

RESOLUTION NUMBER 2018-_____

A RESOLUTION DECLARING THE COUNTY COMMISSION'S INTENT TO AMEND THE WEBER COUNTY LAND USE CODE REGARDING THE DECISION TYPE AND APPROVAL AUTHORITY FOR A PLANNED RESIDENTIAL UNIT DEVELOPMENT

WHEREAS, the Weber County Land Use Code heretofore contained regulations governing the allowance, procedure, and standards for a planned residential unit development (PRUD); and

WHEREAS, those regulations made a decision for a PRUD an administrative decision by means of the conditional use permitting process; and

WHEREAS, it is found that the flexibility and discretionary authority of the PRUD regulations is not keeping with the legal limitations of an administrative decision; and

WHEREAS, the Weber County Board of County Commissioners have determined it in the best interest of the County to modify these regulations to make decision on a PRUD a legislative decision made by the board; and

WHEREAS, Utah Code Annotated §17-27a-508 authorizes the county to initiate proceedings to amend the county's land use code;

NOW THEREFORE, the Weber County Board of Commissioners ordains the initiation of proceedings to amend the county's land use code as follows:

Section 1: *Intent*. The attached Exhibit A is an initial draft of the amendment to the Weber County Land Use Code demonstrating the intent of this resolution. The final draft may or may not be similar dependent on the evolution of the legislative process.

Section 2: *Effect*. This resolution is intended to affect all applications for a PRUD submitted to the County after the effective date except those applications for development of lands governed by a development agreement with a master planned community.

Section 3: *Effective date*. This resolution is effective immediately upon execution by the Board of Weber County Commissioners.

Section 4: *Severability*. If any part of this resolution is held invalid due to the effect of any other agreement, policy, or law, all other parts shall remain in effect and full force.

Passed, adopted, and ordered published this _____ day of _____, 2018, by the Weber County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS OF WEBER COUNTY

By _____,
James H. (Jim) Harvey, Chair

Commissioner Harvey voted _____
Commissioner Ebert voted _____
Commissioner Gibson voted _____

ATTEST:

Ricky Hatch, CPA
Weber County Clerk/Auditor

1 **Title 102 – ADMINISTRATION**

2 **CHAPTER 1. - GENERAL PROVISIONS**

3 ...

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

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

10 ...

11 **Title 104 - ZONES**

12 ...

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

14 ...

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

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

18 ...

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

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

24 (5) Public utility substation.

25 ...

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

27 ...

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

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

31 ...

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

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

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

38 ...

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

40 ...

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

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

44 ...

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

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

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

50 ...

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

52 ...

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

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

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

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

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

61 ...

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

63 ...

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

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

67 ...

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

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

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

72 ...

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

74 ...

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

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

78 ...

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

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

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

84 ...

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

86 ...

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

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

90 ...

91 (26) Travel agency.

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

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

97 ...

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

99 ...

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

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

103 (1) Educational/institutional identification sign.

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

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

108 ...

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

110 ...

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

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

114 ...

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

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

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

120 ...

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

122 ...

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

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

126 ...

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

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

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

132 ...

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

134 ...

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

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

138 ...

139 (2) Educational/institutional identification signs.

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

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

144 ...

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

146 ...

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

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

150 ...

151 (7) Nursing home.

152 (8) ~~Reserved. Planned residential unit development, in accordance with title 108, chapter 5 o this~~
153 ~~Land Use Code.~~

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

156 ...

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

158 ...

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

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

162 ...

- 163 (7) Nightly rental.
- 164 (8) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5.~~
- 165 (9) Private park, playground and/or recreation area, but not including privately owned commercial
- 166 amusement business.

167 ...

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

169 ...

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

- 171 (a) Manufactured home subdivision in accordance with the site development standards prescribed by
- 172 the Weber County Subdivision Ordinance.
- 173 (b) ~~Reserved. Manufactured home PRUD in accordance with the site development standards and~~
- 174 ~~planned residential unit development chapter of this Land Use Code.~~
- 175 (c) Public utility substations.

176 ...

CHAPTER 30. - PLANNED RESIDENTIAL ^(c1) UNIT DEVELOPMENT (PRUD) OVERLAY ZONE.

Sec. 108-5-1. - Definitions.

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

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

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

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

Sec. 108-5-2. - Purpose and intent.

