

# Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted

5/31/2014

Received By (Office Use)

Added to Map (Office Use)

## Property Owner Contact Information

Name of Property Owner(s)

BRAD BLANCH

Mailing Address of Property Owner(s)

10600 EAST 3400 NORTH  
NORTH OGDEN, UT 84414

Phone

801-468-9565

Fax

Email Address

bradblanch@gmail.com

Preferred Method of Written Correspondence

Email  Fax  Mail

## Ordinance Proposal

Ordinance to be Amended

PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

Describing the amendment and/or proposed changes to the ordinance:

PLEASE SEE ATTACHED PROPOSED  
HIGHLIGHTED CHANGES.

BRAD BLANCH

801-468-9565

**Ordinance Proposal (continued...)**

**Applicant Affidavit**

I (We), BRAD BLANCH, depose and say that I (we) am (are) the interested member(s) of this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

  
(Signature)

\_\_\_\_\_  
(Signature)

Subscribed and sworn to me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
(Notary)

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.

In Agricultural areas where at least 30% of subdivision is dedicated as open space, parcels may be owned individually:

1. Individually owned preservation parcels of ten acres or more in Agricultural area may be owned by any person, regardless of whether the person owns a residential lot within the subdivision.
2. Individually owned preservation parcels of less than ten acres in Agricultural area may only be owned by an owner of a lot within the same subdivision.
3. The applicable ownership standard in subsection (2)a.1. or2. Shall be memorialized in the following manner:
  - a. An explanation of the applicable ownership standard and a perpetual restriction conforming thereto shall be written into all Agriculture preservation easements granted pursuant to subsection (4); and,
  - b. A note describing the applicable ownership standard shall be placed on the final recorded plat.

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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.

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

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.

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

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.

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

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

- (a) An over all development plan for a planned residential unit development showing residential uses, housing types, locations, sizes, height, number of residential units, access roads, common 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.

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

Sec. 108-5-5. - Area 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 basic number of dwelling units in a PRUD shall be the same as the number permitted by the lot area requirements of the same 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) In the Agricultural Zone the basic number of dwelling units in a PRUD may be increased by up to 50 percent if the planning commission in its judgment determines that the concept, site layout and design, the residential groupings, the aesthetic and landscaping proposals will provide a superior residential development and environment to that which would result through the normal land subdivision process.

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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 if the parcel standing alone is greater than the minimum open space (30%) requirement for the subdivision.

5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted if the parcel standing alone is greater than the minimum open space (30%) requirement for the subdivision.

(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.

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(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 60 percent or more in the FR-1, F-1, 5, 10, and 40 zones and 40 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 affected and to this end, the planning commission may require in the absence of appropriate physical boundaries, that uses of least intensity or greatest compatibility be arranged around the 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, upon recommendation of the planning commission, shall require the preservation, maintenance and ownership of the common open space utilizing, at the county's option, one of the following methods:
  - (1) Dedication of the land as public park or parkway system;
  - (2) 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, parking, recreation or open space uses with ownership and maintenance being the responsibility of a home owners' association established with articles of association and bylaws which are satisfactory to the county; or
  - (3) Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.
    - a. Recreation uses and facilities may be developed within the common open space areas in compliance with the recreation and landscaping plan being a part of the approved final level development plan of the PRUD.
    - b. The developer shall be required to provide a surety by cash bond, escrow or bank letter or credit in an amount determined by the county engineer, sufficient to guarantee the completion of the development of the common open space, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two years, the county will review the progress and may proceed to use the bond funds to make the improvements to the open space areas in accordance with the approved plan. The bond shall be approved by the county commission and shall be filed with the county recorder.

If the second or third methods, as set forth in subsections (3)a and b of this section, are utilized to maintain the common open spaces, but the organization fails to maintain the open space in reasonable order and condition, the county may, at its option, do or contract to have done the required maintenance and shall assess ratable the open space and individually owned properties within the PRUD. Such assessment shall be a lien against the property and shall be filed with the county recorder, or the county may bring suit to collect the maintenance fees together with a reasonable attorney's fees and costs.
    - c. If the planned residential unit development or phase thereof is to be subsequently divided as a "subdivision" into phase development parcels or separately owned and operated units, such division boundaries shall be indicated on the development plan and preliminary 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 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 circulations, parking, etc., development phases, and architectural drawings and sketches demonstrating the design and character of the proposed development.
- (b) Such other 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 uses within the development and as a means of its integration into its surroundings.
- (4) The size, location, design, and nature 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 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.**

The planning commission, subject to the requirements of this chapter, may recommend approval or denial with conditions of the PRUD to the county commission.

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

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

The county commission, after holding a public hearing thereon, may approve or disapprove the application for a PRUD. In approving an application, the county commission may attach such 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.

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

**Sec. 108-5-11. - Building permit issuance.**

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

(Ord. of 1956, § 22D-11)

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

Unless there is substantial action leading toward completion of a PRUD or an approved phase thereof within a period of 18 months from the date of approval, such approval shall expire unless after reconsideration of the progress of the project an extension is approved. 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.

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





**Weber County Corporation**

Weber County  
2380 Washington Blvd  
Ogden UT 84401

Customer Receipt	
Receipt Number	14211

Receipt Date
05/31/16

Received From:  
Blanch

Time: 10:51  
Clerk: tbennett

Description	Comment	Amount
code amd.	code amd.	\$300.00

Payment Type	Quantity	Ref	Amount
CREDIT CARD			

AMT TENDERED:	\$300.00
AMT APPLIED:	\$300.00
CHANGE:	\$0.00