

An ordinance of Weber County amending the Planned Residential Unit Development Chapter (Land Use Code-Title 108, Chapter 5) within the Weber County Land Use Code.

WHEREAS, The West Central Weber County General Plan points out that an increase in overall density is permitted in Weber County's current Cluster Subdivision Code; however, states that additional incentives are desired to encourage the preservation of open space; and

WHEREAS, The Ogden Valley General Plan states that residential development should be designed to provide open spaces and efficient uses of the land; and

WHEREAS, The Ogden Valley General Plan states that both the Ogden Valley and West Central General Plans identify the need to preserve agricultural lands and open spaces; and

WHEREAS, The Western Weber and the Ogden Valley Planning Commissions provided appropriate notice, held public hearings on July 5, 2015 and July 12, 2015 respectively, and have provided favorable recommendations on the proposed amendments; and

WHEREAS, The Board of County Commissioners of Weber County, Utah, after appropriate notice, held a public hearing on September 27, 2016, to allow the general public to comment on the proposed amendments; and

WHEREAS, The Board of County Commissioners of Weber County, Utah, find that the proposed amendments comply with the goals and objectives of the General Plans and will promote the general welfare of the residents of the County; and

NOW THEREFORE, The Weber County Board of Commissioners ordains an amendment to the Weber County Land Use Code as follows:

See Exhibits A (strikethrough version) and B (final version).

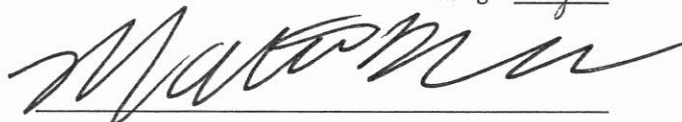
This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted and a synopsis ordered published this 27th day of September, 2016 by the Board of County Commissioners of Weber County, Utah.

Commissioner Gibson Voting aye

Commissioner Ebert Voting aye

Commissioner Bell Voting aye



Matthew G Bell, Chair

ATTEST:



Ricky Hatch, CPA
Weber County Clerk/Auditor

1 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

2

3 Sec. 108-5-1. - Definitions.

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

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

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

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

19 (Ord. of 1956, § 22D-1; Ord. No. 3-72; Ord. No. 98-4)

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

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

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

28 (Ord. of 1956, § 22D-2; Ord. No. 98-4)

29 Sec. 108-5-3. - Permitted zones.

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

33 (Ord. of 1956, § 22D-3; Ord. No. 7-94; Ord. No. 2009-15)

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

35 (a) An over all development plan for a planned residential unit development showing residential uses,
36 housing types, locations, sizes, height, number of residential units, access roads, common area and
37 other open spaces, etc., may be approved by the planning commission and county commission and
38 building permits issued in accordance with such plan, even though the residential uses and dwelling
39 types and the location of the buildings proposed may differ from the residential uses and dwelling

40 types and regulations governing such uses in effect in the zone in which the development is
 41 proposed provided the requirements of this chapter are complied with. Accessory nonresidential
 42 uses may be included in planned residential unit developments of 100 units or more to provide a
 43 necessary service to the residents of the development as determined by the planning commission
 44 provided agreements and restrictive covenants controlling the proposed uses, ownership,
 45 operational characteristics and physical design to the county's satisfaction are filed by and entered
 46 into by the developer to assure that the approved necessary services intent is maintained.

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

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

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

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

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

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

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

65 (d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout
 66 sleeping rooms) for nightly rentals shall be declared and designated on the site development plan,
 67 and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title
 68 108, chapter 8, section 2 of this Land Use Code.

69 (Ord. of 1956, § 22D-4; Ord. No. 9-81; Ord. No. 2004-17; Ord. No. 2014-18, Exh. A, 6-17-2014;
 70 Ord. No. 2015-22, Exh. A, 12-22-2015)

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

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

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

79 (c) Notwithstanding §108-5-5(b), The the County may, at its discretion, allow for an increased basic
 80 number of dwelling units/residential lots in a PRUD may be increased by awarding bonus densities to
 81 those PRUDs developed within the Western Weber County Planning Area. PRUD's developed
 82 within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents
 83 the bonus density opportunities that are available to PRUDs located within specific zoning
 84 classification boundaries: up to ten percent if the planning commission in its judgment determines
 85 that the concept, site layout and design, the residential groupings, the aesthetic and landscaping

86 proposals will provide a superior residential development and environment to that which would result
87 through the normal land subdivision process.