- (a) A planned residential unit development (PRUD) overlay zone is intended to allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility from traditional zoning of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas. To this end, the development should be planned as one complex land use.
- (b) A PRUD overlay zone approval shall advance the purpose and intent of the underlying zone. Substantial compliance with the zone. However, after recommendation from the planning commission, the county commission may allow deviations from the purpose and intent of the underlying zone if a proposed PRUD offers a significant contribution to the implementation of an applicable general plan. Development of any PRUD shall adhere to the applicable regulations and other provisions of this chapter Land Use Code in requiring adequate standards related to and the county commission may apply any condition of approval reasonably necessary to promote the public health, safety, and general welfare shall be observed, without whilst being conscientious of unduly inhibiting the advantages of large scale planning for residential and related purposes.

(c) If any provision of an approved PRUD overlay zone creates a conflict with any other part of this Land Use Code, the applicability of those other provisions shall be modified to the minimum extent that enables the PRUD overlay zone provisions to apply.

Sec. 108-5-3. - Permitted zones Approval procedures and requirements.

A planned residential unit development overlay zone may only be considered in the following zones: shall be permitted as a conditional use in all forest, agricultural, residential zones, and notwithstanding any other provisions of this chapter, the provisions as hereinafter set forth shall be applicable if any conflict exists.

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

(b) Approval of a PRUD overlay zone shall follow the provisions and requirements as specified herein and the rezone provisions of Title 102, Chapter 5. A development agreement that clearly documents the County's roles and responsibilities to the developer and the developer's roles and responsibilities to the County shall be prepared and approved prior to the validity of any approved PRUD overlay zone. The development agreement shall, at a minimum, provide any other provision necessary to effectively execute the flexible provisions of this chapter, or any other provision as may be required by the County Commission or County Attorney's office.

Sec. 108-5-4. - Use requirements.

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

(b) Once the overall development plan showing details of buildings, structures and uses has been approved by the county commission, after recommendations of the planning commission, no changes or alterations to said development plan or uses shall be made without first obtaining the approval of the planning commission and county commission, except for landscaping, provided subsection (c) of this section has been complied with.

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

- (1) That the area of landscaping area exceeds the approved landscape plan;
- (2) That the number and quality of plants exceed the approved landscape plan;
- (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan; and

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

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

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

Sec. 108-5-5. - Area and residential density regulations.

(a) A PRUD shall contain a minimum of 24 dwelling units and be a minimum of four acres in all residential zones and ten acres in all other zones, where permitted. In all zones, the minimum number of dwelling units may be reduced to six if the PRUD contains a minimum area of 100 acres and provides a common open space easement, as defined in Section 108-5-1[c2], over at least 90 percent of the PRUD's gross acreage. ~~A PRUD shall contain a minimum area of ten acres and consist of at least 24 housing units in all forestry and agricultural zones, and contain a minimum area of four acres in all residential zones.~~

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

(c) Notwithstanding section 108-5-5(b)[c3], the county may, at its discretion, allow for an increased number of residential lots in a PRUD by awarding bonus densities to those PRUDs developed within the Western Weber County Planning Area. PRUDs developed within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents the bonus density opportunities that are available to PRUDs located within specific zoning classification boundaries:

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

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

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

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

d. If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an 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, up to a ten percent bonus density may be granted.

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

- a. If a PRUD provides and implements 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, up to 20 percent bonus density may be granted.
- b. For each five percent increment of open space preserved over 50 percent: a five percent bonus density shall be granted up to the total bonus density allowed by subsection (c)(2).
- c. If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus density may be granted.
- d. If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.
- e. If a PRUD donates and/or permanently preserves a site determined to be desirable and necessary, to a local park district or other county approved entity, for the perpetual location and operation of a public park, cultural, or other recreation facility; up to a 20 percent bonus may be granted.
- f. If ten percent of the lots and homes in a PRUD are permanently set aside for affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus density may be granted. If a bonus density is granted to affordable housing, the applicant shall:
 - 1. Present and gain county approval of an effective plan and method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the county median income;
 - 2. Identify and label, on the final plat, the lots set aside as affordable housing lots; and
 - 3. Provide a note on the final plat explaining the nature of the housing restriction on the lot and the method by which occupancy and affordability will be regulated.
- g. If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows:
 - 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density may be granted.
 - 2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density may be granted.
 - 3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density may be granted.
 - 4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density may be granted.
 - 5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.
- h. If a PRUD provides for the preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value, up to a five percent bonus density may be granted.
- i. If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent bonus density may be granted.
- j. If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an 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, up to a 15 percent bonus density may be granted.

