



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss and take comment on 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, June 12, 2018
Staff Report Date: Tuesday, June 5, 2018
Applicant: Weber County Planning Division
File Number: ZTA 2017-17

Staff Information

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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. However, under state law a decision on a conditional use permit is an administrative decision in which there is not support for legislative-type discretion. The current PRUD code has been determined to contain insufficient detail to enable the predictable and desirable preconceived outcomes that an administrative decision should have. For this reason, the attached proposal is being proposed to change the decision type – and therefore the amount of decision discretion allowed – for all future PRUDs.

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 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 49-53 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 57-240 deletes PRUD from the list of conditional uses in each zone. This eliminates the administrative nature of these types of decisions.

Lines 144-161 is 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 lines 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.

Lines 242-494 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 243-259 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 260-283 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 284-303 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 304-336 offer application requirements. This section has been rewritten nearly in its entirety.

Lines 337-354 is primarily a copy and paste from the old code. If there are any changes here it is clerical in nature.

Lines 355-388 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 389-412 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 407-408 explains that the overall development plan is where lot development standards will be proposed/located for a PRUD development.

Lines 409-412 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 413-426 are copied and pasted from the current PRUD ordinance, however, subsection (b) has been rewritten for clarity and to offer additional legislative discretion.

Lines 428-434 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 435-498 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.

Lines 445-447 has formatting and clerical changes.

Lines 448-453 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 desire for the offering. 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 454-473 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 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 478-498 are lifted from the current PRUD code without changes, except clerical,

Lines 507-521 offers a new flexible standard for subdivision lots that enables 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 will 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. This addition was requested to be considered by the County Commission.

Lines 531-538 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 561-564 is another minor change to the new cluster subdivision code. It offers one more element 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 566-867 show the current PRUD ordinance deleted.

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.

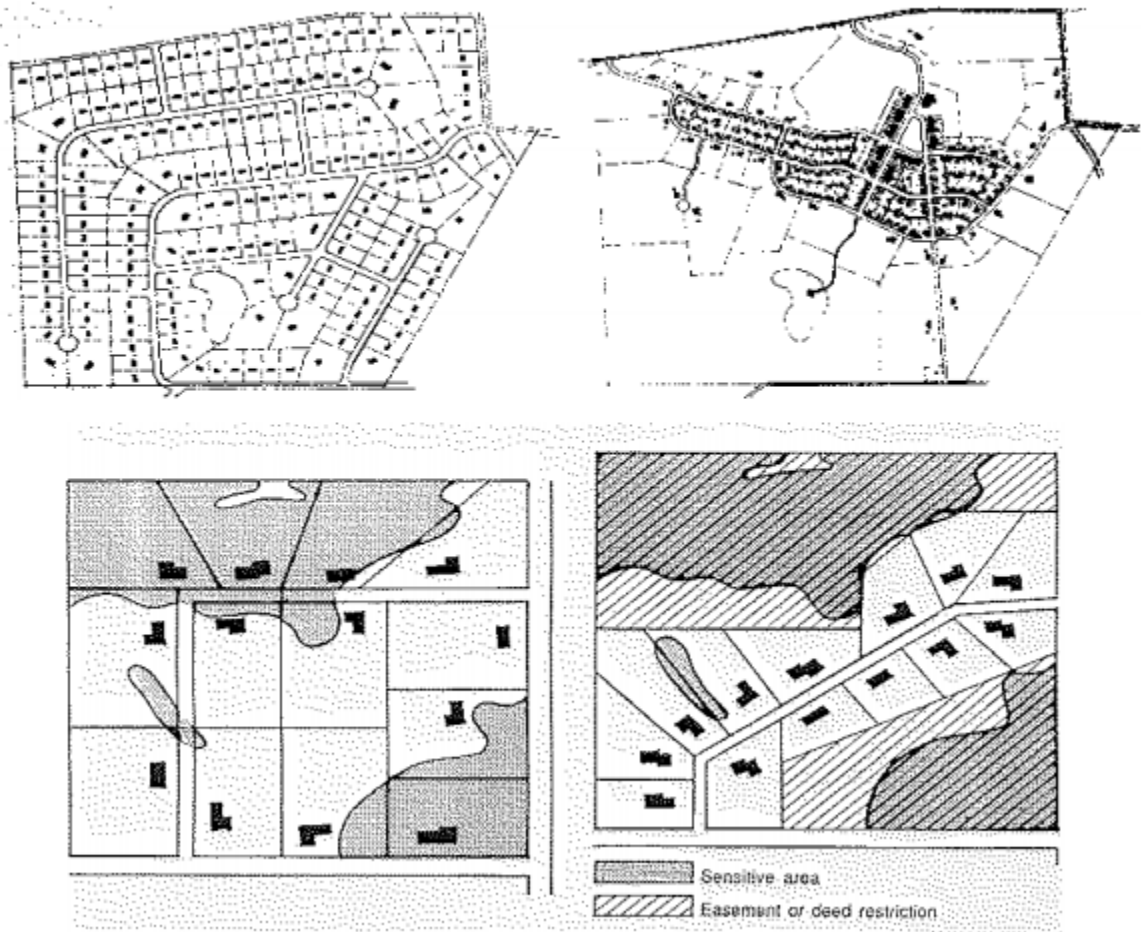
West Central Weber General Plan:

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.