88 (1) In the Forest (F-40) and the Residential Estates (RE-15 & RE-20) Zones, the county may award
89 a maximum bonus density of 10 percent based on an accumulation of any combination of the
90 following:

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

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

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

99 d. If the PRUD dedicates and conveys to the county, the state division of wildlife
100 resources, or both, an open space easement that permanently preserves areas
101 that have been identified by the state division of wildlife resources as having
102 substantial or crucial wildlife habitat value, up to a 10 percent bonus density may
103 be granted.

104 (2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to
105 30 percent if the applicant preserves open space area equal to or greater than 30 percent
106 of the PRUD's adjusted gross acreage as defined in §101-1-7. However, if the applicant
107 preserves open space area above 30 percent, the county may grant a bonus density of up
108 to 50 percent. Overall bonus density potential shall be no greater than a percentage equal
109 to the percentage of the PRUD's total area preserved as open space. The county may
110 award bonus densities based on an accumulation of any combination of the following:

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

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

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

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

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

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

- 32 1. Present and gain county approval of an effective plan and method for
 33 guaranteeing and enforcing perpetual affordability. Any method used, such
 134 as an affordable housing deed restriction, shall limit the sale or rental of the
 135 affected lots and homes to a household with an income at or below 80
 136 percent of the county median income;
- 137 2. Identify and label, on the final plat, the lots set aside as affordable housing
 138 lots; and
- 139 3. Provide a note on the final plat explaining the nature of the housing
 140 restriction on the lot and the method by which occupancy and affordability
 141 will be regulated.
- 142 g. If a PRUD preserves an agricultural parcel with an agriculturally based open space
 143 preservation plan approved by the planning commission and records an
 144 agricultural preservation easement on the parcel, a bonus density may be
 145 approved as follows:
- 146 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15
 147 percent bonus density may be granted.
- 148 2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20
 149 percent bonus density may be granted.
- 150 3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30
 151 percent bonus density may be granted.
- 152 4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40
 153 percent bonus density may be granted.
- 154 5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus
 155 density may be granted.
- 156 h. If a PRUD provides for the preservation of historical sites and buildings that have
 157 been identified by the state historic preservation office as having notable historical
 158 value, up to a five percent bonus density may be granted.
- 159 i. If a PRUD provides for the development of excess sewage treatment capacity, up
 160 to a five percent bonus density may be granted.
- 161 j. If a PRUD dedicates and conveys to the county, the state division of wildlife
 162 resources, or both, an open space easement that permanently preserves areas that
 163 have been identified by the state division of wildlife resources as having substantial
 164 or crucial wildlife habitat value, up to a 15 percent bonus density may be granted.
- 165 k. If a PRUD includes an open space parcel that consists of five acres or more and is
 166 contiguous to permanently preserved open space on an adjoining property located
 167 outside of the proposed PRUD, up to a 20 percent bonus density may be granted.
- 168 (d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total
 169 of the units allowed in each zone, however, the units allowed in each zone must be constructed in
 170 the respective zone.
- 171 (e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD
 172 beyond what county development ordinances would normally allow, by requesting housing unit credit
 173 and transfer for lands to be included in the PRUD boundary as common open space which have little
 174 or no possibility of housing development. Such areas may include swamp lands, bodies of water,
 175 excessively steep slopes and hillsides, mountain areas which do not have the capability of housing
 176 development due to lack of water, access, natural resource limitations, etc. Therefore, the planning
 177 commission shall determine what part if any, of such lands may be included in a PRUD as useable
 178 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 ~~60-40~~ percent or more in the FR-1, F-4FV-3, F-5, F-10, and F-40 zones and ~~40-30~~ 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.