- k. If a PRUD includes an open space parcel that consists of five acres or more and is contiguous to permanently preserved open space on an adjoining property located outside of the proposed PRUD, up to a 20 percent bonus density may be granted.
- (d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total of the units allowed in each zone, however, the units allowed in each zone must be constructed in the respective zone.
- (e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD beyond what county development ordinances would normally allow, by requesting housing unit credit and transfer for lands to be included in the PRUD boundary as common open space which have little or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively steep slopes and hillsides, mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, etc. ~~Therefore, the planning commission shall~~ After recommendation from the planning commission, the county commission has legislative discretion to determine what part if any, of such lands may be included in a PRUD as useable open space common area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD ~~and, w~~ When such a determination justifies such an inclusion, the planning commission shall allow the transfer of units may be allowed. In making this determination, the planning Among other considerations, the county commission's decision shall should be guided by the following factors give general preference to the following standards:
- (1) The physical relationship of the proposed common areas to the developable areas of the PRUD shall be are such that the common areas are suitable for landscaped and/or developed open space or for recreational use of direct benefit, access and usability to the unit owners.
 - (2) The lands shall should contribute to the actual quality, livability and aesthetics of the PRUD and should shall be physically integrated into the development design.
 - (3) The lands must be are suitable for and possess the capability for housing development.
 - (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 and 30 percent or more in all other zones shall should be discouraged from being not be classified as developable land and shall should not be considered when determining the number of allowable units in a proposed PRUD.

Sec. 108-5-6. - General requirements.

- (a) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.
- (b) The property adjacent to the planned residential unit development shall not be detrimentally affected without the county imposing reasonable conditions or, in the absence of appropriate natural or constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a PRUD.
- (c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed shall be determined acceptable by approval of the site development plan.
- (d) The county commission may, at its discretion and after receiving a recommendation from the planning commission, consider and approve a plan that provides for ownership, preservation, maintenance, and guarantee of improvements for proposed open space(s). Open space parcels, and any improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially guaranteed as follows:
- (1) *Plan approval.* An open space preservation plan shall accompany an application for PRUD approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance methods for all open space parcels, and a site plan that shows proposed common

areas, individually owned preservation parcels, and the locations of existing and proposed future structures.

- a. For open space dedicated as common area parcels, the site plan shall show the location of existing and future structures by identifying the structure's approximate footprint. Structures housing a utility or serving as a development amenity shall be subject to all applicable standards including all design review and applicable architectural standards found in title 108 of the Weber County Land Use Code.
- b. For open space dedicated as individually owned preservation parcels, the site plan shall identify locatable building envelopes within which all existing and future buildings must be located.

(2) Ownership.

- a. Open space parcels of any size and dedicated as common area shall be commonly owned by an appropriate homeowner's association established under U.C.A. 1953, § 57-8-1 et seq., the Condominium Ownership Act, or § 57-8a-101 et seq., the Community Association Act.
- b. Other open space parcels, consisting of five acres or more, may be owned individually.
 - 1. Individually owned preservation parcels of ten acres or more in area may be owned by any person, regardless of whether the person owns a residential lot within the PRUD.
 - 2. Individually owned preservation parcels of less than ten acres in area may only be owned by an owner of a lot within the same PRUD.
 - 3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following manner:
 - i. An explanation of the applicable ownership standard and a perpetual restriction conforming thereto shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to subsection (3); and
 - ii. A note describing the applicable ownership standard shall be placed on the final recorded subdivision plat.
 - iii. A notice describing the applicable ownership standard shall be recorded on each individually owned preservation parcel at the time of recording a subdivision plat.

(3) Preservation.

- a. Open space parcels are to be permanently preserved in a manner that is consistent with the approved open space preservation plan.
- b. The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner association if applicable, an open space easement over all areas dedicated as common area or individually owned preservation parcels. The open space easement shall incorporate and conform to the open space preservation plan approved under subsection (1).
- c. If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
- d. If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the applicant shall:
 - 1. Identify and label on the final plat each such parcel as an agricultural, forest, or other type of preservation parcel;

2. Further identify each preservation parcel by placing a unique identifying letter of the alphabet immediately after the label;
 3. Present an agricultural, forest, or other type of preservation easement to the county and gain its approval; and
 4. Record an approved preservation easement on each parcel identified as an agricultural, forest, or other type of preservation parcel.
- e. The county may impose any additional conditions and restrictions it deems necessary to ensure maintenance of the open space and adherence to the open space preservation plan. Such conditions may include a plan for the disposition or re-use of the open space property if the open space is not maintained in the manner agreed upon or is abandoned by the owners.