Noticing Compliance

A hearing for this item before the Planning 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

The County Commission is eager to make a decision on this item. For that reason, both planning commissions may only have one meeting to discuss and give recommendation to the commission regarding the proposal. For this

reason, staff recommends that the Planning Commission consider the text included as Exhibit B and Exhibit C and forward it (with or without desired changes) to the County Commission with a favorable recommendation 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 Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.

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.

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44 ...

45 **Title 102 – ADMINISTRATION**

46 **CHAPTER 1. - GENERAL PROVISIONS**

47 ...

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

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

54 ...

55 **Title 104 - ZONES**

56 ...

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

58 ...

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

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

62 ...

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

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

68 (5) Public utility substation.

69 ...

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

71 ...

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

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

75 ...

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

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

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

82 ...

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

84 ...

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

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

88 ...

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

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

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

94 ...

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

96 ...

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

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

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

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

103 (14) 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 8. - AGRICULTURAL ZONE A-3**

107 ...

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108 **Sec. 104-8-5. - 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 ...

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

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

114 (16) 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 amusement business.

116 ...

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

118 ...

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

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

122 ...

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

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

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

128 ...

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

130 ...

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

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

134 ...

135 (26) Travel agency.

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

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

141 ...

142

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

144 (a) Area. The following minimum lot area is required for the uses specified, but never less than two and
 145 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>

Commented [E1]: Reference

Commented [E2]: Reference

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

147 (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>

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

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

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

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

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

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

157 (c) ~~Yard.~~

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

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

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

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

162 ...

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

164 ...

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

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

168 (1) Educational/institutional identification sign.

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

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

173 ...

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

175 ...

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

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

179 ...

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

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

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

185 ...

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

187 ...

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

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

191 ...

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

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

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

197 ...

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

199 ...

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

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

203 ...

204 (2) Educational/institutional identification signs.

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

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

209 ...

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

211 ...

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

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

215 ...

216 (7) Nursing home.

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

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

221 ...

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

223 ...

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

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

227 ...

228 (7) Nightly rental.

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

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

232 ...

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

234 ...

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

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

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

240 (c) Public utility substations.

241 ...

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

Commented [c3]: Whole chapter moved from Title 108
"Standards" to this Title 104 "Zones."

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

244 When used in this chapter, the following words and phrases have the meaning ascribed to them in this
245 section, unless the context indicates a different meaning;

Commented [E4]: Reference

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

249 Common open space easement. The phrase “common open space easement” means a required right
250 of use granted to the county by the owner of a planned residential unit development, on and over land in a
251 planned residential unit development designated as common open space, which easement guarantees to
252 the county that the designated common open space and recreation land is permanently reserved for
253 access, parking and recreation and open green space purposes in accordance with the plans and
254 specifications approved by the planning commission and county commission at the time of approval of the
255 PRUD or as such plans are amended from time to time with the approval of the county commission.

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

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

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

268 (b) A PRUD overlay zone approval shall advance the purpose and intent of the underlying zone. However,
269 after recommendation from the planning commission, the county commission may allow deviations
270 from the purpose and intent of the underlying zone if a proposed PRUD offers contribution to the
271 implementation of a significant and meaningful general plan goal, principle, or implementation strategy.
272 Unless specified otherwise, development of a PRUD shall adhere to the applicable regulations and
273 other provisions of this Land Use Code.

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

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

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

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

Commented [E5]: Reference

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

289 (1) Residential estates zones;

290 (2) Agricultural zones;

291 (3) Forest, forest residential, and forest valley zones;

292 (4) Single-family, two-family and three-family residential zones;

293 (5) Commercial valley resort recreation zone; and

294 (6) Residential manufactured home zone.

295 (c) Nonconforming PRUD. All PRUDs approved administratively prior to the date specified in subsection
296 (a) of this section are hereby nonconforming PRUDs. A nonconforming PRUD may be amended from
297 time to time under the same rules that governed its creation, provided that the amendment is a de
298 minimis change that is routine and uncontested. The Planning Director or the Planning Commission
299 has independent authority to determine what constitutes a routine and uncontested de minimis
300 decision. If it is determined to not be routine or uncontested then the provisions of this chapter shall
301 apply prior to execution of any modification to the PRUD.

Commented [E6]: Reference

302 (d) Previously existing development agreements. Nothing in this chapter shall be construed to inhibit the
303 entitlements of an approved development agreement executed prior to this date.

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

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

310 (1) An overall development plan, complying with the requirements of ~~Section 104-27-X~~, including the
311 following:

Commented [E7]:

312 a. A map of the general configuration of the development, together with land tabulations
313 detailing the proposed uses of land for all areas of the project;

314 b. An open space preservation plan, showing uses, sizes, and locations of proposed structures;

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

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

318 e. Architectural drawings and sketches demonstrating the design and character of the
319 proposed development;

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

322 g. Any proposed mappable voluntary contributions, including those proposed in pursuance of
323 a density bonuses.

- 324 f. A development phasing plan, if applicable.
- 325 (2) A narrative clearly explaining the desired development. The narrative shall also clearly address
- 326 the considerations listed in [Section 104-27-9](#).
- 327 (3) A list of development commitments the applicant is prepared to make with the county, and a list
- 328 detailing what the development needs from the county. This list will be the initial basis for
- 329 development agreement negotiation.
- 330 (4) Base density calculations and a tabulation and explanation of bonus density requests.
- 331 (5) The legal description for all properties to be included in the overlay zone and development
- 332 agreement, together with a general vicinity map of the rezone extents.
- 333 (6) Additional information as may be necessary to determine that the contemplated arrangement of
- 334 uses make it desirable to apply regulations and requirements differing from those ordinarily
- 335 applicable under the land use code.

