

1 PART II – LAND USE CODE

2 ...

3 Title 101 – GENERAL PROVISIONS

4 ...

5 Sec. 101-1-7. – Definitions.

6 ...

7 *Basement/cellar.* The term "basement/cellar" means a story having more than one-half of its  
8 height below grade. The portion below the natural grade shall not be counted as part of the building  
9 height.

10 *Base density.* The term "base density" means the number of dwelling units allowed in an area. For  
11 development types that permit a reduced lot area than otherwise provided by the zone, the base  
12 density shall be calculated as the net developable acreage, as defined herein, divided by the minimum  
13 lot area of the zone, except when a greater area would otherwise be required by the Weber-Morgan  
14 Health Department due to lack of sanitary sewer or culinary water, then the greater area shall be used.  
15 This calculation can be observed by this formula: ((net developable acreage) / (minimum lot area)) =  
16 base dwelling unit density. The result shall be rounded down to the nearest whole dwelling unit.

17 *Bed and breakfast dwelling.* The term "bed and breakfast dwelling" means an owner-occupied  
18 dwelling in which not more than two rooms are rented out by the day, offering overnight lodgings to  
19 travelers, and where one or more meals are provided by the host family, the price of which may be  
20 included in the room rate.

21 ...

22 *Day care (child) home.* The term "day care (child) home" means an occupied residence where  
23 care, protection, and supervision are provided to no more than eight children at one time, including the  
24 caregiver's children under six years of age.

25 *Density, base.* ~~See "base density." The term "base density" means the number of dwelling units~~  
26 ~~allowed in an area. For development types that permit a reduced lot area than otherwise provided by~~  
27 ~~the zone, the base density shall be calculated as the net developable acreage, as defined herein,~~  
28 ~~divided by the minimum lot area of the zone, except when a greater area would otherwise be required~~  
29 ~~by the Weber-Morgan Health Department due to lack of sanitary sewer or culinary water, then the~~  
30 ~~greater area shall be used. This calculation can be observed by this formula: ((net developable~~  
31 ~~acreage) / (minimum lot area)) = base dwelling unit density. The result shall be rounded down to the~~  
32 ~~nearest whole dwelling unit.~~

33 *Detached lockout.* In the Ogden Valley Destination and Recreation Resort Zone, the term  
34 "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with single-,  
35 two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments (condo-tel),  
36 private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels,  
37 accessory dwelling units, and all or any portion of any other residential use, with separate or common  
38 access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be  
39 rented independently of the main unit for nightly rental by locking access. A detached lockout is  
40 accessory to the main use and shall not be sold independently from the main unit. Unless specifically  
41 addressed in the development agreement for the specific Ogden Valley Destination and [Recreation]

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42 Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density  
43 on a parcel of land.

44 *Public.* The term "public" means buildings or uses owned or operated by a branch of the  
45 government or governmental entity and open to the public, such as libraries, schools, parks, other than  
46 private facilities.

47 *Public utility substation.* See "Utility."

48 *Qualified professional.* The term "qualified professional" means a professionally trained person  
49 with the requisite academic degree, experience and professional certification or license in the field or  
50 fields relating to the subject matter being studied or analyzed.

51

52 ...

53 **Title 102 – ADMINISTRATION**

54 **CHAPTER 1. - GENERAL PROVISIONS**

55 ...

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

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

62 ...

63 **Title 104 - ZONES**

64 ...

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

66 ...

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

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

70 ...

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

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

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76 (5) Public utility substation.

77 ...

78 CHAPTER 5. - AGRICULTURAL ZONE A-1

79 ...

80 Sec. 104-5-6. - Conditional uses.

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

83 ...

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

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

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

90 ...

91 Sec. 104-5-7. - Site development standards.

92 The following site development standards apply to the Agriculture Zone A-1:

	Permitted and Conditional Uses	Permitted Uses Requiring 2 and 5 Acres Minimum
Minimum lot area, <u>unless developed under the provisions of Section 106-2-4.</u>	40,000 sq. feet	2 acres - 5 acres
Minimum lot width, <u>unless developed under the provisions of Section 106-2-4.</u>	150 feet	150 feet

93 ...

