



OGDEN VALLEY PLANNING COMMISSION

WORK SESSION AGENDA

**February 6, 2018
5:00 p.m.**

- WS1. DISCUSSION:** Modifications to the Cluster Subdivision ordinance to amend open space requirements and provide clarifications.
- WS2. DISCUSSION:** Modifications to the Planned Residential Unit Development (PRUD) ordinance to make a decision on a PRUD, a legislative – not administrative – action.
- WS3. DISCUSSION:** Modifications to the definition of “Height of Building” and additional clarification regarding standards and regulations governing the height of a building and Public Utility Substation.

*The meeting will be held in the Weber County Commission Chambers, Breakout Room, 2380 Washington Blvd., Ogden UT
No pre-meeting is schedule for a work session*



(In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission 24 hours in advance of the meeting at 801-399-8791)

MEMORANDUM

To: Ogden Valley Planning Commission
From: Charles Ewert, AICP
Date: January 31, 2018
Subject: Work session for proposed cluster subdivision amendments

Planning Commissioners,

Attached you will find my latest revisions of the cluster subdivision ordinance. As a recap, this ordinance is being revised at the request of the Western Weber County Planning Commission, with support from the County Commission, to better support and promote long-term agricultural uses of open spaces.

One desired outcome is to tailor the ordinance to the needs of both planning areas so the County is not burdened with the cost of administering another unique ordinance. Because there are things applicable in different ways to each planning area, there is a need to offer some separation in the text, but we hope the planning commission will help support the need to not create two separate cluster subdivision codes if at all possible.

As usual, the red strikeouts are text being deleted, the blue underlines are text being added. The highlighted text are the areas that are new or different since the planning commission's last reading. In these differences I remove some of the more complicated detail of the shape and form of individual clusters in favor of a more simplified cluster approach. I add significant requirements for agriculturally viable acreage to be held as open space, and in the bonus section offer even more incentive for additional agricultural preservation land.

You will find that a couple of sections are still incomplete. You may also find that other sections need some word-smithing. I will continue to work on these needs another time, and am only asking the planning commission to consider the policy direction to verify suitability.

I look forward to the discussion.



1 **Sec. 101-1-7. - Definitions.**

2 ...

3 *Agricultural parcel.* The term "agricultural parcel" means a single parcel of land, at least
4 5.0 acres in area if vacant, or 5.25 acres with a residential dwelling unit. This definition needs
5 to be fulfilled in order to qualify for the agricultural building exemption.

6 *Agricultural soils, prime.* The term "prime agricultural soils" means the soil types on the lot
7 or parcel that are best suited for crop-producing. These soil types have, or are capable of
8 having, highest nutrient content and best irrigation capabilities over other soil types on the
9 property.

10 *Agriculture.* The term "agriculture" means use of land for primarily farming and related
11 purposes such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and
12 crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or
13 business such as fruit packing plants, fur farms, animal hospitals or similar uses.

14

15 ...

16 **Title 108 - STANDARDS**

17 ...

18 **CHAPTER 3. - CLUSTER SUBDIVISIONS**

19 **Sec. 108-3-1. - Purpose and Intent.**

20 The purpose of this chapter is to provide flexible development standards to landowners that
21 are committed to developing safe, attractive, conservation oriented neighborhoods that are
22 thoughtfully designed and arranged in a manner that considers, gives deference to, and
23 ultimately protects natural topography, environmentally sensitive areas, wildlife habitat, and
24 agriculturally productive lands. It is intended to benefit those that create cluster subdivisions by
25 offering an inherent gain in the form of reduced infrastructure costs and the possibility for a
26 substantial increase in residential density in the Western Weber Planning Area. It is equally
27 intended to benefit the residents of Weber County by promoting public welfare through the
28 reduction of long-term infrastructure maintenance costs and the permanent preservation of the
29 county's functional open spaces, picturesque landscapes, and rural character.

30 **Sec. 108-3-2. - General regulations.**

31 Subject to the requirements of this chapter, cluster subdivisions are permitted in all
32 ~~classified Weber County zone areas~~ zones except for the commercial, manufacturing, gravel,
33 residential mobile home, open space, and shoreline zones.

34 **Sec. 108-3-3. - ~~Approval~~ Supplemental subdivision procedure ~~procedural requirements~~.**

35 (a) Subdivision procedures and requirements apply. All procedures and requirements of Title
36 106 shall apply to a cluster subdivision unless there is a conflict or supplement in this
37 chapter, in which case the provisions of this chapter shall prevail.

38 (b) Conceptual sketch plan. ~~The~~ In addition to the subdivision procedure requirements of Title
39 106, the cluster subdivision approval procedure requires a conceptual sketch plan
40 endorsement from the planning commission prior to the submission of a formal subdivision
41 application. An application for a conceptual sketch plan endorsement shall demonstrate

42 compliance with all applicable standards contained within the Weber County Code. The
43 completed application must be submitted at least 21 calendar days prior to the planning
44 commission meeting at which the applicant wishes to be heard. Endorsement from the
45 planning commission is only a means to assist in the creation of a complete subdivision
46 application and shall not vest for final approval. The application is complete upon
47 submission of the following: ~~consists of four phases as follows:~~

48 ~~(1) A conceptual sketch plan endorsement from the appropriate planning area planning~~
49 ~~commission;~~

50 ~~(2) A preliminary approval by the appropriate planning area planning commission;~~

51 ~~(3) A recommendation from the appropriate planning area planning commission for final~~
52 ~~approval by the board of county commissioners; and~~

53 ~~(4) A final approval and acceptance by the board of county commissioners.~~

54 ~~(b) An application for a conceptual sketch plan endorsement shall demonstrate compliance~~
55 ~~with all applicable standards contained within the Weber County Code. The completed~~
56 ~~application must be submitted at least 14 calendar days prior to the planning commission~~
57 ~~meeting at which the applicant wishes to be heard. The application is complete upon~~
58 ~~submission of the following:~~

59 (1) Payment of a fee, as required by title 16, chapter 2 of the Weber County Code of
60 Ordinances, and submission of a complete sketch plan endorsement application on a
61 form provided by the county planning department.

62 (2) One 8.5-inch by 11-inch vicinity map, underlain by an aerial photo, showing the subject
63 property, surrounding streets, and relevant landmarks.

64 (3) One 11-inch by 17-inch conceptual plan, drawn at a reasonable scale, that
65 demonstrates in a suitable manner compliance with all applicable codes. The plan shall
66 include, but not necessarily be limited to, a north arrow and scale, subdivision
67 boundary according to county records, approximate locations of proposed streets, lots
68 with approximate area calculations, common areas and open space parcels with
69 approximate area calculations, easements, waterways, suspected wetlands,
70 floodplains, existing structures, and contour lines. Information related to topography
71 and contour lines may be submitted on a separate map. Contour information may be
72 omitted if the planning director or his designee determines that the subject property
73 lacks topographic characteristics that warrant representation.

74 (4) An electronic copy of all forms, documents, materials, and information submitted as
75 part of the application.

76 ~~(d)~~ Preliminary and final cluster subdivision application.

77 (1) Preliminary cluster subdivision approval. ~~An application for~~A submission for preliminary
78 cluster subdivision approval shall:

79 a. conform to the endorsed sketch plan;

80 b. contain an open space plan, as required in Section 108-3-5.

81 1. The planning commission's approval of a preliminary plat shall constitute
82 approval of the open space plan.

83 2. An open space plan may be amended, from time to time, after submittal of a
84 new application and application fee.

- 85 3. An amendment shall be in compliance with applicable laws and shall require
- 86 the approval of the planning commission.
- 87 4. An open space plan amendment shall not require a subdivision plat
- 88 amendment provided the resulting plan does not conflict with any part of the
- 89 plat, including parcel and lot boundaries, subdivision boundaries, and plat
- 90 notes.

