved phase~~
889 ~~thereof, within a period of 18 months from the date of approval, the approval shall expire unless an~~
890 ~~extension, not to exceed six months, is approved by the planning director. Upon expiration, the land and~~
891 ~~structures thereon, if any, may be used for any other permitted use in the zone in which the project is~~
892 ~~located. Reserved open space shall be maintained where necessary to protect and blend existing~~
893 ~~structures into alternate land use proposals after abandonment of a project.~~

894

PRUD Rewrite Analysis.

Understanding the Problem

Weber County's current PRUD ordinance contains a cart-blanc entitlement for any standard of any part of the Land Use Code to be waived or modified for any PRUD with or without an objective reason. It also authorizes a PRUD in most zones by conditional use permit A conditional use permit is an administrative decision and under state law is required to be approved (except in very limited circumstances). The test an administrative decision must withstand if the decision is appealed is whether the decision is "arbitrary, capricious, or illegal."

Whether by intent or by a misunderstanding of the purpose and origination of an administrative PRUD-type ordinance, Weber County has allowed the current PRUD ordinance to be applied purely as a mechanism for waiving other stricter requirements instead of as a method of receiving better planned developments.

By the very nature of the flexibility of the current PRUD code, nearly any decision made under this level of administrative discretion, whether for or against an applicant's proposal, can at least be construed to be arbitrary (if not also capricious) since it relies on a person's perception of what is or is not "desirable" and "harmonious" as opposed to objective review criteria and objective reasoning. The courts have told us this sort of flexible decision making has little room in an administrative decision. However, this flexibility is very appropriate for a legislative decision.

Upon court review, a legislative decision only need to meet one test: does the decision advance a reasonable public interest?" There is broad discretion in this sort of decision. The broadness is one reason why such a decision is required to be made by the County's elected legislative body. In contrast, an administrative decision, which only needs to meet the requirements of the County's laws (which have been set by the legislative body), can be made by an appointed administrative review body.

For these reasons the current PRUD ordinance, with some modifications, is being presented to be changed to an overlay zone, which is an administrative decision, and removed from county ordinances as an administrative decision. If the County desires it to remain a legislative decision, then the chapter should be rewritten with more objective criteria to remove the potential for arbitrary decision making.

PRUD/PUD Research from Other Counties

When determining best practices staff reviewed the ordinances of other Counties in the area. Below is an analysis of them and how they compare with Weber County's current ordinance. Keep in mind that each of these counties have codes that were written well before the courts started chiming in on the entitlements of an administrative decision, and well before recent state law changes that reflect the same. As is the case with Weber County's current PRUD ordinance or Weber County's former conditional use code (updated in 2014) some of these counties may not have prioritized time a resources to update their codes to eliminate discretionary decision making in administrative decisions.

Davis County Code

Davis County has a Planned Unit Development (PUD) ordinance, which is the more popular term for a PRUD ordinance. A PUD is only listed as allowed by conditional use in the R-1, R-2, and R-3 zones, all of which have a standard minimum lot area requirement of 9,000 square feet. The limited scope in these

small-lot zones renders a much different input for the execution of their PUD ordinance that makes anticipated outputs more predictable.

By-and-large their PUD ordinance does not allow the cart-blanche and arbitrary flexibility of Weber County's current PRUD ordinance. Because administrative decisions must be made in favor of the applicant, the limited scope of their decision-making criteria makes it less likely to be abused by the applicant or the decision-makers.

Tooele County Code

Tooele County has a PUD ordinance similar to Weber County's current PRUD ordinance.

Wasatch County Code

Wasatch County has a "Planned Performance Developments" ordinance that is analogue to a PRUD ordinance. Their ordinance allows these developments by administrative decision in only their Mountain Zone, Strawberry Recreation Zone, and Transitional Residential Overlay Zone.

Their ordinance does not offer cart-blanche waiver of any standard. It is particularly specific in its application of modified standards. This is a performance based ordinance, in which if the developer/development offers "x" then they can have "y." The performance criteria is limited in scope and application.

Utah County Code

Utah County has a PUD ordinance. Their ordinance includes 14 pages of very specific standards to which a PUD shall comply in order to be approved.

Their ordinance does include a provision in which, on its face, might be determined to be a hybrid between a legislative and administrative decision. It pertains to County Commission discretion to require more restrictive standards, or to require other public goods/services/districts than would otherwise be required without a PUD. This sort of open-ended discretion is bridled to a degree with somewhat objective decision-making criteria, but even if it is determined to be an unlawful marriage of legislative and administrative decision the rest of the PUD ordinance offers sufficient administrative review criteria to make legally-sound administrative decisions.

Morgan County Code

In Morgan County, their PUD *and* PRUD ordinances were both repealed in 2010 because developments were not producing predictable development outcomes and developers were abusing the flexible nature of their ordinance.

Salt Lake County Code

In Salt Lake County, a PUD is permitted in many zones by conditional use permit. Their PUD chapter follows a similar pattern and objective criteria as Davis County and Utah County. There is no cart-blanche discretion to waive or modify requirements of other parts of their Land Use Code.