94 CHAPTER 6. - AGRICULTURAL VALLEY AV-3 ZONE

95 ...

96 Sec. 104-6-5. - Conditional uses.

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

99 ...

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

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

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

105 ...

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

107 ...

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

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

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

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

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

116 ...

117 **Sec. 104-7-6. - Site development standards.**

118 The following site development standards apply to the Agriculture Zone A-2:

	Permitted and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area		
Single-family dwelling, <u>unless developed under the provisions of Section 106-2-4.</u>	40,000 sq. ft.	
Other	2 acres	5 acres

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Minimum lot width, <u>unless developed under the provisions of Section 106-2-4.</u>	150 feet	300 feet
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119 ...

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

121 ...

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

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

125 ...

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

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

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

130 ...

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

132 ...

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

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

136 ...

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

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

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

142 ...

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

144 ...

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

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

148 ...

149 (26) Travel agency.

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

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

155 ...

156

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

158 (a) Area. The following minimum lot area is required for the uses specified, but never less than two and  
 159 half acres:

USE	AREA
<u>Condominium rental apartment or other lodging use that provides nightly or longer lodging:</u>	<u>7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.</u>
<u>Dwelling unit, if approved as part of a PRUD overlay zone:</u>	<u>7,500 square feet of net developable area, as defined in Section 101-1-7, per building, plus 2,000 square feet of net developable area for each dwelling unit in excess of two dwelling units.</u>
<u>Lockout sleeping room:</u>	<u>500 square feet.</u>
<u>Other uses:</u>	<u>None.</u>

Commented [E1]: Reference

Commented [E2]: Reference

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

161 (c) Yard setbacks. The minimum yard setbacks are as follows:

YARD	SETBACK
<u>Front:</u>	<u>30 feet</u>

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<u>Side:</u>	<u>20 feet minimum, except as otherwise required by this or any other county ordinance.</u>
<u>Rear:</u>	<u>20 feet minimum, except as otherwise required by this or any other county ordinance.</u>

- 162 (d) Building height. The maximum height for a building shall be 50 feet.
- 163 (a) ~~Area. A minimum of a 2.5-acre site, with the following minimum area requirement for uses within that~~
- 164 ~~site:~~
- 165 ~~(1) Condominium rental apartments, dwellings, multifamily dwellings, and/or other uses providing~~
- 166 ~~nightly or longer term lodging, per building 7,500 square feet of net developable area plus 2,000~~
- 167 ~~square feet of net developable area for each dwelling unit in excess of two dwelling units.~~
- 168 ~~(2) Lockout sleeping room, 500 square feet.~~
- 169 ~~(3) Other uses: none.~~
- 170 (b) ~~Width: 150-foot minimum frontage.~~
- 171 (c) ~~Yard.~~
- 172 ~~(1) Front: 30-foot minimum.~~
- 173 ~~(2) Side: 20-foot minimum, except as otherwise required by this or any other county ordinance.~~
- 174 ~~(3) Rear: 20-foot minimum, except as otherwise required by this or any other county ordinance.~~
- 175 (d) ~~Building height. Conditional use permit is required if over 25 feet in height.~~

176 ...

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

178 ...

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

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

- 182 (1) Educational/institutional identification sign.
- 183 (2) ~~Reserved. Planned residential unit development in accordance with title 108, chapter 5 of this~~
- 184 ~~Land Use Code.~~
- 185 (3) Private park, playground or recreation area, but not including privately owned commercial
- 186 amusement business.

187 ...

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

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189 ...

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

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

193 ...

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

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

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

199 ...

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

201 ...

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

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

205 ...

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

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

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

211 ...

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

213 ...

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

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

217 ...

218 (2) Educational/institutional identification signs.

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



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

223 ...

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

225 ...

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

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

229 ...

230 (7) Nursing home.

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

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

235 ...

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

237 ...

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

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

241 ...

242 (7) Nightly rental.

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

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

246 ...