91 (2) Final cluster subdivision approval. A submission for final cluster subdivision approval
92 shall conform to the approval of the preliminary cluster subdivision approval. If
93 applicable, submission shall also include final Conditions, Covenants, and Restrictions
94 or Homeowner's Association Declaration that clearly explain the maintenance method
95 for each common area parcel, as required by this chapter or any condition of
96 preliminary cluster subdivision approval. Submission shall also include drafts of any
97 other relevant instrument required for the execution of applicable provisions of this
98 Land Use Code.

99 ~~by the appropriate planning commission, recommendation for final approval, or final approval and~~
100 ~~acceptance by the board of county commissioners shall comply with all applicable standards~~
101 ~~of the Weber County Land Use Code, including this chapter and title 106, Subdivisions. The~~
102 ~~approval process shall proceed as directed by Weber County Land Use Code title 106,~~
103 ~~chapter 1.~~

104 **Sec. 108-3-4. — Residential C cluster subdivision design and layout standards.**

105 ~~The planning commission and county commission shall approve an application for a cluster~~
106 ~~subdivision if the planning commission and county commission find that the subject~~
107 ~~proposal meets all applicable standards of the Weber County Land Use Code, including the~~
108 ~~following:~~

109 ~~(a 4)~~ General lot, street, access, and amenity design and layout standards.

110 (1) Overall configuration. A cluster subdivision's general design shall concentrate
111 residential building lots, with their adjoining road street rights-of-way and any approved
112 access exceptions alternative access, if applicable, into separate and individual clusters
113 that are entirely surrounded by open space dedicated as common area, individually
114 owned preservation parcels, or both, together in accordance with the following:

115 a. in all zones, clusters shall be designed to avoid lands that have characteristics
116 generally valuable for conservation, including but not limited to viewsheds,
117 waterways, stands or groupings of mature vegetation, wildlife habitat, and other
118 sensitive ecology.

119 b. in an agricultural zone, only one cluster of residential lots is allowed unless more
120 are necessary to avoid development on prime agricultural soils, as defined in
121 Section 101-1-7, or sensitive lands as provided in 108-3-4(c). The cluster or
122 clusters shall be organized in a manner that optimizes ease of access and
123 maneuverability to and on the open space lands of any large equipment commonly
124 used to support crop production, and the clusters shall be organized in a manner
125 that supports viability of crop production on the open space lands. Subdivision
126 phasing that avoids this requirement shall not be allowed.

127 (2) Street configuration. Streets shall have logical and efficient connections and shall
128 generally follow existing street grid design. When practicable, section lines and quarter
129 section lines shall denote the general location of through streets. If current parcel
130 configuration does not make this practicable, a through-street, or stubbed-street that will

131 be a future through-street, shall be located as close to these lines as otherwise
132 reasonably possible. The planning commission may waive this requirement for the
133 following:

134 a. environmental constraints that render a through-street, or a stubbed-street that will
135 become a through-street, unreasonable and unnecessary; or

136 b. agricultural open space that is or would otherwise be permanently preserved as
137 provided in this land use code would be interrupted by the street in a manner that
138 creates a hardship for crop production.

139 c. In allowing a waiver under this subsection the planning commission may require the
140 street to be placed in another location to offer optimal compensation for the lack of
141 the connection required herein.

142 (3) Pathways. In lieu of a sidewalk on both sides of the street, as required by 106-4-2(f), a
143 ten foot wide asphalt pathway may be allowed on one side of the street. If only
144 developing one side of a street, the pathway shall be located on that side, otherwise,
145 preference shall be given to the side that could best support pathway connectivity given
146 other existing or future pathways in the vicinity and based on least pedestrian conflicts.
147 In the event street configuration does not yield an efficient pedestrian connection to
148 nearby rights-of-way outside the subdivision, pathways are required to connect to
149 adjacent abutting public rights-of-way or stub into adjacent parcels in the direction of
150 those rights-of-way.

Comment [c1]: Reference

151 (b) General open space design and layout standards.

152 (1) Agricultural open spaces to be contiguous and useful. In all agricultural zones, and
153 except as provided otherwise in (b)(3) of this subsection, open space parcels shall be
154 arranged to create optimal agricultural opportunities. Regardless of the specific
155 conservation type or open space uses authorized by this chapter and approved in an
156 open space plan, as specified in Section 108-3-5, in order to offer predictable support
157 and encouragement for a wide variety of long-term agricultural operations on open
158 space parcels, open space parcels shall be organized into one contiguous area and be
159 a sufficient size and configuration that will easily sustain, support, and encourage a
160 variety of large-scale crop production operations and any related large equipment
161 commonly used to support them. Open space parcels form a contiguous area if each
162 open space parcel shares a common boundary line that is no less than 100 linear feet
163 or lies directly across a street right-of-way, or other approved access, from another
164 open space parcel, with the common boundaries shared with the street right-of-way
165 being no less than 100 linear feet. This does not apply to parcels necessary to meet the
166 requirements of subsection (c) of this section.

Comment [c2]: Reference

Comment [c3]: Reference

167 (2) Non-agricultural conservation open spaces. In all non-agricultural zones, and except as
168 provided otherwise in (b)(3) of this subsection, open space parcels shall preserve lands
169 that have characteristics generally valuable for conservation, including but not limited to
170 viewsheds, waterways, stands or groupings of mature vegetation, wildlife habitat, and
171 other sensitive ecology.

Comment [c4]: Reference

Comment [c5]: Reference

172 (3) Small open space parcels between lots. Regardless of contiguity with other open space
173 parcels, open space parcels between residential lots are only permissible for the
174 following uses. This does not apply to parcels necessary to meet the requirements of
175 subsection (c) of this section.

Comment [c6]: Reference

176 a. public park;

- 177 b. community recreational ground;
- 178 c. pathway or trail rights-of-way;
- 179 d. trailhead and accessory facilities; or
- 180 e. drainage or other utility facilities.

181 ~~The open space area in between one cluster of lots and another shall not be less than 75 feet in~~
182 ~~width and the open space area in between lots and an exterior subdivision boundary shall not be~~
183 ~~less than 50 feet in width. The open space required in between lots and a subdivision's exterior~~
184 ~~boundary shall be waived if:~~

Comment [c7]: Metric change

- 185 ~~a. Lots sharing a common line with the subdivision boundary contain 15,000 square feet or more;~~
- 186 ~~b. Lots are located along an internal phasing line when that phasing line is acting as a temporary~~
187 ~~external boundary;~~
- 188 ~~c. The proposed cluster subdivision lies adjacent to an existing subdivision that contains at least~~
189 ~~one lot that is smaller or not more than 5,000 square feet larger than the smallest lot lying within~~
190 ~~the proposed cluster subdivision; or~~
- 191 ~~d. Lots located along an external boundary lie adjacent to a parcel that:~~
 - 192 ~~1. Does not contain an existing dwelling; or~~
 - 193 ~~2. Contains a single existing dwelling that lies further than 150 feet away from all external~~
194 ~~boundaries of the proposed cluster subdivision.~~

195 ~~(2) In a subdivision consisting of 60 or more lots, each cluster shall contain no less than three lots and~~
196 ~~no more than 20 lots. In a subdivision consisting of fewer than 60 lots, each cluster shall contain no~~
197 ~~less than three lots and no more than one-third of the total number of lots in the subdivision. The~~
198 ~~county may approve up to a five-lot increase in the number of lots in a cluster if:~~

- 199 ~~a. The total number of lots cannot be equally divided into thirds and leaves a remaining number of~~
200 ~~lots that does not meet the standard for the minimum number of lots in a cluster; or~~
- 201 ~~b. There are unusual circumstances, such as complications involving topography, infrastructure,~~
202 ~~geotechnical, or geologic conditions, which warrant an increase.~~

203 ~~(3) To ensure that a cluster subdivision reflects the characteristics of the zone in which it is located, a~~
204 ~~minimum percentage of a cluster subdivision's adjusted gross acreage shall be preserved as open~~
205 ~~space and dedicated as described in subsection (1) above. The minimum open space areas are as~~
206 ~~follows:~~

Comment [c8]: Reference?