(Ord. of 1956, § 22D-5; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

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 ~~adversely detrimentally affected and to this end, without the county imposing reasonable conditions or, the planning commission may require~~ in the absence of appropriate physical boundaries ~~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, upon recommendation of from~~ the planning commission, ~~shall require consider and approve a plan that provides for the ownership, preservation, maintenance, and guarantee of improvements for maintenance and ownership of the common proposed open space(s). Open space parcels, and any improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially guaranteed as follows: utilizing, at the county's option, one of the following methods:~~
 - (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. ~~Dedication of the land as public park or parkway system;~~
 - 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. ~~Granting to the county a permanent common open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in access,~~

25 parking, recreation or open space uses with ownership and maintenance being the
 26 responsibility of a home owners' association established with articles of association and bylaws
 227 which are satisfactory to the county; or

228 a. Open space parcels of any size and dedicated as common area shall be commonly
 229 owned by an appropriate homeowner's association established under U.C.A. 1953,
 230 §57-8-1 et seq., the Condominium Ownership Act or §57-8a-101 et seq., the
 231 Community Association Act.

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

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

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

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

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

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

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

249 (3) Preservation. ~~Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, §~~
 250 ~~57-8-1 et seq., as amended, which provides for the payment of common expenses for the~~
 251 ~~upkeep of common areas and facilities.~~

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

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

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

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

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

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

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

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

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

279 (4) Guarantee of open space improvements.

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

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

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

301 a. ~~Recreation uses and facilities may be developed within the common open space areas in~~
 302 ~~compliance with the recreation and landscaping plan being a part of the approved final~~
 303 ~~level development plan of the PRUD.~~

304 b. ~~The developer shall be required to provide a surety by cash bond, escrow or bank letter or~~
 305 ~~credit in an amount determined by the county engineer, sufficient to guarantee the~~
 306 ~~completion of the development of the common open space, or a phase thereof. When~~
 307 ~~completed in accordance with the approved plan, the bond shall be released. If~~
 308 ~~uncompleted at the end of two years, the county will review the progress and may proceed~~
 309 ~~to use the bond funds to make the improvements to the open space areas in accordance~~
 310 ~~with the approved plan. The bond shall be approved by the county commission and shall~~
 311 ~~be filed with the county recorder.~~

312 ~~If the second or third methods, as set forth in subsections (3)a and b of this section, are utilized~~
 313 ~~to maintain the common open spaces, but the organization fails to maintain the open space in~~
 314 ~~reasonable order and condition, the county may, at its option, do or contract to have done the~~
 315 ~~required maintenance and shall assess ratable the open space and individually owned~~
 316 ~~properties within the PRUD. Such assessment shall be a lien against the property and shall be~~
 317 ~~filed with the county recorder, or the county may bring suit to collect the maintenance fees~~
 318 ~~together with a reasonable attorney's fees and costs.~~

319 c. ~~If the planned residential unit development or phase thereof is to be subsequently divided~~
 20 ~~as a "subdivision" into phase development parcels or separately owned and operated~~
 21 ~~units, such division boundaries shall be indicated on the development plan and preliminary~~
 22 ~~subdivision approval concurrently obtained in the case of a "subdivision."~~

d. ~~The area shall be adaptable to a unit type development and shall not contain within or through it any ownership or physical barrier which would tend to impair the unit cohesiveness.~~

e. ~~All proposed residential developments, with the exception of normal land subdivisions, within the county equal to or in excess of the minimum area requirements for a PRUD as set forth in section 108-5-5 shall comply with the provisions of this chapter and be developed as a planned residential unit development.~~

(Ord. of 1956, § 22D-6; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

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 ~~and open spaces~~, areas reserved and proposals for accommodating vehicular and ~~pedestrian~~ pedestrian circulations, parking, etc., development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.

(b) ~~Such other~~ 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.