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

248 ...

249 **Sec. 104-19-2. - Permitted uses.**

250 **The following uses are permitted in the Residential Manufactured Home Zone RMH-1-6:**

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251 (1) Accessory building incidental to the use of a main building; main building designed or used to  
252 accommodate the main use to which the premises are devoted; and accessory uses customarily  
253 incidental to a main use.

254 (2) Manufactured home (double wide or wider) in an approved manufactured home subdivision, ~~or~~  
255 ~~manufactured home PRUD. (A single wide with or without a room expansion or extension~~  
256 ~~are is prohibited.)~~

257 (3) Temporary building or use incidental to construction work. Such building shall be removed within  
258 six months upon completion or abandonment of the construction work.

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

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

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

264 (c) Public utility substations.

265 **Sec. 104-19-4. - Site development standards.**

266 The following site development standards apply to the Residential Manufactured Home Zone  
267 RMH-1-6:

268 (1) Minimum area: ~~four acres for manufactured home PRUD.~~ Four acres for manufactured home  
269 subdivision.

270 ...

271 **Sec. 104-19-5. - Special provisions for manufactured home subdivisions ~~and PRUDs.~~**

272 (a) Each manufactured home must have wheels and tow tongue removed and must be placed on and  
273 anchored to a permanent concrete foundation constructed to county standards.

274 (b) There shall be two off-street parking spaces provided on the same lot with each manufactured home.  
275 Said spaces shall be located in an area that could be covered by a carport or within which a garage  
276 could legally be built. Required parking spaces may be in tandem but may not be located in the front  
277 yard setback.

278 (c) No manufactured home containing less than 600 square feet of habitable floor area shall be permitted  
279 to be located in a manufactured home subdivision.

280 (d) Each manufactured home shall be skirted either with a plastered concrete foundation, decorative  
281 masonry, concrete block, aluminum or a continuation of the facing material of the manufactured home.

282 (e) A land use permit and a building permit shall be required before a manufactured home is located on a  
283 lot in a manufactured home subdivision ~~or PRUD.~~

284 (f) Each manufactured home shall meet construction standards as defined herein and as specified by the  
285 Department of Housing and Urban Development, Mobile Home Construction and Safety Standards.

286 ...

287 **CHAPTER 29. - OGDEN VALLEY DESTINATION AND RECREATION RESORT ZONE DRR-1**

288 ...

289 **Sec. 104-29-8. - Land uses.**

Use	Permitted (P) Conditional (C)
...	
Cluster subdivision excluding bonus density; meeting the requirements of <u>title 108, chapter 3</u>	P
PRUD excluding bonus density; meeting the requirements of <u>title 108, chapter 5</u>	Pursuant to chapter 5
Welcome/information center	P
...	

290 ...

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

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

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

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

298 Common open space easement. The phrase “common open space easement” means a required right  
 299 of use granted to the county by the owner of a planned residential unit development, on and over land in a  
 300 planned residential unit development designated as common open space, which easement guarantees to  
 301 the county that the designated common open space and recreation land is permanently reserved for  
 302 access, parking and recreation and open green space purposes in accordance with the plans and  
 303 specifications approved by the planning commission and county commission at the time of approval of the  
 304 PRUD **overlay zone** or as such plans are amended from time to time with the approval of the county  
 305 commission.

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

**Commented [E4]:** Reference

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

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

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

318 (b) A PRUD overlay zone approval shall advance the purpose and intent of the underlying zone. However,  
319 after recommendation from the planning commission, the county commission may allow deviations  
320 from the purpose and intent of the underlying zone if a proposed PRUD offers contribution to the  
321 implementation of a significant and meaningful general plan goal, principle, or implementation strategy.  
322 Unless specified otherwise in the development agreement or overall development plan, development  
323 of a PRUD shall adhere to the applicable regulations and other provisions of this Land Use Code.

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

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

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

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

Commented [E5]: Reference

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

339 (1) Residential estates zones;

340 (2) Agricultural zones;

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

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

343 (5) Commercial valley resort recreation zone; and

344 (6) Residential manufactured home zone.