- 207 ~~a. In the Forest (F-40) Zone, a minimum of 90 percent of a cluster subdivision shall be preserved as~~
208 ~~open space.~~
- 209 ~~b. In the Forest (F-5) and Forest (F-10) Zones, a minimum of 80 percent of a cluster subdivision shall~~
210 ~~be preserved as open space.~~
- 211 ~~c. In the Agricultural Valley (AV-3), Forest Valley (FV-3), and the Ogden Valley Destination and~~
212 ~~Recreation Resort (DRR-1) Zones, a minimum of 60 percent of a cluster subdivision shall be~~
213 ~~preserved as open space.~~
- 214 ~~d. In all other zones where a cluster subdivision is an allowed development type a minimum of 30~~
215 ~~percent of a cluster subdivision shall be preserved as open space.~~

216 (c.4) Sensitive lands requirements. Cluster subdivisions in or on sensitive lands shall be
217 governed as follows:

- 218 (1) Lands that can be mitigated such as floodplain and wetlands are considered
219 developable for the purpose of calculating adjusted gross acreage, as defined in
220 Section 101-1-7 and shall be counted towards density.

221 (2) Floodways within river corridors, lakes, and naturally occurring pond areas, which
222 could not be are not developed-developable but are offered as a community provide an
223 amenity on an open space parcel with public access and a blanket public access
224 easement, may shall also be a part of the open space, with receive 25 percent of this
225 land of the undevelopable acreage credited towards to the adjusted gross acreage
226 calculation for overall density of the development, if this land is used to provide
227 amenities and is accessible to the development.

228 (3) Regardless of developability, the follow areas shall be located within a cluster
229 subdivision's open space area:

230 a. areas designated as floodplain, as defined by the Federal Emergency Management
231 Agency or other qualified professional determined appropriate by the county
232 engineer; and

233 b. rivers and streams, with and including their designated river or stream corridor
234 setbacks, as defined by the Weber County Land Use Code.

235 ~~(5) Areas designated as floodplain, as defined by the Federal Emergency Management Agency or other~~
236 ~~qualified professional determined appropriate by the county engineer, rivers and streams, with and~~
237 ~~including their designated river or stream corridor setbacks, as defined by the Weber County Land~~
238 ~~Use Code, shall be located within a cluster subdivision's open space area.~~

239 **Sec. 108-3-5. - Open space plan approval, ownership, maintenance, preservation, and**
240 **guarantee of improvement standards and development standards.**

242 ~~Open space parcels, and any improvements proposed thereon, shall be approved, owned,~~
243 ~~maintained, preserved, and financially guaranteed as follows:~~

244 (a) Open space plan submittal (1) — Plan approval. An open space preservation plan shall
245 accompany an application for preliminary ~~and final~~ subdivision approval. Preliminary
246 subdivision approval constitutes approval of the open space plan. A final plat shall comply
247 with the approved open space plan. ~~approval of a cluster subdivision.~~ The open space plan
248 shall include the following:

249 (1) An overall cluster subdivision map identifying all open space areas and open space
250 area amenities.

251 (2) A site plan that identifies the open space parcel ownership types specified in (b)(5) of
252 this section; each proposed ownership type shall be identified with a unique color; and
253 the locations of existing and proposed future structures and other open space
254 amenities.

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

260 b. For open space that will be gifted as a park parcel to a local park district, the site
261 plan shall include all park improvements and be accompanied by a letter of
262 approval from the local park district.

263 c. For open space that will be an individually owned preservation parcel whereon a
264 building will be located, the site plan shall identify a locatable building envelope, as

Comment [c9]: How to amend without amending "subdivision plat"

Comment [c10]: Retention basin cannot be used as ag or forest open space.

Comment [c11]: Check reference

265 defined in Section 101-1-7, within which all existing and future buildings shall be
266 located.

267 (3) ~~A~~a narrative describing all proposed open space parcels, their proposed method of
268 ownership, their proposed method of maintenance, ~~all~~ their proposed uses, and any
269 proposed building envelopes.

270 (4) A written explanation of the proposed method of maintenance of all open space
271 parcels. This may be included in the written narrative. However, an open space plan
272 with a common area parcel or parcels shall be submitted with proposed Conditions,
273 Covenants, and Restrictions or Homeowner's Association Declaration that clearly
274 explains the maintenance method for each common area parcel. At a minimum, the
275 document shall explain vegetation grooming practices, weed mitigation, and refuse
276 disposal.

277 (5) The phasing of open space parcels and their relationship to the overall subdivision
278 phasing plan, if any.

279 ~~, and maintenance methods for all open space parcels, and~~

280 ~~a site plan that shows proposed common areas, individually owned preservation parcels, and~~
281 ~~the locations of existing and proposed future structures.~~

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

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

290 (b) Open space development standards and ownership regulations. Unless otherwise provided
291 for in this section, open spaces and the specific open space parcels shall be developed in a
292 manner that meets all applicable standards, including but not limited to those found in the
293 this Land Use Code.

294 (1) Minimum total open space required. Unless more is required to gain additional density,
295 as provided in XXX, the minimum percentage of a cluster subdivision's adjusted gross
296 acreage, as defined in Section 101-1-7, shall be preserved as open space. The
297 minimum open space areas are as follows:

298 a. In the Forest (F-40) Zone, a minimum of 90 percent of a cluster subdivision shall
299 be preserved as open space.

300 b. In the Forest (F-5) and Forest (F-10) Zones, a minimum of 80 percent of a cluster
301 subdivision shall be preserved as open space.

302 c. In the Agricultural Valley (AV-3), Forest Valley (FV-3), and the Ogden Valley
303 Destination and Recreation Resort (DRR-1) Zones, a minimum of 60 percent of a
304 cluster subdivision shall be preserved as open space.

305 d. In all other zones where a cluster subdivision is an allowed development type a
306 minimum of 30 percent of a cluster subdivision shall be preserved as open space.

307 (2) Open space parcel area. Unless otherwise regulated by the Weber-Morgan Health
308 Department or Weber County Land Use Code title 108, chapter 14, Hillside

Comment [c12]: Reference

309 Development Review Procedures and Standards, the minimum area for an open space
310 parcel located within a cluster subdivision is as follows:

311 a. An open space parcel designated as common area is not subject to minimum area
312 requirements.

313 b. An open space parcel conveyed to a local park district shall be of a sufficient size
314 to adequately accommodate park infrastructure, amenities, and parking.

315 c. An open space parcel dedicated as an individually owned preservation parcel shall
316 contain an area of not less than five acres and shall be part of a contiguous area of
317 open space consisting of not less than ten acres in total; and shall be in
318 compliance with the following:

Comment [c13]: This is a formatting change. Check all references.

319 1. The ten acre minimum contiguous area does not need to be platted in the
320 same subdivision.

321 2. Each individually owned open space parcel shall be provided clear and
322 perpetual legal access from a public or private street right of way.

Comment [c14]: Making sure it isn't inaccessible to future owners.

323 3. Parcel acreage necessary for drainage detention or retention facilities shall not
324 be included as part of the required five acres, and shall not be included as
325 useful agricultural acreage in the open space plan.