336 (b) An application fee shall be paid at the time of application submittal.

337 **Sec. 104-27-5. - Planning commission consideration and action.**

- 338 (a) In considering the proposed planned residential unit development, the planning commission shall
- 339 consider and make recommendation to the County Commission regarding:
- 340 (1) The architectural design of buildings and their relationship on the site and development beyond
- 341 the boundaries of the proposal.
- 342 (2) Which streets shall be public and which shall be private; the entrances and exits to the
- 343 development and the provisions for internal and external traffic circulation and off-street parking.
- 344 (3) The landscaping and screening as related to the proposed uses within the development and their
- 345 integration into the surrounding area.
- 346 (4) Lighting and the size, location, design, and quality of signs.
- 347 (5) The residential density of the proposed development and its distribution as compared with the
- 348 residential density of the surrounding lands, either existing or as indicated on the zoning map or
- 349 general plan proposals of the county as being a desirable future residential density.
- 350 (6) The demonstrated ability of the applicant to financially carry out the proposed project under total
- 351 or phase development proposals within the time limit established.

352 (b) The planning commission, after considering applicable codes and any anticipated detrimental effects,

353 may recommend an approval, recommend an approval with conditions, or recommend denial of the

354 PRUD overlay zone to the county commission.

355 **Sec. 104-27-6. - General requirements.**

356 (b) *Rezone and development agreement required.* Approval of a PRUD overlay zone shall follow the

357 provisions and requirements specified herein in addition to the rezone provisions of [Title 102, Chapter](#)

358 [5](#). Prior to the execution or validity of a PRUD overlay zone, a development agreement of mutual

359 agreement between the developer and the county shall be prepared and readied for execution upon

360 or simultaneous to adoption of the PRUD overlay zone. The development agreement shall clearly

361 document the County's roles and responsibilities to the developer and the developer's roles and

Commented [E8]: Reference

Commented [E9]: Reference

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362 responsibilities to the County, and shall, at a minimum, provide any other provision necessary to
363 effectively execute the flexible provisions of this chapter, or any other provision as may be required by
364 the county commission or county attorney's office. Nothing in this chapter shall be construed to entitle
365 approval of a PRUD overlay zone or associated development agreement.

366 (c) Overall development plan. The development agreement shall include an overall development plan
367 detailing the proposed development as otherwise specified herein. No changes or alterations to the
368 approved overall development plan shall be made without first obtaining an amendment to the
369 development agreement, except for landscaping as provided in subsection (d) of this section.

Commented [E10]: Reference

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

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

Commented [E11]: Reference

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

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

- 382 a. That the area of landscaping exceeds the approved landscape plan;
- 383 b. That the number and quality of plants exceed the approved landscape plan;
- 384 c. That the functional use of vegetation, such as shade from trees or site-screening from
385 bushes, meet or exceed relevant landscaping requirement of the land use code and the
386 intent of the approved landscape plan; and
- 387 d. That the portion of landscaping per phase exceeds the portions per phase of the approved
388 plan.

389 **Sec. 104-27-7. – Configuration of overall development plan.**

390 (a) Cluster subdivision. All subdivisions within a PRUD overlay zone shall comply with Title 108, Chapter
391 3, Cluster Subdivisions, except those lot development standards as listed in subsection (d) of this
392 section. The overall development plan shall demonstrate that the development can feasibly comply
393 with the cluster subdivision requirements. Specific deviations from the cluster subdivision requirements
394 may be granted by the county commission, after recommendation from the planning commission, if
395 the deviation offers a better community outcome or better contributes to the implementation of a
396 significant and meaningful general plan goal, principle, or implementation strategy.

Commented [E12]: Reference

397 (b) Street configuration. The development plan shall show, at a minimum, the general alignment of all
398 existing or proposed streets in the development. Streets shall offer efficient connectivity to existing
399 street rights-of-way and shall be laid out to provide ease of use and navigation throughout the
400 development. The development plan shall show streets stubbing into an adjacent property in at least
401 one location, more if necessary to comply with block-width or intersection distance requirements of
402 this land use code. At least two points of access into the development is required if it contains more
403 than 30 residences, or as otherwise required by the local fire or emergency services authority.

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404 (c) Land use configuration. The development plan shall show the general locations of proposed land uses
405 including open space areas, and offer a land use inventory specifying approximate land acreage per
406 use.

407 (d) Lot development standards. The development plan shall propose building locations, lot area, lot width,
408 yard, height and coverage regulations for all lots or parcels that will contain development or structure.

409 (e) Natural hazards. The development plan shall be designed around high-hazard natural hazards, and
410 offer reasonable avoidance of moderate hazards. If a 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 Areas,
412 a natural hazards map shall be included as part of the overall development plan submittal.