(Ord. of 1956, § 22D-7)

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 ~~several proposed~~ uses within the development and ~~as a means of its~~ their integration into ~~its~~ the ~~surroundings~~ area.
- (4) Lighting and ~~The~~ the size, location, design, and ~~nature~~ quality of signs if any, ~~and the intensity and direction of area of flood lighting.~~
- (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 ~~proponents of the planned residential unit development~~ applicant to financially carry out the proposed project under total or phase development proposals within the time limit established.

(Ord. of 1956, § 22D-8; Ord. No. 98-4)

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

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

365 (Ord. of 1956, § 22D-9; Ord. No. 98-4)

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

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

372 (Ord. of 1956, § 22D-10; Ord. No. 98-4)

373 Sec. 108-5-11. - ~~Building~~Land use permit issuance.

374 The ~~building inspector~~planning division shall not issue any land use permit for any proposed building,
375 structure, or use within the project unless such building, structure, or use ~~is in accordance~~complies with
376 the approved ~~overall and/or phase development plans~~ and any conditions imposed. Approved
377 development plans shall be filed with the planning division, building inspector and county engineer.

378 (Ord. of 1956, § 22D-11)

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

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

387 (Ord. of 1956, § 22D-12; Ord. No. 98-4)

1 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

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5 this section, unless the context indicates a different meaning:

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7 aside for recreation uses, landscaping, open green areas, parking and driveway areas for common use
8 and enjoyment of the residents of the PRUD

9 Common open space easement means a required right of use granted to the county by the owner of
10 a planned residential unit development, on and over land in a planned residential unit development
11 designated as common open space, which easement guarantees to the county that the designated
12 common open space and recreation land is permanently reserved for access, parking and recreation and
13 open green space purposes in accordance with the plans and specifications approved by the planning
14 commission and county commission at the time of approval of the PRUD or as such plans are amended
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16 Planned residential unit development (PRUD) means a development in which the regulations of the
17 zone, in which the development is situated, are waived to allow flexibility and initiative in site, building
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22 relationship of various uses and structures to their sites and to permit more flexibility of such sites
23 and to encourage new and imaginative concepts in the design of neighborhood and housing projects
24 in urbanizing areas. To this end, the development should be planned as one complex land use.

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

28 (Ord. of 1956, § 22D-2; Ord. No. 98-4)

29 Sec. 108-5-3. - Permitted zones.

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

33 (Ord. of 1956, § 22D-3; Ord. No. 7-94; Ord. No. 2009-15)

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

35 (a) An over all development plan for a planned residential unit development showing residential uses,
36 housing types, locations, sizes, height, number of residential units, access roads, common area and
37 other open spaces, etc., may be approved by the planning commission and county commission and
38 building permits issued in accordance with such plan, even though the residential uses and dwelling
39 types and the location of the buildings proposed may differ from the residential uses and dwelling

40 types and regulations governing such uses in effect in the zone in which the development is
 41 proposed provided the requirements of this chapter are complied with. Accessory nonresidential
 42 uses may be included in planned residential unit developments of 100 units or more to provide a
 43 necessary service to the residents of the development as determined by the planning commission
 44 provided agreements and restrictive covenants controlling the proposed uses, ownership,
 45 operational characteristics and physical design to the county's satisfaction are filed by and entered
 46 into by the developer to assure that the approved necessary services intent is maintained.

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

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

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

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

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

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

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

65 (d) Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout
 66 sleeping rooms) for nightly rentals shall be declared and designated on the site development plan,
 67 and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title
 68 108, chapter 8, section 2 of this Land Use Code.

69 (Ord. of 1956, § 22D-4; Ord. No. 9-81; Ord. No. 2004-17; Ord. No. 2014-18, Exh. A, 6-17-2014;
 70 Ord. No. 2015-22, Exh. A, 12-22-2015)