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345 (c) *Nonconforming PRUD.* All PRUDs approved administratively prior to the date specified in subsection  
346 (a) of this section are hereby nonconforming PRUDs. A nonconforming PRUD may be amended from  
347 time to time under the same rules that governed its creation, provided that the amendment is a de  
348 minimis change that is routine and uncontested. The Planning Director or the Planning Commission  
349 has independent authority to determine what constitutes a routine and uncontested de minimis  
350 decision. If it is determined to not be routine or uncontested then the applicant shall pursue PRUD  
351 overlay zone approval pursuant to this chapter.

Commented [E6]: Reference

352 (d) *Previously existing development agreements.* Nothing in this chapter shall be construed to inhibit the  
353 entitlements of an approved development agreement executed prior to the date specified in subsection  
354 (a) of this section.

Commented [E7]: Reference

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

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

361 (1) An overall development plan, complying with the requirements of Section 104-27-5, including the  
362 following:

Commented [E8]: Reference

363 a. A map of the general configuration of the development, together with land tabulations  
364 detailing the proposed uses of land for all areas of the project, and proposed lot or parcel  
365 development standards;

366 b. An open space preservation plan, showing proposed uses and parcel development  
367 standards;

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

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

371 e. Proposed architectural design standards, including drawings and sketches demonstrating  
372 the proposed design, character, features, and color palette of the proposed development;

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

375 g. Any proposed mappable voluntary contributions, including those proposed in pursuit of  
376 density bonuses; and

377 f. A development phasing plan, if applicable.

378 (2) A narrative clearly explaining the desired development. The narrative shall also clearly address  
379 the considerations listed in Section 104-27-9.

Commented [E9]: Reference

380 (3) A list of development commitments the applicant is prepared to make with the county, and a list  
381 detailing what the development needs from the county. This list will be the initial basis for  
382 development agreement negotiation.

383 (4) Base density calculations, and a tabulation and explanation of requested bonus density.

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384 (5) The legal description for all properties to be included in the overlay zone and development  
385 agreement, together with a general vicinity map of the rezone extents.

386 (6) Additional information as may be necessary to determine that the contemplated arrangement of  
387 uses make it desirable to apply regulations and requirements differing from those ordinarily  
388 applicable under the land use code.

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

390 **Sec. 104-27-5. - General requirements.**

391 (a) Rezone and development agreement required. Approval of a PRUD overlay zone shall follow the  
392 provisions and requirements specified herein in addition to the rezone provisions of Title 102, Chapter  
393 5. Prior to the execution or validity of a PRUD overlay zone, a development agreement of mutual  
394 agreement between the developer and the county shall be prepared and readied for execution upon  
395 or simultaneous to adoption of the PRUD overlay zone. The development agreement shall clearly  
396 document the County's roles and responsibilities to the developer and the developer's roles and  
397 responsibilities to the County, and shall, at a minimum, provide any other provision necessary to  
398 effectively execute the flexible provisions of this chapter, or any other provision as may be required by  
399 the county commission or county attorney's office. Nothing in this chapter shall be construed to entitle  
400 approval of a PRUD overlay zone or associated development agreement.

401 (b) Overall development plan. The development agreement shall include an overall development plan  
402 detailing the proposed development as specified herein. No changes or alterations to the approved  
403 overall development plan shall be made without first obtaining an amendment to the development  
404 agreement, except for landscaping as provided in subsection (c) of this section. The overall  
405 development plan shall provide a desirable layout or, if the specific layout is to be determined at later,  
406 desirable standards for the following:

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

415 (2) Land use configuration. The development plan shall show the general locations of proposed land  
416 uses including open space areas, and offer a land use inventory specifying approximate land  
417 acreage per use.