413 **Sec. 104-27-8. - Use permissions and prohibitions.**

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

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

Commented [E13]: Reference

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

Commented [E14]: Reference

427 **Sec. 104-27-9. - Area and residential density regulations.**

428 (a) Area and base density. A development in a PRUD overlay zone shall contain at least 24 dwelling units
429 and have an area sufficient to offer a base density, as defined in Section 101-1-7, of 24 dwelling units,
430 but the area shall never be less than four acres in any residential zone and ten acres in all other
431 allowed zones. The minimum number of dwelling units may be reduced to six if the PRUD contains a
432 minimum area of 100 acres and provides a common open space easement, as defined in Section 104-
433 27-1, over at least 90 percent of the PRUD's gross acreage. The development agreement shall
434 memorialize and entitle the base density calculation.

Commented [c15]: Check Reference

435 (b) Bonus density.

436 (1) Western Weber Planning Area bonus density. After recommendation from the planning
437 commission, the county commission may allow for an increased number of residential lots in a
438 PRUD development by awarding bonus densities to those PRUDs developed within the Western
439 Weber County Planning Area in exchange for meaningful public offerings. The following presents
440 the bonus density opportunities that may be available. At the county commission's discretion,
441 these may be in place of or in addition to the bonuses already available in the cluster subdivision
442 code. Regardless, the developer's offerings shall provide a public benefit proportionate to the final
443 awarded bonus density. The developer's bonus density offerings and the county's bonus density
444 awards shall be clearly documented and tabulated in the development agreement:

445 a. In the Forest (F-40) and the Residential Estates (RE-15 and RE-20) Zones. The county may
446 award a maximum bonus density of ten percent based on an accumulation of any
447 combination of the following:

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<u>OFFERING</u>	<u>BONUS DENSITY</u>
<u>A minimum of one approved public access to public lands:</u>	<u>5 percent.</u>
<u>A park, open to the general public</u>	<u>5 percent.</u>
<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>	<u>10 percent.</u>

448 b. In the Agricultural (A-1, A-2, and A-3) Zones. The county may grant a bonus density of up to
 449 50 percent if the development preserves open space area equal to or greater than 50 percent
 450 of the PRUD's adjusted gross acreage as defined in section 101-1-7, but not less than 10
 451 acres. Overall bonus density shall be no greater than a percentage equal to the percentage
 452 of the development's total area preserved as open space. The county may award bonus
 453 densities based on an accumulation of any combination of the following:

Commented [E16]: Reference

<u>OFFERING</u>	<u>BONUS DENSITY</u>
<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>	<u>15 percent.</u>
<u>A minimum of one approved public access to public lands:</u>	<u>5 percent..</u>
<u>An HOA park, open to the general public:</u>	<u>5 percent.</u>
<u>A park donated to the county, a local park district, or other county approved entity:</u>	<u>10 percent.</u>
<u>Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:</u>	<u>10 percent.</u>
<u>Development of excess sewage treatment capacity:</u>	<u>3 percent for every 10 percent capacity increase over the development's base density.</u>
<u>Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by Section 101-1-7:</u>	<u>One percent per acre up to 50 percent.</u>

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<u>Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:</u>	<u>5 percent.</u>
<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>	<u>15 percent.</u>

454
455 c. Affordable housing bonus. Ten percent of the development's base density may be freely
456 added as a bonus but not counted in density calculations provided compliance with the
457 following:

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

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

466 3. The development agreement shall offer an effective plan and method for guaranteeing
467 and enforcing perpetual affordability. Any method used, such as an affordable housing
468 deed restriction, shall limit the sale or rental of the affected lots and homes to a
469 household with an income at or below 80 percent of the county median income;

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

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

478 (c) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD
479 beyond what county development ordinances would normally allow, by requesting housing unit credit
480 and transfer for lands to be included in the PRUD boundary as common open space which have little
481 or no possibility of housing development. Such areas may include swamp lands, bodies of water,
482 excessively steep slopes and hillsides, mountain areas which do not have the capability of housing
483 development due to lack of water, access, natural resource limitations, etc. After recommendation from
484 the planning commission, the county commission has legislative discretion to determine what part if
485 any of such lands may be included in a PRUD as useable open space common area for which dwelling
486 unit credit is being requested for transfer to developable portions of the PRUD. When a determination
487 justifies an inclusion, the transfer of units may be allowed. Among other considerations, the county
488 commission's decision should give general preference to the following standards:

489 (1) The physical relationship of the proposed common areas to the developable areas of the PRUD
490 are such that the common areas are suitable for landscaped and/or developed open space or for
491 recreational use of direct benefit, access and usability to the unit owners.

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492 (2) The lands should contribute to the actual quality, livability and aesthetics of the PRUD and should
493 be physically integrated into the development design.

494 (3) The lands are suitable for and possess the capability for housing development.

495 (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
496 and 30 percent or more in all other zones should be discouraged from being classified as
497 developable land and should not be considered when determining the number of allowable units
498 in a proposed PRUD.

499 ...

500 **Title 106 - SUBDIVISIONS**

501 ...

502 **CHAPTER 2. - SUBDIVISION STANDARDS**

503 ...

504 **Sec. 106-2-4. - Lots.**

505 (a) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for
506 buildings, and be properly related to topography and to existing and probable future requirements.

