

ORDINANCE NUMBER 2019-15

AN ORDINANCE AMENDING TITLE 106 OF THE LAND USE CODE TO REMOVE ANTIQUATED SLOPE REQUIREMENTS APPLICABLE TO CLUSTER SUBDIVISIONS, PRUD'S, AND MASTER PLANNED DEVELOPMENTS.

WHEREAS, the Board of Weber County Commissioners (herein "Board") has heretofore adopted land use regulations governing development of land; and

WHEREAS, the Board finds that a previous ordinance amendment failed to address a related and affected section of the land use code; and

WHEREAS, the Board desires to optimize incentives for clustering of development; and

WHEREAS, the Board finds existing land use regulations do not adequately provide for optimal incentives for clustering of development; and

WHEREAS, the Board has determined that the ordinance amendments provided herein will rectify the antiquated and inadequate sections of the land use code; and

WHEREAS, the Board has received a positive recommendation for the land use code amendment from the Ogden Valley Planning Commission in their July 30, 2019 meeting, after a duly noticed public hearing held on May 28, 2019; and

WHEREAS, the Board has received a positive recommendation for the land use code amendment from the Western Weber Planning Commission in their May 11, 2019 meeting, after a duly noticed public hearing; and

WHEREAS, the Board finds that the amendments found herein will better achieve the desired outcomes of the relevant general plans, and promote the general public welfare.

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

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

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

Passed, adopted, and ordered published this 6th day of August, 2019, by the Weber County Board of Commissioners.

BOARD OF WEBER COUNTY COMMISSIONERS

By Scott K. Jenkins,
Scott K. Jenkins, Chair

Commissioner Jenkins voted: aye
Commissioner Harvey voted: aye
Commissioner Froerer voted: aye

ATTEST:

Ricky Hatch
Ricky Hatch, CPA
Weber County Clerk/Auditor

Title 101 - GENERAL PROVISIONS

Sec. 101-1-7. - Definitions.

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Acreage, net developable. The phrase "net developable acreage" means the total acreage within a project boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise provided in this Land Use Code. When calculating net developable acreage, the area encumbered or proposed to be encumbered by a street right-of-way or other required right-of-way providing primary access to a lot is considered area unsuitable for development. The term "net developable area" shall have the same meaning, unless the context clearly indicates otherwise.

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Acreage unsuitable for development. The phrase "acreage unsuitable for development," means the area within a project that has extraordinary circumstances that under existing county, state, or federal laws render development on it very unlikely. The applicant bears the burden to prove an area does not meet this definition.

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Title 106 - SUBDIVISIONS

CHAPTER 2. - SUBDIVISION STANDARDS

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Sec. 106-2-8. – Reserved .

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Acreage unsuitable for development. The phrase "acreage unsuitable for development," means the area within a project that has extraordinary circumstances that under existing county, state, or federal laws render development on it very unlikely. The applicant bears the burden ~~of proof~~ to prove an area does not meet this definition.

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Title 106 - SUBDIVISIONS

CHAPTER 2. - SUBDIVISION STANDARDS

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Sec. 106-2-8. - Reserved ~~-General land development.~~

~~Cluster subdivision, master plan communities, or plan residential unit developments with slopes of 40 percent or more in the FR-1, FV-3, F-5, F-10, F-20 and F-40 zones and 30 percent or more in all other zones, shall not be classified as developable land. All other subdivisions shall meet the restricted lot requirement table, or show a buildable area as required by the Land Use Code.~~

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