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

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

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

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

- 84 (1) In the Forest (F-40) and the Residential Estates (RE-15 & RE-20) Zones, the county may award
 85 a maximum bonus density of 10 percent based on an accumulation of any combination of the
 86 following:
- 87 a. If the PRUD provides a minimum of one road stub to an adjacent property where the
 88 planning commission determines that streets are needed to provide for current or
 89 future traffic circulation, up to a five percent bonus density may be granted.
 - 90 b. If the PRUD provides a minimum of one approved public access to public lands, up to
 91 a five percent bonus density may be granted.
 - 92 c. If the PRUD provides common area that offers easily accessible amenities, such as a
 93 trail, park, or community garden, that are open for use by the general public, up to a
 94 five percent bonus density may be granted.
 - 95 d. If the PRUD dedicates and conveys to the county, the state division of wildlife
 96 resources, or both, an open space easement that permanently preserves areas that
 97 have been identified by the state division of wildlife resources as having substantial or
 98 crucial wildlife habitat value, up to a 10 percent bonus density may be granted.
- 99 (2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to 30
 100 percent if the applicant preserves open space area equal to or greater than 30 percent of the
 101 PRUD's adjusted gross acreage as defined in §101-1-7. However, if the applicant preserves
 102 open space area above 30 percent, the county may grant a bonus density of up to 50 percent.
 103 Overall bonus density potential shall be no greater than a percentage equal to the percentage
 104 of the PRUD's total area preserved as open space. The county may award bonus densities
 105 based on an accumulation of any combination of the following:
- 106 a. If a PRUD provides and implements an approved roadway landscape and design plan
 107 that includes, but is not necessarily limited to, vehicle and pedestrian circulation,
 108 lighting, and street trees of an appropriate species, size of at least a two-inch caliper,
 109 and quantity of not less than eight trees for every 100 feet of road length, up to 20
 110 percent bonus density may be granted.
 - 111 b. For each five percent increment of open space preserved over 50 percent: a five
 112 percent bonus density shall be granted up to the total bonus density allowed by
 113 subsection (2).
 - 114 c. If a PRUD provides a minimum of one approved access to public lands, up to a ten
 115 percent bonus density may be granted
 - 116 d. If a PRUD provides common area that offers easily accessible amenities such as trails,
 117 parks, or community gardens, that are open for use by the general public, up to a 15
 118 percent bonus density may be granted.
 - 119 e. If a PRUD donates and/or permanently preserves a site determined to be desirable
 120 and necessary, to a local park district or other county approved entity, for the
 121 perpetual location and operation of a public park, cultural, or other recreation facility;
 122 up to a 20 percent bonus may be granted.
 - 123 f. If ten percent of the lots and homes in a PRUD are permanently set aside for affordable
 124 housing as outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus
 125 density may be granted. If a bonus density is granted to affordable housing, the
 126 applicant shall:
 - 127 1. Present and gain county approval of an effective plan and method for
 128 guaranteeing and enforcing perpetual affordability. Any method used, such as
 129 an affordable housing deed restriction, shall limit the sale or rental of the
 130 affected lots and homes to a household with an income at or below 80 percent
 31 of the county median income;

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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.

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

183 (Ord. of 1956, § 22D-5; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

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

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

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

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

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

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

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

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

212 (2) *Ownership.*

213 a. Open space parcels of any size and dedicated as common area shall be commonly
 214 owned by an appropriate homeowner's association established under U.C.A. 1953,
 215 §57-8-1 et seq., the Condominium Ownership Act or §57-8a-101 et seq., the
 216 Community Association Act.

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

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

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

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

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- 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.

234 (3) *Preservation.*

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- 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.

262 (4) *Guarantee of open space improvements.*

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- 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.

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

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

284 (Ord. of 1956, § 22D-6; Ord. No. 7-78; Ord. No. 9-81; Ord. No. 7-94; Ord. No. 2009-15)

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

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

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

296 (Ord. of 1956, § 22D-7)

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

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

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

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

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

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

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

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

312 (Ord. of 1956, § 22D-8; Ord. No. 98-4)

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

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

317 (Ord. of 1956, § 22D-9; Ord. No. 98-4)

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

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

324 (Ord. of 1956, § 22D-10; Ord. No. 98-4)

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

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

330 (Ord. of 1956, § 22D-11)

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

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

338 (Ord. of 1956, § 22D-12; Ord. No. 98-4)