507 (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of
508 the Land Use Code for the zone in which the subdivision is located, ~~or~~ except:

509 (1) ~~Except as~~ When otherwise permitted by the granting of a variance by the board of adjustment as
510 authorized by the Land Use Code;

511 (2) ~~Where~~ When in accordance with the cluster subdivision provisions of the Land Use Code;

512 (3) As required by the county health officer as being the minimum area necessary for septic tank
513 disposal and water well protection if greater than the above area requirements;

514 (4) For "restricted lots" and lots with a designated "building area", the minimum area and width
515 requirements shall be increased in accordance with the slope density tables contained in the Land
516 Use Code.

517 (5) in the A-1 and A-2 zones, the following flexible lot area and width standards shall be allowed
518 provided sufficient diversity of lot sizes and widths, and that the base density of the overall
519 subdivision is not increased:

520 a. Minimum lot area: 20,000 square feet.

521 b. Minimum lot width: 80 feet.

522 ...

523 **Title 108 - STANDARDS**

524 ...

525 **CHAPTER 3. – CLUSTER SUBDIVISIONS**

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526 ...

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

528 ...

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

Commented [E17]: Reference

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

539 ...

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

541 ...

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

546 ...

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

549 ...

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

556 1. The configuration of the existing exterior boundary of the proposed subdivision makes it
557 impossible;

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

Commented [E18]: Reference

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

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

565 ...

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

Commented [c19]: Whole chapter moved from Title 108 "Standards" to Title 104 "Zones."

567 **Sec. 108-5-1. – Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

613 (c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum
614 acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to the
615 planning area planning commission and shall be stamped by a licensed landscape architect certifying the
616 following:

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

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

619 (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan;
620 and

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

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

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

630 **Sec. 108-5-5. – Area and residential density regulations.**

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

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

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

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

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

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

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

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

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

663 a.— If a PRUD provides and implements an approved roadway landscape and design plan that includes,
664 but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an
665 appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every
666 100 feet of road length, up to 20 percent bonus density may be granted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

730 ~~(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~~
731 ~~and 30 percent or more in all other zones shall not be classified as developable land and shall not be~~
732 ~~considered when determining the number of allowable units in a proposed PRUD.~~

733 **~~Sec. 108-5-6. -- General requirements.~~**

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

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

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

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

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

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

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

758 ~~(2) — *Ownership.*~~

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

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

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

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

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

- 769 i.—An explanation of the applicable ownership standard and a perpetual restriction conforming thereto
770 shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to
771 subsection (3); and
- 772 ii.— A note describing the applicable ownership standard shall be placed on the final recorded subdivision
773 plat.
- 774 iii.—A notice describing the applicable ownership standard shall be recorded on each individually owned
775 preservation parcel at the time of recording a subdivision plat.
- 776 (3)—*Preservation.*
- 777 a.—Open space parcels are to be permanently preserved in a manner that is consistent with the
778 approved open space preservation plan.
- 779 b.—The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording
780 the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner
781 association if applicable, an open space easement over all areas dedicated as common area or
782 individually owned preservation parcels. The open space easement shall incorporate and conform to the
783 open space preservation plan approved under subsection (1).
- 784 c.— If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or
785 crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement
786 meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
- 787 d.— If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the
788 applicant shall:
- 789 1.—Identify and label on the final plat each such parcel as an agricultural, forest, or other type of
790 preservation parcel;
- 791 2.— Further identify each preservation parcel by placing a unique identifying letter of the alphabet
792 immediately after the label;
- 793 3.— Present an agricultural, forest, or other type of preservation easement to the county and gain its
794 approval; and
- 795 4.— Record an approved preservation easement on each parcel identified as an agricultural, forest, or
796 other type of preservation parcel.
- 797 e.—The county may impose any additional conditions and restrictions it deems necessary to ensure
798 maintenance of the open space and adherence to the open space preservation plan. Such conditions
799 may include a plan for the disposition or re-use of the open space property if the open space is not
800 maintained in the manner agreed upon or is abandoned by the owners.
- 801 (4)—*Guarantee of open space improvements.*
- 802 a.—The county shall not require an applicant to deposit a financial guarantee for open space
803 improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and
804 that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting
805 from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall
806 complete the improvements according to the approved phasing component of an open space
807 preservation plan. If the applicant fails to complete improvements as presented in the open space
808 preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and

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

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

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

821 **~~Sec. 108-5-7. – Submission of application.~~**

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

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

831 **~~Sec. 108-5-8. – Planning commission consideration.~~**

832 ~~In considering the proposed planned residential unit development, the planning commission shall~~
833 ~~consider:~~

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

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

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

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

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

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

846 **~~Sec. 108-5-9. – Planning commission action.~~**

847 The planning commission, after considering applicable codes and any anticipated detrimental effects,
848 may recommend an approval, recommend an approval with conditions, or recommend denial of the
849 PRUD to the county commission.

850 **Sec. 108-5-10. – County commission action.**

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

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

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

861 **Sec. 108-5-12. – Time limit.**

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

868

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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 ...

38 **Title 102 – ADMINISTRATION**

39 **CHAPTER 1. - GENERAL PROVISIONS**

40 ...

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

42 ...

43 **Title 104 - ZONES**

44 ...

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

46 ...

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

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

50 ...

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

54 (4) Reserved.

55 (5) Public utility substation.

56 ...

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

58 ...

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

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

62 ...

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

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

68 ...

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

70 ...

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

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

74 ...

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

76 (10) Reserved.

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

79 ...

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

81 ...

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

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

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

86 (13) Reserved.

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

89 ...

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

91 ...

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

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

95 ...