418 (3) Street configuration. The overall development plan shall show, at a minimum, the general location  
419 of existing or proposed streets in the development. Streets shall offer efficient and convenient  
420 connectivity to existing street rights-of-way and shall be laid out to provide for safety, ease of use,  
421 and navigation throughout the development. Streets shall offer prioritization of non-motorized  
422 transportation. The development plan shall show general location of streets stubbing into an  
423 adjacent property in at least one location, more if necessary to comply with block-width or  
424 intersection distance requirements of this land use code. At least two points of access into the  
425 development is required if it contains more than 30 residences, or as otherwise required by the  
426 local fire or emergency services authority. Public or private ownership of streets.

427 (4) Lot development standards. The development plan shall propose lot or parcel area, lot or parcel  
428 width, lot or parcel yard setbacks, lot or parcel coverage and building height regulations for all  
429 lots, parcels, and open space areas that will contain development or structure.

**Commented [E10]:** Whole section titled "planning commission consideration and action" has been deleted and the non-redundant content has been incorporated herein.

Same goes for section titled "configuration of overall development plan."

**Commented [E11]:** Reference

**Commented [E12]:** Reference

**Commented [E13]:** Reference

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430 (5) Architecture design. The architectural design of buildings and the design's relationship to the site  
431 and to development beyond the boundaries of the proposal.

432 (6) Off street parking. The overall development plan shall provide for complete off-street parking  
433 standards in the event that the parking standards of this land use code are insufficient. Parking  
434 areas shall offer prioritization of non-motorized transportation.

435 (7) Lighting. A lighting plan, or provisions for creating a lighting plan, that complies with all  
436 requirements of Title 108, Chapter 16: Ogden Valley Outdoor Lighting Ordinance, which is  
437 incorporated by reference herein as applicable to a cluster subdivision in the Western Weber  
438 Planning Area.

439 (8) Natural hazards and other constraints. The overall development plan shall show consideration for  
440 natural hazards and other environmental constraints, such as floodplains, wetlands, waterways,  
441 sensitive ecology, wildlife habitat, etc. If a natural hazard is known to exist onsite, or if the site is  
442 located in a natural hazards study area, as specified in Title 108, Chapter 22, Natural Hazard  
443 Areas, or if other environmental constraints exist onsite, a natural hazards map and environmental  
444 constraints map, if applicable, shall be included as part of the overall development plan submittal.

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

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

Commented [E14]: Reference

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

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

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

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

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

462 d. That the portion of landscaping per phase exceeds the portions per phase of the approved  
463 plan.

464 **Sec. 104-27-6. - Use permissions and prohibitions.**

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

467 (b) Other small-scale service uses. If a PRUD contains 100 dwelling units or more, other uses may be  
468 approved by the county commission, after receiving recommendation from the planning commission,  
469 provided that clear evidence demonstrates that those uses are necessary for the provision of small-  
470 scale local neighborhood services to the residents of the development and the immediate surrounding

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471 neighborhood. The county commission has legislative discretion to determine what a small-scale local  
472 neighborhood service is. The development agreement shall contain provisions for the proposed uses,  
473 ownership, operational characteristics, and physical design to assure compliance with this section.

Commented [E15]: Reference

474 (c) *Nightly rentals.* Any housing units to be developed or used, in-whole or in-part, for sleeping rooms  
475 (including lockout sleeping rooms) for nightly rentals shall be clearly declared and provided for in the  
476 development agreement.

477 **Sec. 104-27-7. - Area and residential density regulations.**

478 (a) *Area and base density.* A development in a PRUD overlay zone shall contain at least 24 dwelling units  
479 and have an area sufficient to offer a base density, as defined in Section 101-1-7, of 24 dwelling units,  
480 but the area shall never be less than four acres in any residential zone and ten acres in all other  
481 allowed zones. The minimum number of dwelling units may be reduced to six if the PRUD contains a  
482 minimum area of 100 acres and provides a common open space easement, as defined in Section 104-  
483 27-1, over at least 90 percent of the PRUD's gross acreage. The development agreement shall  
484 memorialize and entitle the base density calculation.

Commented [c16]: Check Reference

485 (b) *Bonus density.*

486 (1) *Western Weber Planning Area bonus density.* After recommendation from the planning  
487 commission, the county commission may allow for an increased number of residential lots in a  
488 PRUD development by awarding bonus densities to those PRUDs developed within the Western  
489 Weber County Planning Area in exchange for meaningful public offerings.