326 d. Up to eighty percent of an estate lot of 5.25 acres or greater may count towards
327 open space acreage provided the following standards are applied:

328 1. The area of the estate lot designated as open space shall contain an area of
329 not less than five acres and shall be part of a contiguous area of open space
330 consisting of not less than ten acres in total;

331 2. The estate lot shall contain a survey-locatable building envelope on the
332 recorded plat that is adjacent to other residential lots in a cluster;

333 3. An open space easement shall be recorded as required by this chapter over
334 the 80 percent of the estate lot designated as open space.

335 (3) Parcel width, frontage, and access. Notwithstanding section 106-2-4(c) and title 108,
336 chapter 14, Hillside Development Review Procedures and Standards, and unless
337 otherwise regulated by the Weber-Morgan Health Department, open space parcels
338 located within a cluster subdivision are not subject to frontage requirements and do not
339 have a minimum width standard. All open space parcels without street frontage shall
340 be provided an access easement, recordable at the time of plat recordation, across
341 other parcels and connecting to a public or private street.

Comment [c15]: Adding an access requirement.

342 (4) Parcel coverage.

343 a. Coverage of common area parcels by roofed structures shall not exceed ten
344 percent of the total parcel area.

345 b. Coverage of individually owned preservation parcels by roofed structures shall not
346 exceed two and a half percent of the total parcel area.

Comment [c16]: Current code lists this as 5%.

347 (5) Open space parcel ownership.

348 a. Common area parcel. An open space parcel dedicated as common area shall
349 be commonly owned by an appropriate homeowner's association established
350 under U.C.A. 1953, § 57-8a-101 et seq., the Community Association Act.

351 b. Park parcel. An open space parcel may be conveyed to a local park district, as
352 approved by the park district.

353 c. Individually owned open space parcel. An open space parcels may be owned as
354 an individually owned preservation parcel by any person, regardless of whether
355 the person owns a residential lot within the subdivision. In order to keep an
356 individually owned preservation parcel from becoming uncondusive to multiple-
357 acreage preservation uses, an individually owned preservation parcel shall not be
358 sectioned into sub-areas of five acres or less by fencing or other physical barriers.
359 The planning commission may modify this requirement for uses that support the
360 longevity of the preservation, maintenance, and large-acreage use of the parcel.

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

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

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

368 ~~i. An explanation of the applicable ownership standard and a perpetual restriction~~
369 ~~conforming thereto shall be written into all agriculture, forest, or other type of~~
370 ~~preservation easements granted pursuant to subsection (4); and~~

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

Comment [c17]: Huh? (2)a.1 or 2 does not exist?

Comment [c18]: Check reference

373 (c) Open space phasing. If development phasing is proposed and approved during preliminary
374 cluster subdivision approval, the percent of open space of the overall platted acreage shall
375 at no time be less than the percent of proposed open space approved in the open space
376 plan.

377 (d3) Maintenance. The open space parcel owner, whether an individual or an association,
378 shall use, manage, and maintain the owner's parcel in a manner that is consistent with the
379 open space preservation plan approved under subsection (1), and the agriculture, forest, or
380 other type of preservation easement executed under subsection (4).

381 (4e) Preservation.

382 (1)e- Open space parcels are to be permanently preserved in a manner that is
383 consistent with the approved open space preservation plan.

384 (2)b- The applicant, prior to recording or as part of recording the final cluster
385 subdivision plat, shall grant and convey to the county, to each lot owner, and to the
386 homeowner association, if applicable, an open space easement over all areas
387 dedicated as common area ~~or~~, individually owned preservation parcels, or open space
388 area of an estate lot. The open space easement shall incorporate and conform to the
389 approved open space preservation plan, approved under subsection (1).

390 (3)e- If a cluster subdivision contains open space intended to preserve substantial or
391 crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife
392 habitat easement meeting the requirements of the Utah Division of Wildlife Resources
393 shall be offered to the division.

394 (4)e- If a cluster subdivision contains an individually owned preservation parcel or
395 open space area of an estate lot, the applicant shall:

Comment [c19]: Need to modify this section to allow "preservation" to be done by easement granted to the public on the subdivision plat OR by recording an open space easement.

- 396 | 4a. Identify and label on the final plat each such parcel ~~as an agricultural, forest, or~~
397 | ~~other type of preservation parcel; as an open space preservation parcel;~~
- 398 | 2b. Further identify each preservation parcel by placing a unique identifying letter of
399 | the alphabet immediately after the label;
- 400 | 3c. ~~Present an agricultural, forest, or other type of preservation easement to the~~
401 | ~~planning commission and gain their approval; and~~
- 402 | 4. Record an approved preservation easement on each parcel identified as an
403 | ~~agricultural, forest, or other type of~~ open space preservation parcel.

404 | (5) ~~No open space preservation easement for a subdivision located in an agricultural zone~~
405 | ~~shall impose restrictions on agricultural uses or operations on any open space parcel,~~
406 | ~~except those listed in Section 108-3-4 (b)(3) or Section 108-3-4(c).~~

407 | (6)a. The planning commission may impose any additional conditions and restrictions
408 | it deems necessary to reasonably ensure maintenance of the open space and
409 | adherence to the open space preservation plan. Such conditions may include a plan for
410 | the disposition or re-use of the open space property if the open space is not maintained
411 | in the manner agreed upon or is abandoned by the owners.

412 | (5f) *Guarantee of open space improvements.*

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

423 | (2)b. The county shall require an applicant to deposit a ~~financial~~ guarantee ~~of~~
424 | ~~improvements, as provided in Section 106-4-3,~~ for all open space improvements (e.g.,
425 | landscaping, trails, fencing, sheds, parking surfaces, etc.) that do not require a
426 | certificate of occupancy and that remain incomplete at the time of final plat approval.
427 | ~~and acceptance of the proposed cluster subdivision from the board of county~~
428 | ~~commissioners.~~ The applicant or developer shall complete all improvements according
429 | to the approved phasing component of ~~an~~ the open space preservation plan.

430 | **Sec. 108-3-6. - Reserved. Open space parcel development standards.**

431 | ~~Unless otherwise provided for in this section, open space parcels shall be developed in a~~
432 | ~~manner that meets all applicable standards, including but not limited to those found in the~~
433 | ~~Weber County Land Use Code. Open space parcels shall adhere to the following specific site~~
434 | ~~development standards:~~

435 | (1) ~~Parcel area. Unless otherwise regulated by the Weber Morgan Health Department or~~
436 | ~~Weber County Land Use Code title 108, chapter 14, Hillside Development Review Procedures~~
437 | ~~and Standards, the minimum area for an open space parcel located within a cluster subdivision~~
438 | ~~is as follows:~~

439 | a. ~~Open space parcels dedicated as common area are not subject to minimum area~~
440 | ~~requirements.~~

Comment [c20]: Reference

Comment [c21]: Reference

Comment [c22]: Whole section moved to 108-3-5(b).

441 ~~b.—Open space parcels dedicated as individually owned preservation parcels shall contain an~~
442 ~~area of not less than three acres.~~

443 ~~1.—The minimum area of an individually owned preservation parcel may be reduced to not less~~
444 ~~than one acre if the preservation parcel is part of a contiguous area of open space parcels~~
445 ~~consisting of not less than three acres in total. Open space parcels form a contiguous area if~~
446 ~~each open space parcel in the area shares a common boundary line with another open space~~
447 ~~parcel or lies directly across a road right of way, or other approved access, from another open~~
448 ~~space parcel.~~

449 ~~2.—Parcels containing less than five acres are not agricultural parcels for purposes of~~
450 ~~agricultural exemptions granted by the Weber County Land Use Code.~~

451 ~~(2)—Parcel width. Notwithstanding section 106-2-4(c) and title 108, chapter 14, Hillside~~
452 ~~Development Review Procedures and Standards, and unless otherwise regulated by the~~
453 ~~Weber Morgan Health Department, open space parcels located within a cluster subdivision are~~
454 ~~not subject to frontage requirements and do not have a minimum width standard other than the~~
455 ~~standard described in section 108-3-4(1).~~

456 ~~(3)—Parcel coverage:~~

457 ~~a.—Coverage of common area parcels by roofed structures shall not exceed ten percent of the~~
458 ~~total parcel area.~~

459 ~~b.—Coverage of individually owned preservation parcels by roofed structures shall not exceed~~
460 ~~five percent of the total parcel area.~~

Comment [c23]: Keep at 5%? 5% of five acres is 10,890 square feet, or a quarter acre.