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

97 (15) Reserved.

98 (16) 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 amusement business.

100 ...

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

102 ...

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

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

106 ...

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

109 (7) Reserved.

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

112 ...

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

114 ...

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

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

118 ...

119 (26) Travel agency.

120 (27) Reserved.

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

124 ...

125

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

127 (a) Area. The following minimum lot area is required for the uses specified, but never less than two and
128 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.

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

130 (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.

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

132 ...

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

134 ...

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

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

138 (1) Educational/institutional identification sign.

139 (2) Reserved.

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

142 ...

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

144 ...

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

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

148 ...

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

150 (8) Reserved.

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

153 ...

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

155 ...

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

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

159 ...

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

161 (10) Reserved.

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

164 ...

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

166 ...

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

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

170 ...

171 (2) Educational/institutional identification signs.

172 (3) Reserved.

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

175 ...

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

177 ...

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

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

181 ...

182 (7) Nursing home.

183 (8) Reserved.

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

186 ...

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

188 ...

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

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

192 ...

193 (7) Nightly rental.

194 (8) Reserved.

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

197 ...

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

199 ...

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

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

203 (b) Reserved.

204 (c) Public utility substations.

205 ...

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

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

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

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

213 *Common open space easement.* The phrase “common open space easement” means a required right
214 of use granted to the county by the owner of a planned residential unit development, on and over land in a
215 planned residential unit development designated as common open space, which easement guarantees to
216 the county that the designated common open space and recreation land is permanently reserved for
217 access, parking and recreation and open green space purposes in accordance with the plans and
218 specifications approved by the planning commission and county commission at the time of approval of the
219 PRUD or as such plans are amended from time to time with the approval of the county commission.

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

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

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

232 (b) A PRUD overlay zone approval shall advance the purpose and intent of the underlying zone. However,
233 after recommendation from the planning commission, the county commission may allow deviations
234 from the purpose and intent of the underlying zone if a proposed PRUD offers contribution to the
235 implementation of a significant and meaningful general plan goal, principle, or implementation strategy.
236 Unless specified otherwise, development of a PRUD shall adhere to the applicable regulations and
237 other provisions of this Land Use Code.

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

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

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

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

- 251 (b) *Allowed zones.* A planned residential unit development overlay zone may only be considered in the
252 following zones:
- 253 (1) Residential estates zones;
- 254 (2) Agricultural zones;
- 255 (3) Forest, forest residential, and forest valley zones;
- 256 (4) Single-family, two-family and three-family residential zones;
- 257 (5) Commercial valley resort recreation zone; and
- 258 (6) Residential manufactured home zone.
- 259 (c) *Nonconforming PRUD.* All PRUDs approved administratively prior to the date specified in subsection
260 (a) of this section are hereby nonconforming PRUDs. A nonconforming PRUD may be amended from
261 time to time under the same rules that governed its creation, provided that the amendment is a de
262 minimis change that is routine and uncontested. The Planning Director or the Planning Commission
263 has independent authority to determine what constitutes a routine and uncontested de minimus
264 decision. If it is determined to not be routine or uncontested then the provisions of this chapter shall
265 apply prior to execution of any modification to the PRUD.
- 266 (d) *Previously existing development agreements.* Nothing in this chapter shall be construed to inhibit the
267 entitlements of an approved development agreement executed prior to this date.

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

- 269 (a) An application for a PRUD overlay zone and development agreement shall be submitted to the
270 Planning Division on a form as acceptable by the Planning Division, together with all accompanying
271 documents, plans, and studies required by this chapter. The application shall contain authorization
272 from all owners of land within the property's legal description. The following are the minimum
273 requirements necessary to submit a complete application:
- 274 (1) An overall development plan, complying with the requirements of Section 104-27-X, including the
275 following:
- 276 a. A map of the general configuration of the development, together with land tabulations
277 detailing the proposed uses of land for all areas of the project;
- 278 b. An open space preservation plan, showing uses, sizes, and locations of proposed structures;
- 279 c. A transportation plan that accommodates vehicular and pedestrian circulation, parking, etc.;
- 280 d. Areas reserved for public uses such as schools and playgrounds, landscaping, recreational
281 facilities, if applicable;
- 282 e. Architectural drawings and sketches demonstrating the design and character of the
283 proposed development;
- 284 f. If in a natural hazards study area or a known natural hazard is present onsite, the application
285 shall include a natural hazards map.
- 286 g. Any proposed mappable voluntary contributions, including those proposed in pursuance of
287 a density bonuses.

- 288 f. A development phasing plan, if applicable.
- 289 (2) A narrative clearly explaining the desired development. The narrative shall also clearly address
290 the considerations listed in Section 104-27-9.
- 291 (3) A list of development commitments the applicant is prepared to make with the county, and a list
292 detailing what the development needs from the county. This list will be the initial basis for
293 development agreement negotiation.
- 294 (4) Base density calculations and a tabulation and explanation of bonus density requests.
- 295 (5) The legal description for all properties to be included in the overlay zone and development
296 agreement, together with a general vicinity map of the rezone extents.
- 297 (6) Additional information as may be necessary to determine that the contemplated arrangement of
298 uses make it desirable to apply regulations and requirements differing from those ordinarily
299 applicable under the land use code.
- 300 (b) An application fee shall be paid at the time of application submittal.