Commented [E17]: Several overall revisions and reconfigurations of this whole section to make it easier to use, reduce redundancies, and emphasize the legislative discretion of PRUD approval and density allocation.

490 a. The following tables offer a guide to assist in prioritizing bonus density based on a  
491 development's offerings. After recommendation from the planning commission, the county  
492 commission has legislative authority to determine final bonus density awarded. At the county  
493 commission's discretion, these may be in place of or in addition to the bonuses already  
494 available in the cluster subdivision code. Regardless, the development's offerings shall  
495 provide a public benefit proportionate to the final awarded bonus density. The development's  
496 bonus density offerings and the county's bonus density awards shall be clearly documented  
497 and tabulated in the development agreement;

Bonuses are just as legislative in this section as the application of a zoning designation (via a rezone). Under existing law, after recommendation of the planning commission, the county commission already has the legislative discretion to allow more density somewhere. This section is no different.

What this section does do is advocate for a bridling of the legislative authority when determining what the County should receive in exchange for applying a higher density zone -- if applying a higher density zone is even desired by the Commission.

See the provisions of 104-27-2 for additional advocacy for a bridling of the legislative discretion.

498



499

OFFERING	BONUS DENSITY
<u>Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length:</u>	<u>15 percent.</u>
<u>A minimum of one approved public access to public lands:</u>	<u>5 percent.</u>
<u>An HOA park, open to the general public:</u>	<u>5 percent.</u>
<u>A park donated to the county, a local park district, or other county approved entity, if the county, a local park district, or other county approved entity desires it:</u>	<u>10 percent.</u>
<u>Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:</u>	<u>10 percent.</u>
<u>Development of excess sewage treatment capacity:</u>	<u>3 percent for every 10 percent capacity increase over the development's base density.</u>
<u>Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by Section 101-1-7:</u>	<u>One percent per acre up to 50 percent.</u>
<u>Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:</u>	<u>5 percent.</u>
<u>A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value:</u>	<u>15 percent.</u>
<u>Neighborhood small-scale commercial retail or non-drive-thru restaurant, in a PRUD development with 100 or more dwelling units.</u>	<u>10 percent.</u>

500

501

502

b. Affordable housing bonus. Base density may be increased by ten percent if the development complies with the following:

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- 503 1. The ten percent additional density is permanently set aside for affordable housing as  
504 outlined by the Affordable Housing Act of 1990.
- 505 2. The ten percent additional density shall not be included when calculating other bonus  
506 density.
- 507 3. The additional density is located in the interior of the development, as central as is  
508 practicable given site constraints, land uses, open spaces, and street configuration, and  
509 is completely surrounded by other dwelling units within the development. Open space  
510 may abut part of it provided the open space is large enough to offer a sufficient buffer  
511 from existing residential uses in the area. The buildings are limited to 35 feet or two  
512 stories above grade.
- 513 4. The development agreement shall offer an effective plan and method for guaranteeing  
514 and enforcing perpetual affordability. Any method used, such as an affordable housing  
515 deed restriction, shall limit the sale or rental of the affected lots and dwelling units to a  
516 household with an income at or below 80 percent of the county median income.
- 517 5. A final subdivision plat shall identify and label a lot or dwelling unit set aside as an  
518 affordable housing lot or dwelling unit, and provide a note on the final subdivision plat  
519 explaining the nature of the housing restriction and the method by which occupancy  
520 and affordability will be regulated.
- 521 (2) Ogden Valley Planning Area bonus density. A PRUD overlay zone should create no new density  
522 entitlements in the Ogden Valley. A PRUD overlay zone may be designated as a receiving area  
523 for transferrable development rights or a similar density transfer program. The development  
524 agreement shall clearly specify the logistics of such a program.

525 ...

526 **Title 106 - SUBDIVISIONS**

527 ...

528 **CHAPTER 2. - SUBDIVISION STANDARDS**

529 ...