(4) *Guarantee of open space improvements.*

- a. The county shall not require an applicant to deposit a financial guarantee for open space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete the improvements according to the approved phasing component of an open space preservation plan. If the applicant fails to complete improvements as presented in the open space preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and record an instrument notifying prospective lot buyers that future land use permits may not be issued for any construction.
- b. The county shall require an applicant to deposit a financial guarantee for all open space improvements (e.g., landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete all improvements according to the approved phasing component of an open space preservation plan.

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

Sec. 108-5-7. - Submission of application.

- (a) An application for a planned residential unit development shall be to the planning commission and shall be accompanied by an overall development plan, including an open space preservation plan, showing uses, dimensions and locations of proposed structures, areas reserved for public uses such as schools and playgrounds, landscaping, recreational facilities, areas reserved and proposals for accommodating vehicular and pedestrian circulation, parking, etc., development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.
- (b) Additional information shall be included as may be necessary to determine that the contemplated arrangement of uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

Sec. 108-5-8. - Planning commission consideration.

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

- (1) The architectural design of buildings and their relationship on the site and development beyond the boundaries of the proposal.

- (2) Which streets shall be public and which shall be private; the entrances and exits to the development and the provisions for internal and external traffic circulation and off-street parking.
- (3) The landscaping and screening as related to the proposed uses within the development and their integration into the surrounding area.
- (4) Lighting and the size, location, design, and quality of signs.
- (5) The residential density of the proposed development and its distribution as compared with the residential density of the surrounding lands, either existing or as indicated on the zoning map or general plan proposals of the county as being a desirable future residential density.
- (6) The demonstrated ability of the applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.

Sec. 108-5-9. - Planning commission action.

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

Sec. 108-5-10. - County commission action.

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

Sec. 108-5-11. - Land use permit issuance.

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

Sec. 108-5-12. - Time limit.

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

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Title 108 - STANDARDS

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CHAPTER 5. ~~RESERVED. PLANNED RESIDENTIAL~~^[c4] ~~UNIT DEVELOPMENT (PRUD)~~

~~Sec. 108-5-1. - Definitions.~~

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

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

~~Common open space easement means a required right of use granted to the county by the owner of a planned residential unit development, on and over land in a planned residential unit development~~

~~designated as common open space, which easement guarantees to the county that the designated common open space and recreation land is permanently reserved for access, parking and recreation and open green space purposes in accordance with the plans and specifications approved by the planning commission and county commission at the time of approval of the PRUD or as such plans are amended from time to time with the approval of the county commission.~~

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

~~**Sec. 108-5-2. Purpose and intent.**~~

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

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

~~**Sec. 108-5-3. Permitted zones.**~~

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

~~**Sec. 108-5-4. Use requirements.**~~

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

~~(b) Once the overall development plan showing details of buildings, structures and uses has been approved by the county commission, after recommendations of the planning commission, no changes or alterations to said development plan or uses shall be made without first obtaining the approval of the planning commission and county commission, except for landscaping, provided subsection (c) of this section has been complied with.~~

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

- ~~(1) That the area of landscaping area exceeds the approved landscape plan;~~
- ~~(2) That the number and quality of plants exceed the approved landscape plan;~~
- ~~(3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan;~~
~~and~~
- ~~(4) That all requirements of the Land Use Code have been met.~~

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

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

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

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

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

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

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

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

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

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

~~d. If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an 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, up to a ten percent bonus density may be granted.~~

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

~~a. If a PRUD provides and implements 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, up to 20 percent bonus density may be granted.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~j. If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an 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, up to a 15 percent bonus density may be granted.~~

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

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

~~(e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD beyond what county development ordinances would normally allow, by requesting housing unit credit and transfer for lands to be included in the PRUD boundary as common open space which have little or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively~~

~~steep slopes and hillsides, mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, etc. Therefore, the planning commission shall determine what part if any, of such lands may be included in a PRUD as useable open space common area for which dwelling unit credit is being requested for transfer to developable portions of the PRUD and, when such determination justifies such inclusion, the planning commission shall allow the transfer of units. In making this determination, the planning commission shall be guided by the following factors:~~

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

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

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

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

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

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

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

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

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

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

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

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

~~(2) *Ownership.*~~

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

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

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

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

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

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

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

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

~~(3) Preservation.~~

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

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

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

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

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

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

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

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

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

~~(4) Guarantee of open space improvements.~~

~~a. The county shall not require an applicant to deposit a financial guarantee for open space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete the improvements according to the approved phasing component of an open space preservation plan. If the applicant fails to complete improvements as presented in the open space preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and record an instrument notifying prospective lot buyers that future land use permits may not be issued for any construction.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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