461 **Sec. 108-3-7. - Lot development standards.**

462 Unless otherwise provided for in this section, residential building lots shall be developed in
463 a manner that meets all applicable standards, including but not limited to those found in the
464 Weber County Land Use Code. The following specific site development standards apply to lots
465 in cluster subdivisions:

466 (1) ~~Lot area. Unless otherwise regulated by the Weber-Morgan Health Department or~~
467 ~~Weber County Land Use Code, title 108, chapter 14, Hillside Development Review~~
468 ~~Procedures and Standards, a lot located within a cluster subdivision shall contain an~~
469 ~~area of not less than 459,000 square feet.~~

470 ~~a.—Unless otherwise regulated by the Weber Morgan Health Department or Weber County~~
471 ~~Land Use Code, title 108, chapter 14, Hillside Development Review Procedures and~~
472 ~~Standards, a lot located within a cluster subdivision shall contain an area of not less~~
473 ~~than 15,000 square feet.~~

Comment [c24]: Larger lot sizes here would result in the following unintended consequences:

474 ~~b.—A lot's minimum area is reduced to 6,000 square feet if:~~

475 ~~1.—The lot is located 50 feet or more from its own cluster subdivision boundary,~~
476 ~~not including those boundaries formed by existing streets or internal phasing~~
477 ~~lines if the phasing lines act as a temporary external boundary;~~

1. The smaller lot size offers more affordability options for the younger and aging life-stages. This is a goal from our moderate income housing plan.

478 ~~2.—The lot lies within a cluster subdivision that is adjacent to an existing~~
479 ~~subdivision that contains at least one lot that is smaller or not more than 5,000~~
480 ~~square feet larger than the smallest lot lying within the subject cluster~~
481 ~~subdivision; or~~

2. Smaller lot size does not equal more lots, as the density is capped at the zone's allowance+bonus. So smaller lot size allowances either means that more space can be preserved as open space, or it means that other lots can be given more generous acreages and sold at higher values. Allowance for smaller lots in some parts of the development gives more options for the larger "rural" feel to other parts. The alternative to a cluster, wall-to-wall one acre lots, do not lend to the same kind of rural feel, and would ultimately result in a suburban large-lot feel.

482 ~~3.—The lot lies within a cluster subdivision that is adjacent to an undeveloped~~
483 ~~parcel. A parcel is considered undeveloped if it:~~

- 484 i. ~~Does not contain an existing dwelling; or~~
 485 ii. ~~Contains an existing dwelling that lies further than 150 feet away from all~~
 486 ~~external boundaries of the proposed or subject cluster subdivision.~~
 487 (2) ~~Lot width.~~ Unless otherwise regulated by the Weber-Morgan Health Department, ~~or~~
 488 ~~Weber County Land Use Code, title 108, chapter 14, Hillside Development Review~~
 489 ~~Procedures and Standards,~~ the minimum lot width in a cluster subdivision per zone is
 490 as follows:

<u>F-40 and F-10 zones:</u>	<u>100 feet</u>
<u>FR-1, F-5, and AV-3 zones:</u>	<u>80 feet</u>
<u>RE-15, RE-20 zones:</u>	<u>60 feet</u>
<u>A-1, A-2, and A-3 zones:</u>	<u>60 feet</u>
<u>FR-3 zone:</u>	<u>50 feet</u>
<u>DRR-1 zone:</u>	<u>50 feet</u>

- 491 ~~a. One hundred feet in the Forest (F-40) and the Forest (F-10) Zones.~~
 492 ~~b. Eighty feet in the Forest Residential (FR-1), Forest (F-5), Agricultural Valley (AV-3), and~~
 493 ~~the Forest Valley (FV-3) Zones.~~
 494 ~~c. Sixty feet in the Residential Estates (RE-15 and RE-20) and Agricultural (A-1, A-2, and A-~~
 495 ~~3) Zones.~~
 496 ~~d. Fifty feet in the Forest Residential (FR-3) and the Ogden Valley Destination and Recreation~~
 497 ~~Resort (DRR-1) Zone.~~
 498
 499 (3) ~~Yard setbacks for dwellings.~~ The Minimum yard setbacks ~~for dwellings~~ in a cluster
 500 subdivision are as follows:

<u>Front:</u>	<u>20 feet</u>
<u>Side:</u>	
<u>Dwelling:</u>	<u>8 feet</u>
<u>Accessory building:</u>	<u>8 feet; except one foot if</u> <u>located at least six feet</u> <u>in rear of dwelling.</u>
<u>Accessory building over 1,000 square</u> <u>feet:</u>	<u>See Section 108-7-16</u>
<u>Corner lot side facing street:</u>	<u>20 feet</u>
<u>Rear:</u>	<u>20 feet</u>

- 501 ~~a. Front: 20 feet.~~
 502 ~~b. Side: 8 feet.~~
 503 ~~c. Rear: 20 feet.~~
 504 (4) ~~Dwelling-Building height.~~ The maximum height for ~~dwellings-a building~~ in a cluster
 505 subdivision ~~is 40 feet~~ is as follows:

Comment [c25]: This code unintentionally missed alternative development regulations for accessory buildings.

Dwelling	40 feet
Accessory building	30 feet

506

507 **Sec. 108-3-8. - Bonus density.**

508 ~~The county may, in its discretion, allow for an increased number of residential lots by~~
 509 ~~awarding bonus densities to those cluster subdivisions developed within the Western Weber~~
 510 ~~County Planning Area. Cluster subdivisions within the Ogden Valley Planning Area are not~~
 511 ~~eligible for bonus densities. The following presents the bonus density opportunities that are~~
 512 ~~available to cluster subdivisions located within specific zoning boundaries:~~

513 (a) Western Weber Planning Area bonus density. In the Western Weber Planning Area, bonus
 514 density shall not exceed 30 percent except as allowed herein.

515 (1) (INSERT AMENITIES REQUIRED TO EARN POINTS HERE. (i.e. street trees,
 516 pathway landscaping, dark sky preservation, public-accessible recreational amenities,
 517 public park (if district will accept it)..)

Comment [c26]: Typical walkways should be required – no incentivized.

518 (2) In an agricultural zone, up to 20 percent additional bonus may be earned in
 519 accordance with the following:

Comment [c27]: Still working on it.

520 a. the subdivision shall demonstrate qualification for the basic 30 percent bonus
 521 density;

522 b. 90 percent of the total open space acreage, but no less than ten acres, shall be:
 523 1. demonstrated through a soils and irrigation analysis produced by a competent
 524 soils engineer to be quality farmland capable of competitive marketability to
 525 typical crop-producing agricultural operations.

526 2. be permanently preserved with an agricultural-specific preservation easement
 527 across all 90 percent of the total open space acreage that conforms to the
 528 requirements of this chapter.

529 c. the subdivision shall preserve more than the 30 percent minimum open space
 530 area. The allowed bonus density percentage may be increased at a one for one
 531 ratio with the open space percentage increases that are over 30 percent, up to a
 532 maximum of 50 percent bonus density award.

533 (b) No bonus density is allowed in the Ogden Valley.