530 **Sec. 106-2-2. - Street and alley widths, cul-de-sacs, easements.**

- 531 (a) Street dedication. Streets in year round subdivisions shall be dedicated to the county as public streets  
532 except that private streets improved to county public street standards may be permitted in ~~planned~~  
533 ~~residential unit developments or~~ condominiums. Mountain land subdivisions in high mountain areas of  
534 the county for seasonal recreation and summer homes shall have private streets built to county private  
535 street standards for such subdivisions except that the county may require public dedication for major  
536 or loop road access purposes.

537 ...

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

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

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

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

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

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

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

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

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

555 b. Minimum lot width: 80 feet.

556 ...

557 **Title 108 - STANDARDS**

558 ...

559 **CHAPTER 3. – CLUSTER SUBDIVISIONS**

560 ...

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

562 ...

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

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

573 ...

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

575 ...

Commented [E18]: Reference

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

580 ...

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

583 ...

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

590 1. The configuration of the existing exterior boundary of the proposed subdivision makes it  
591 impossible;

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

Commented [E19]: Reference

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

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

599 ...

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

Commented [c20]: Whole chapter moved from Title 108 "Standards" to Title 104 "Zones."

601 **Sec. 108-5-1. -- Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

697 a.— If a PRUD provides and implements an approved roadway landscape and design plan that includes,  
698 but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an  
699 appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every  
700 100 feet of road length, up to 20 percent bonus density may be granted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



764 (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  
765 and 30 percent or more in all other zones shall not be classified as developable land and shall not be  
766 considered when determining the number of allowable units in a proposed PRUD.

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

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

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

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

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

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

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

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

792 (2) — *Ownership.*

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

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

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

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

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

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- 803 i.—An explanation of the applicable ownership standard and a perpetual restriction conforming thereto  
804 shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to  
805 subsection (3); and
- 806 ii.— A note describing the applicable ownership standard shall be placed on the final recorded subdivision  
807 plat.
- 808 iii.—A notice describing the applicable ownership standard shall be recorded on each individually owned  
809 preservation parcel at the time of recording a subdivision plat.
- 810 (3)—*Preservation.*
- 811 a.—Open space parcels are to be permanently preserved in a manner that is consistent with the  
812 approved open space preservation plan.
- 813 b.—The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording  
814 the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner  
815 association if applicable, an open space easement over all areas dedicated as common area or  
816 individually owned preservation parcels. The open space easement shall incorporate and conform to the  
817 open space preservation plan approved under subsection (1).
- 818 c.— If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or  
819 crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement  
820 meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
- 821 d.— If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the  
822 applicant shall:
- 823 1.—Identify and label on the final plat each such parcel as an agricultural, forest, or other type of  
824 preservation parcel;
- 825 2.—Further identify each preservation parcel by placing a unique identifying letter of the alphabet  
826 immediately after the label;
- 827 3.—Present an agricultural, forest, or other type of preservation easement to the county and gain its  
828 approval; and
- 829 4.—Record an approved preservation easement on each parcel identified as an agricultural, forest, or  
830 other type of preservation parcel.
- 831 e.—The county may impose any additional conditions and restrictions it deems necessary to ensure  
832 maintenance of the open space and adherence to the open space preservation plan. Such conditions  
833 may include a plan for the disposition or re-use of the open space property if the open space is not  
834 maintained in the manner agreed upon or is abandoned by the owners.
- 835 (4)—*Guarantee of open space improvements.*
- 836 a.—The county shall not require an applicant to deposit a financial guarantee for open space  
837 improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and  
838 that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting  
839 from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall  
840 complete the improvements according to the approved phasing component of an open space  
841 preservation plan. If the applicant fails to complete improvements as presented in the open space  
842 preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and

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

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

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

855 **Sec. 108-5-7. – Submission of application.**

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

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

865 **Sec. 108-5-8. – Planning commission consideration.**

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

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

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

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

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

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

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

880 **Sec. 108-5-9. – Planning commission action.**

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

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

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

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

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

895 **Sec. 108-5-12. – Time limit.**

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

902

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