301 **Sec. 104-27-5. - Planning commission consideration and action.**

- 302 (a) In considering the proposed planned residential unit development, the planning commission shall
303 consider and make recommendation to the County Commission regarding:
- 304 (1) The architectural design of buildings and their relationship on the site and development beyond
305 the boundaries of the proposal.
- 306 (2) Which streets shall be public and which shall be private; the entrances and exits to the
307 development and the provisions for internal and external traffic circulation and off-street parking.
- 308 (3) The landscaping and screening as related to the proposed uses within the development and their
309 integration into the surrounding area.
- 310 (4) Lighting and the size, location, design, and quality of signs.
- 311 (5) The residential density of the proposed development and its distribution as compared with the
312 residential density of the surrounding lands, either existing or as indicated on the zoning map or
313 general plan proposals of the county as being a desirable future residential density.
- 314 (6) The demonstrated ability of the applicant to financially carry out the proposed project under total
315 or phase development proposals within the time limit established.
- 316 (b) The planning commission, after considering applicable codes and any anticipated detrimental effects,
317 may recommend an approval, recommend an approval with conditions, or recommend denial of the
318 PRUD overlay zone to the county commission.

319 **Sec. 104-27-6. - General requirements.**

- 320 (b) *Rezone and development agreement required.* Approval of a PRUD overlay zone shall follow the
321 provisions and requirements specified herein in addition to the rezone provisions of Title 102, Chapter
322 5. Prior to the execution or validity of a PRUD overlay zone, a development agreement of mutual
323 agreement between the developer and the county shall be prepared and readied for execution upon
324 or simultaneous to adoption of the PRUD overlay zone. The development agreement shall clearly
325 document the County's roles and responsibilities to the developer and the developer's roles and

326 responsibilities to the County, and shall, at a minimum, provide any other provision necessary to
327 effectively execute the flexible provisions of this chapter, or any other provision as may be required by
328 the county commission or county attorney’s office. Nothing in this chapter shall be construed to entitle
329 approval of a PRUD overlay zone or associated development agreement.

330 (c) *Overall development plan.* The development agreement shall include an overall development plan
331 detailing the proposed development as otherwise specified herein. No changes or alterations to the
332 approved overall development plan shall be made without first obtaining an amendment to the
333 development agreement, except for landscaping as provided in subsection (d) of this section.

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

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

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

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

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

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

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

351 d. That the portion of landscaping per phase exceeds the portions per phase of the approved
352 plan.

353 **Sec. 104-27-7. – Configuration of overall development plan.**

354 (a) *Cluster subdivision.* All subdivisions within a PRUD overlay zone shall comply with Title 108, Chapter
355 3, Cluster Subdivisions, except those lot development standards as listed in subsection (d) of this
356 section. The overall development plan shall demonstrate that the development can feasibly comply
357 with the cluster subdivision requirements. Specific deviations from the cluster subdivision requirements
358 may be granted by the county commission, after recommendation from the planning commission, if
359 the deviation offers a better community outcome or better contributes to the implementation of a
360 significant and meaningful general plan goal, principle, or implementation strategy.

361 (b) *Street configuration.* The development plan shall show, at a minimum, the general alignment of all
362 existing or proposed streets in the development. Streets shall offer efficient connectivity to existing
363 street rights-of-way and shall be laid out to provide ease of use and navigation throughout the
364 development. The development plan shall show streets stubbing into an adjacent property in at least
365 one location, more if necessary to comply with block-width or intersection distance requirements of
366 this land use code. At least two points of access into the development is required if it contains more
367 than 30 residences, or as otherwise required by the local fire or emergency services authority.

368 (c) *Land use configuration.* The development plan shall show the general locations of proposed land uses
369 including open space areas, and offer a land use inventory specifying approximate land acreage per
370 use.

371 (d) *Lot development standards.* The development plan shall propose building locations, lot area, lot width,
372 yard, height and coverage regulations for all lots or parcels that will contain development or structure.

373 (e) *Natural hazards.* The development plan shall be designed around high-hazard natural hazards, and
374 offer reasonable avoidance of moderate hazards. If a hazard is known to exist onsite, or if the site is
375 located in a natural hazards study area, as specified in Title 108, Chapter 22, Natural Hazard Areas,
376 a natural hazards map shall be included as part of the overall development plan submittal.

377 **Sec. 104-27-8. - Use permissions and prohibitions.**

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

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

387 (c) *Nightly rentals.* Any housing units to be developed or used, in whole or in part, for sleeping rooms
388 (including lockout sleeping rooms) for nightly rentals shall be declared and designated on the site
389 development plan, and shall adhere to the additional parking requirements for rental sleeping rooms
390 as provided in title 108, chapter 8, section 2 of this Land Use Code.

391 **Sec. 104-27-9. - Area and residential density regulations.**

392 (a) *Area and base density.* A development in a PRUD overlay zone shall contain at least 24 dwelling units
393 and have an area sufficient to offer a base density, as defined in Section 101-1-7, of 24 dwelling units,
394 but the area shall never be less than four acres in any residential zone and ten acres in all other
395 allowed zones. The minimum number of dwelling units may be reduced to six if the PRUD contains a
396 minimum area of 100 acres and provides a common open space easement, as defined in Section 104-
397 27-1, over at least 90 percent of the PRUD's gross acreage. The development agreement shall
398 memorialize and entitle the base density calculation.