534 (1) ~~In the Forest (F 40) Zones, the county may award a maximum bonus density of 20~~
 535 ~~percent based on an accumulation of any combination of the following:~~

536 a. ~~If the cluster subdivision meets the purpose and intent of this chapter, up to a five~~
 537 ~~percent bonus may be granted.~~

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

542 e. ~~If the cluster subdivision provides a minimum of one approved public access to~~
 543 ~~public lands, up to a five percent bonus density may be granted.~~

Comment [c28]: Idea for discussion:
 Ogden Valley Planning Area bonus density. In the Ogden Valley Planning Area, bonus density shall only be allowed when an equal number of residential dwelling unit development rights are permanently removed from a parcel outside the cluster subdivision boundaries.
 (1) A residential unit development right shall be considered permanently removed if the outside parcel or parcels are rezoned in a manner that would prohibit the development of the same number of units that are being added in the bonus, or if an open space preservation easement, as provided in this chapter, is recorded to the outside parcel or parcels in a manner that would prohibit the development of the same number of units that are being added in the bonus.
 (2) Bonus density is not allowed in the S-1, FR-1, FV-3, F-5, F-10, or F-40 zones.
 (3) Bonus density shall not exceed 150 percent unless the parcel is within one quarter mile from a village center as shown on the Commercial Locations and Village Areas Map in the 2016 Ogden Valley General Plan.

- 544 ~~d. If the cluster subdivision provides common area that offers easily accessible~~
545 ~~amenities, such as a trail, park, or community garden, that are open for use by the~~
546 ~~general public, up to a five percent bonus density may be granted.~~
- 547 ~~e. If the cluster subdivision dedicates and conveys to the county, the state division of~~
548 ~~wildlife resources, or both, an open space easement that permanently preserves~~
549 ~~areas that have been identified by the state division of wildlife resources as having~~
550 ~~substantial or crucial wildlife habitat value, up to a 15 percent bonus density may~~
551 ~~be granted.~~
- 552 ~~(2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of~~
553 ~~up to 50 percent if the applicant preserves an open space percentage above that~~
554 ~~required by section 108-3-4(3)d; otherwise, the county may grant a bonus density of up~~
555 ~~to 30 percent. Overall bonus density potential shall be no greater than a percentage~~
556 ~~equal to the percentage of the subdivision's total area preserved as open space. The~~
557 ~~county may award bonus densities based on an accumulation of any combination of~~
558 ~~the following:~~
- 559 ~~a. If a cluster subdivision meets the purpose and intent of this chapter, up to a ten~~
560 ~~percent bonus may be granted.~~
- 561 ~~b. If a cluster subdivision provides and implements an approved roadway landscape~~
562 ~~and design plan that includes, but is not necessarily limited to, vehicle and~~
563 ~~pedestrian circulation, lighting, and street trees of an appropriate species, size of~~
564 ~~at least a two-inch caliper, and quantity of not less than eight trees for every 100~~
565 ~~feet of road length, up to 20 percent bonus density may be granted.~~
- 566 ~~c. For each five percent increment of open space preserved over 50 percent: a five~~
567 ~~percent bonus density shall be granted up to the total bonus density allowed by~~
568 ~~subsection (3).~~
- 569 ~~d. If a cluster subdivision provides a minimum of one approved access to public~~
570 ~~lands, up to a ten percent bonus density may be granted.~~
- 571 ~~e. If a cluster subdivision provides common area that offers easily accessible~~
572 ~~amenities such as trails, parks, or community gardens, that are open for use by the~~
573 ~~general public, up to a 15 percent bonus density may be granted.~~
- 574 ~~f. If ten percent of the lots and homes in a cluster subdivision are permanently set~~
575 ~~aside for affordable housing as outlined by the Affordable Housing Act of 1990, up~~
576 ~~to a 20 percent bonus density may be granted.~~
- 577 ~~If a bonus density is granted for affordable housing, the applicant shall:~~
- 578 ~~1. Present and gain Planning Commission approval of an effective plan and~~
579 ~~method for guaranteeing and enforcing perpetual affordability. Any method~~
580 ~~used, such as an affordable housing deed restriction, shall limit the sale or~~
581 ~~rental of the affected lots and homes to a household with an income at or~~
582 ~~below 80 percent of the county median income;~~
- 583 ~~2. Identify and label, on the final plat, the lots set aside as affordable housing~~
584 ~~lots; and~~
- 585 ~~3. Provide a note on the final plat explaining the nature of the housing restriction~~
586 ~~on the lot and the method by which occupancy and affordability will be~~
587 ~~regulated.~~

- 588 ~~g. If a cluster subdivision preserves an agricultural parcel with an agriculturally based~~
589 ~~open space preservation plan approved by the planning commission and records~~
590 ~~an agricultural preservation easement on the parcel, a bonus density may be~~
591 ~~approved as follows:~~
- 592 ~~1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15~~
593 ~~percent bonus density may be granted;~~
- 594 ~~2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20~~
595 ~~percent bonus density may be granted;~~
- 596 ~~3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30~~
597 ~~percent bonus density may be granted;~~
- 598 ~~4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40~~
599 ~~percent bonus density may be granted if the parcel standing alone is greater~~
600 ~~than the minimum open space requirement for the subdivision;~~
- 601 ~~5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus~~
602 ~~density may be granted if the parcel standing alone is greater than the~~
603 ~~minimum open space requirement for the subdivision;~~
- 604 ~~h. If a cluster subdivision provides for the preservation of historical sites and buildings~~
605 ~~that have been identified by the state historic preservation office as having notable~~
606 ~~historical value, up to a five percent bonus density may be granted;~~
- 607 ~~i. If a cluster subdivision provides for the development of excess sewage treatment~~
608 ~~capacity, up to a five percent bonus density may be granted;~~
- 609 ~~j. If a cluster subdivision dedicates and conveys to the county, the state division of~~
610 ~~wildlife resources, or both, an open space easement that permanently preserves~~
611 ~~areas that have been identified by the state division of wildlife resources as having~~
612 ~~substantial or crucial wildlife habitat value, up to a 15 percent bonus density may~~
613 ~~be granted;~~
- 614 ~~k. If a cluster subdivision includes an open space parcel that consists of five acres or~~
615 ~~more and is contiguous to permanently preserved open space on an adjoining~~
616 ~~property located outside of the cluster subdivision, up to a 20 percent bonus~~
617 ~~density may be granted;~~

618 **Sec. 108-3-9. - Homeowners association required.**

619 In order to provide for proper management and maintenance of commonly owned areas
620 and private improvements, all cluster subdivisions with such areas or improvements are
621 required to have a homeowners association. The applicant, prior to recording a final plat of the
622 cluster subdivision, shall:

- 623 (1) Establish a homeowners association and submit for the county's review the necessary
624 articles of incorporation, bylaws, and declaration of covenants, conditions, and
625 restrictions that provide for:
- 626 a. Compliance with Utah State Code;
- 627 b. The reason and purpose for the association's existence;
- 628 c. Mandatory membership for each lot or home owner and their successors in
629 interest;

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- 630 d. The perpetual nature of the easements related to all dedicated open space
- 631 parcels;
- 632 e. Responsibilities related to liability, taxes, and the maintenance of recreational and
- 633 other infrastructure and facilities;
- 634 f. Financial obligations and responsibilities, including the ability to adjust the
- 635 obligations and responsibilities due to change in needs;
- 636 g. Association enforcement remedies; and
- 637 h. A notification of the county's ability to enforce the terms of the owner's dedication
- 638 on the subdivision dedication plat.
- 639 (2) Register the homeowners association with the State of Utah, Department of
- 640 Commerce.

MEMORANDUM

To: Ogden Valley Planning Commission
From: Charles Ewert, AICP
Date: December 28, 2017
Subject: PRUD code amendment from administrative approval to legislative

Planning Commissioners,

In your last meeting you addressed a proposal to amend the PRUD code. In that meeting we discussed the flexible nature of the entire PRUD ordinance and how that flexibility built into an administrative decision could result in the County being forced to approve plans that may be counter to public interests.

Attached are the beginning changes that will convert the PRUD ordinance from an administrative action to a legislative action. It moves the PRUD code from the standards section (Title 108) to the zoning section (Title 104). There is more work needed, but I wanted to report the direction of the changes to the Planning Commission and discuss the direction be pursued.



1 Title 102 – ADMINISTRATION

2 CHAPTER 1. - GENERAL PROVISIONS

3 ...

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

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

10 ...

11 Title 104 - ZONES

12 ...

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

14 ...

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

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

18 ...

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

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

24 (5) Public utility substation.

25 ...

26 CHAPTER 5. - AGRICULTURAL ZONE A-1

27 ...

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

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

31 ...

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

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

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

38 ...

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

40 ...

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

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

44 ...

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

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

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

50 ...

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

52 ...

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

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

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

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

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

61 ...

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

63 ...

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

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

67 ...

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

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

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

72 ...

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

74 ...

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

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

78 ...

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

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

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

84 ...

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

86 ...

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

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

90 ...

91 (26) Travel agency.

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

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

97 ...

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

99 ...

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

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

103 (1) Educational/institutional identification sign.

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

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

108 ...

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

110 ...

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

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

114 ...

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

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

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

120 ...

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

122 ...

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

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

126 ...

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

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

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

132 ...

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

134 ...

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

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

138 ...

139 (2) Educational/institutional identification signs.

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

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

144 ...

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

146 ...

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

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

150 ...

151 (7) Nursing home.

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

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

156 ...

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

158 ...

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

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

162 ...

163 (7) Nightly rental.

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

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

167 ...

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

169 ...

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

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

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

175 (c) Public utility substations.

Sec. 108-5-1. - Definitions.

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

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

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

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

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

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

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

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

(1) Residential estates zones;

(2) Agricultural zones;

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

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

(5) Commercial valley resort recreation zone; and

(6) Residential manufactured home zone.

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

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

- (a) An overall development plan for a planned residential unit development showing residential uses, housing types, locations, sizes, height, number of residential units, access roads, common area and other open spaces, etc., may be approved by the planning commission and county commission and building permits issued in accordance with such plan, even though the residential uses and dwelling types and the location of the buildings proposed may differ from the residential uses and dwelling types and regulations governing such uses in effect in the zone in which the development is proposed provided the requirements of this chapter are complied with. Accessory nonresidential uses may be included in planned residential unit developments of 100 units or more to provide a necessary service to the residents of the development as determined by the planning commission provided agreements and restrictive covenants controlling the proposed uses, ownership, operational characteristics and physical design to the county's satisfaction are filed by and entered into by the developer to assure that the approved necessary services intent is maintained.
- (b) Once the overall development plan showing details of buildings, structures and uses has been approved by the county commission, after recommendations of the planning commission, no changes or alterations to said development plan or uses shall be made without first obtaining the approval of the planning commission and county commission, except for landscaping, provided subsection (c) of this section has been complied with.
- (c) The landscaping plan submitted for approval of the PRUD, shall be considered the minimum acceptable landscaping for the PRUD. Any alterations to the landscape plan shall be submitted to the planning area planning commission and shall be stamped by a licensed landscape architect certifying the following:
- (1) That the area of landscaping area exceeds the approved landscape plan;
 - (2) That the number and quality of plants exceed the approved landscape plan;
 - (3) That the portion of landscaping per phase exceeds the portions per phase of the approved plan; and
 - (4) That all requirements of the Land Use Code have been met.

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

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

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

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

- (b) The number of dwelling units in a PRUD shall be the same as the number permitted by the lot area requirements of the same zone in which the PRUD is located. Land used for schools, churches, other nonresidential service type buildings and uses, for streets and exclusively for access to the useable area of a PRUD shall not be included in the area for determining the number of allowable dwelling units.
- (c) Notwithstanding section 108-5-5(b), [c2]the county may, at its discretion, allow for an increased number of residential lots in a PRUD by awarding bonus densities to those PRUDs developed within the Western Weber County Planning Area. PRUDs developed within the Ogden Valley Planning Area are not eligible for bonus densities. The following presents the bonus density opportunities that are available to PRUDs located within specific zoning classification boundaries:
 - (1) In the Forest (F-40) and the Residential Estates (RE-15 and RE-20) Zones, the county may award a maximum bonus density of ten percent based on an accumulation of any combination of the following:
 - a. If the PRUD provides a minimum of one road stub to an adjacent property where the planning commission determines that streets are needed to provide for current or future traffic circulation, up to a five percent bonus density may be granted.
 - b. If the PRUD provides a minimum of one approved public access to public lands, up to a five percent bonus density may be granted.
 - c. If the PRUD provides common area that offers easily accessible amenities, such as a trail, park, or community garden, that are open for use by the general public, up to a five percent bonus density may be granted.
 - d. If the PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a ten percent bonus density may be granted.
 - (2) In the Agricultural (A-1, A-2, and A-3) Zones, the county may grant a bonus density of up to 30 percent if the applicant preserves open space area equal to or greater than 30 percent of the PRUD's adjusted gross acreage as defined in section 101-1-7. However, if the applicant preserves open space area above 30 percent, the county may grant a bonus density of up to 50 percent. Overall bonus density potential shall be no greater than a percentage equal to the percentage of the PRUD's total area preserved as open space. The county may award bonus densities based on an accumulation of any combination of the following:
 - a. If a PRUD provides and implements an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length, up to 20 percent bonus density may be granted.
 - b. For each five percent increment of open space preserved over 50 percent: a five percent bonus density shall be granted up to the total bonus density allowed by subsection (c)(2).
 - c. If a PRUD provides a minimum of one approved access to public lands, up to a ten percent bonus density may be granted.
 - d. If a PRUD provides common area that offers easily accessible amenities such as trails, parks, or community gardens, that are open for use by the general public, up to a 15 percent bonus density may be granted.
 - e. If a PRUD donates and/or permanently preserves a site determined to be desirable and necessary, to a local park district or other county approved entity, for the perpetual location and operation of a public park, cultural, or other recreation facility; up to a 20 percent bonus may be granted.