399 (b) *Bonus density.*

400 (1) *Western Weber Planning Area bonus density.* After recommendation from the planning
401 commission, the county commission may allow for an increased number of residential lots in a
402 PRUD development by awarding bonus densities to those PRUDs developed within the Western
403 Weber County Planning Area in exchange for meaningful public offerings. The following presents
404 the bonus density opportunities that may be available. At the county commission's discretion,
405 these may be in place of or in additional to the bonuses already available in the cluster subdivision
406 code. Regardless, the developer's offerings shall provide a public benefit proportionate to the final
407 awarded bonus density. The developer's bonus density offerings and the county's bonus density
408 awards shall be clearly documented and tabulated in the development agreement:

409 a. *In the Forest (F-40) and the Residential Estates (RE-15 and RE-20) Zones.* The county may
410 award a maximum bonus density of ten percent based on an accumulation of any
411 combination of the following:

OFFERING	BONUS DENSITY
A minimum of one approved public access to public lands:	5 percent.
A park, open to the general public	5 percent.
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	10 percent.

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- b. *In the Agricultural (A-1, A-2, and A-3) Zones.* The county may grant a bonus density of up to 50 percent if the development preserves open space area equal to or greater than 50 percent of the PRUD's adjusted gross acreage as defined in section 101-1-7, but not less than 10 acres. Overall bonus density shall be no greater than a percentage equal to the percentage of the development's total area preserved as open space. The county may award bonus densities based on an accumulation of any combination of the following:

OFFERING	BONUS DENSITY
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.
A minimum of one approved public access to public lands:	5 percent..
An HOA park, open to the general public:	5 percent.
A park donated to the county, a local park district, or other county approved entity:	10 percent.
Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:	10 percent.
Development of excess sewage treatment capacity:	3 percent for every 10 percent capacity increase over the development's base density.
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.

Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:	5 percent.
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.

418

419 c. *Affordable housing bonus.* Ten percent of the development’s base density may be freely
 420 added as a bonus but not counted in density calculations provided compliance with the
 421 following:

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

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

430 3. The development agreement shall offer an effective plan and method for guaranteeing
 431 and enforcing perpetual affordability. Any method used, such as an affordable housing
 432 deed restriction, shall limit the sale or rental of the affected lots and homes to a
 433 household with an income at or below 80 percent of the county median income;

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

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

442 (c) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD
 443 beyond what county development ordinances would normally allow, by requesting housing unit credit
 444 and transfer for lands to be included in the PRUD boundary as common open space which have little
 445 or no possibility of housing development. Such areas may include swamp lands, bodies of water,
 446 excessively steep slopes and hillsides, mountain areas which do not have the capability of housing
 447 development due to lack of water, access, natural resource limitations, etc. After recommendation from
 448 the planning commission, the county commission has legislative discretion to determine what part if
 449 any of such lands may be included in a PRUD as useable open space common area for which dwelling
 450 unit credit is being requested for transfer to developable portions of the PRUD. When a determination
 451 justifies an inclusion, the transfer of units may be allowed. Among other considerations, the county
 452 commission’s decision should give general preference to the following standards:

453 (1) The physical relationship of the proposed common areas to the developable areas of the PRUD
 454 are such that the common areas are suitable for landscaped and/or developed open space or for
 455 recreational use of direct benefit, access and usability to the unit owners.

- 456 (2) The lands should contribute to the actual quality, livability and aesthetics of the PRUD and should
457 be physically integrated into the development design.
- 458 (3) The lands are suitable for and possess the capability for housing development.
- 459 (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
460 and 30 percent or more in all other zones should be discouraged from being classified as
461 developable land and should not be considered when determining the number of allowable units
462 in a proposed PRUD.

463 ...

464 **Title 106 - SUBDIVISIONS**

465 ...

466 **CHAPTER 2. - SUBDIVISION STANDARDS**

467 ...

468 **Sec. 106-2-4. - Lots.**

- 469 (a) The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for
470 buildings, and be properly related to topography and to existing and probable future requirements.
- 471 (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of
472 the Land Use Code for the zone in which the subdivision is located, except:
- 473 (1) When otherwise permitted by the granting of a variance by the board of adjustment as authorized
474 by the Land Use Code;
- 475 (2) When in accordance with the cluster subdivision provisions of the Land Use Code;
- 476 (3) As required by the county health officer as being the minimum area necessary for septic tank
477 disposal and water well protection if greater than the above area requirements;
- 478 (4) For "restricted lots" and lots with a designated "building area", the minimum area and width
479 requirements shall be increased in accordance with the slope density tables contained in the Land
480 Use Code.
- 481 (5) in the A-1 and A-2 zones, the following flexible lot area and width standards shall be allowed
482 provided sufficient diversity of lot sizes and widths, and that the base density of the overall
483 subdivision is not increased:

484 a. Minimum lot area: 20,000 square feet.

485 b. Minimum lot width: 80 feet.

486 ...

487 **Title 108 - STANDARDS**

488 ...

489 **CHAPTER 3. – CLUSTER SUBDIVISIONS**

490 ...

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

492 ...

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

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

502 ...

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

504 ...

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

509 ...

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

512 ...

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

519 1. The configuration of the existing exterior boundary of the proposed subdivision makes it
520 impossible;

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

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

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

528 ...

529 **CHAPTER 5. – RESERVED.**

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