- f. If ten percent of the lots and homes in a PRUD are permanently set aside for affordable housing as outlined by the Affordable Housing Act of 1990, up to a 20 percent bonus density may be granted. If a bonus density is granted to affordable housing, the applicant shall:
 - 1. Present and gain county approval of an effective plan and method for guaranteeing and enforcing perpetual affordability. Any method used, such as an affordable housing deed restriction, shall limit the sale or rental of the affected lots and homes to a household with an income at or below 80 percent of the county median income;
 - 2. Identify and label, on the final plat, the lots set aside as affordable housing lots; and
 - 3. Provide a note on the final plat explaining the nature of the housing restriction on the lot and the method by which occupancy and affordability will be regulated.
 - g. If a PRUD preserves an agricultural parcel with an agriculturally based open space preservation plan approved by the planning commission and records an agricultural preservation easement on the parcel, a bonus density may be approved as follows:
 - 1. For a parcel containing at least ten acres but fewer than 20 acres, up to a 15 percent bonus density may be granted.
 - 2. For a parcel containing at least 20 acres but fewer than 30 acres, up to a 20 percent bonus density may be granted.
 - 3. For a parcel containing at least 30 acres but fewer than 40 acres, up to a 30 percent bonus density may be granted.
 - 4. For a parcel containing at least 40 acres but fewer than 50 acres, up to a 40 percent bonus density may be granted.
 - 5. For a parcel containing at least 50 acres or more, up to a 50 percent bonus density may be granted.
 - h. If a PRUD provides for the preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value, up to a five percent bonus density may be granted.
 - i. If a PRUD provides for the development of excess sewage treatment capacity, up to a five percent bonus density may be granted.
 - j. If a PRUD dedicates and conveys to the county, the state division of wildlife resources, or both, an open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value, up to a 15 percent bonus density may be granted.
 - k. If a PRUD includes an open space parcel that consists of five acres or more and is contiguous to permanently preserved open space on an adjoining property located outside of the proposed PRUD, up to a 20 percent bonus density may be granted.
- (d) If a PRUD is located in two or more zones, then the number of units allowed in the PRUD is the total of the units allowed in each zone, however, the units allowed in each zone must be constructed in the respective zone.
- (e) It is not the purpose of the PRUD provision to allow an increase in the housing density of a PRUD beyond what county development ordinances would normally allow, by requesting housing unit credit and transfer for lands to be included in the PRUD boundary as common open space which have little or no possibility of housing development. Such areas may include swamp lands, bodies of water, excessively steep slopes and hillsides, mountain areas which do not have the capability of housing development due to lack of water, access, natural resource limitations, etc. ~~Therefore, the planning commission shall~~ After recommendation from the planning commission the county commission, has legislative discretion to determine what part if any, of such lands may be included in a PRUD as useable open space common area for which dwelling unit credit is being requested for transfer to

developable portions of the PRUD ~~and, when such a~~ determination justifies ~~such an~~ inclusion, ~~the planning commission shall allow~~ the transfer of units ~~may be allowed~~. ~~In making this determination, the planning~~ Among other considerations, the county commission's decision shall should be guided by the following factors give general preference to the following standards:

- (1) The physical relationship of the proposed common areas to the developable areas of the PRUD ~~shall be~~ are such that the common areas are suitable for landscaped and/or developed open space or for recreational use of direct benefit, access and usability to the unit owners.
- (2) The lands ~~shall should~~ contribute to the actual quality, livability and aesthetics of the PRUD and ~~shall should~~ be physically integrated into the development design.
- (3) The lands ~~must be~~ are suitable for and possess the capability for housing development.
- (4) Lands with an average slope of 40 percent or more in the FR-1, FV-3, F-5, F-10, and F-40 Zones and 30 percent or more in all other zones ~~shall should be discouraged from being not be~~ classified as developable land and ~~shall should~~ not be considered when determining the number of allowable units in a proposed PRUD.

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

- (a) The development shall be in a single or corporate ownership at the time of development or the subject of an application filed jointly by the owners of the property.
- (b) The property adjacent to the planned residential unit development shall not be detrimentally affected without the county imposing reasonable conditions or, in the absence of appropriate natural or constructed buffers, require that uses of least intensity or greatest compatibility be arranged around the perimeter boundaries of the project. Yard and height requirements of the adjacent zone may be required on the immediate periphery of a PRUD.
- (c) Building uses, building locations, lot area, width, yard, height and coverage regulations proposed shall be determined acceptable by approval of the site development plan.
- (d) The county commission may, at its discretion and after receiving a recommendation from the planning commission, consider and approve a plan that provides for ownership, preservation, maintenance, and guarantee of improvements for proposed open space(s). Open space parcels, and any improvements proposed thereon, shall be approved, owned, maintained, preserved, and financially guaranteed as follows:
 - (1) *Plan approval.* An open space preservation plan shall accompany an application for PRUD approval. The plan shall include a narrative describing all proposed uses, phasing, and maintenance methods for all open space parcels, and a site plan that shows proposed common areas, individually owned preservation parcels, and the locations of existing and proposed future structures.
 - a. For open space dedicated as common area parcels, the site plan shall show the location of existing and future structures by identifying the structure's approximate footprint. Structures housing a utility or serving as a development amenity shall be subject to all applicable standards including all design review and applicable architectural standards found in title 108 of the Weber County Land Use Code.
 - b. For open space dedicated as individually owned preservation parcels, the site plan shall identify locatable building envelopes within which all existing and future buildings must be located.
 - (2) *Ownership.*
 - a. Open space parcels of any size and dedicated as common area shall be commonly owned by an appropriate homeowner's association established under U.C.A. 1953, § 57-8-1 et seq., the Condominium Ownership Act, or § 57-8a-101 et seq., the Community Association Act.
 - b. Other open space parcels, consisting of five acres or more, may be owned individually.

1. Individually owned preservation parcels of ten acres or more in area may be owned by any person, regardless of whether the person owns a residential lot within the PRUD.
2. Individually owned preservation parcels of less than ten acres in area may only be owned by an owner of a lot within the same PRUD.
3. The applicable ownership standard in subsection (2)b.1. or 2. shall be memorialized in the following manner:
 - i. An explanation of the applicable ownership standard and a perpetual restriction conforming thereto shall be written into all agriculture, forest, or other type of preservation easements granted pursuant to subsection (3); and
 - ii. A note describing the applicable ownership standard shall be placed on the final recorded subdivision plat.
 - iii. A notice describing the applicable ownership standard shall be recorded on each individually owned preservation parcel at the time of recording a subdivision plat.

(3) *Preservation.*

- a. Open space parcels are to be permanently preserved in a manner that is consistent with the approved open space preservation plan.
- b. The applicant, after receiving an approval for a PRUD and prior to recording or as part of recording the final subdivision plat, shall grant and convey to the county, to each lot owner, and to the homeowner association if applicable, an open space easement over all areas dedicated as common area or individually owned preservation parcels. The open space easement shall incorporate and conform to the open space preservation plan approved under subsection (1).
- c. If a PRUD and subsequent subdivision plat contains open space intended to preserve substantial or crucial wildlife habitat, as defined by the Utah Division of Wildlife Resources, a wildlife habitat easement meeting the requirements of the Utah Division of Wildlife Resources shall be offered to the division.
- d. If a PRUD and subsequent subdivision plat contains an individually owned preservation parcel, the applicant shall:
 1. Identify and label on the final plat each such parcel as an agricultural, forest, or other type of preservation parcel;
 2. Further identify each preservation parcel by placing a unique identifying letter of the alphabet immediately after the label;
 3. Present an agricultural, forest, or other type of preservation easement to the county and gain its approval; and
 4. Record an approved preservation easement on each parcel identified as an agricultural, forest, or other type of preservation parcel.
- e. The county may impose any additional conditions and restrictions it deems necessary to ensure maintenance of the open space and adherence to the open space preservation plan. Such conditions may include a plan for the disposition or re-use of the open space property if the open space is not maintained in the manner agreed upon or is abandoned by the owners.

(4) *Guarantee of open space improvements.*

- a. The county shall not require an applicant to deposit a financial guarantee for open space improvements (e.g., clubhouse, pool, pergola, gazebo, etc.) that require a certificate of occupancy and that remain incomplete at the time of final approval and acceptance of a proposed subdivision (resulting from the approval of a PRUD) from the board of county commissioners. The applicant or developer shall complete the improvements according to

the approved phasing component of an open space preservation plan. If the applicant fails to complete improvements as presented in the open space preservation plan, the county may revoke the approval of the PRUD and suspend final plat approvals and record an instrument notifying prospective lot buyers that future land use permits may not be issued for any construction.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

...

Title 108 - STANDARDS

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CHAPTER 5. - ~~RESERVED.[c3] PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)~~

MEMORANDUM

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: December 28, 2017
Subject: Work session for definition of height and other height standards and requirements.

Planning Commissioners,

In our last meeting we held a hearing to possibly change the definition of height. The planning commission requested we finesse the language for clarity purposes. After further review, staff has determined that part of the previous suggestion leaves a loophole we did not consider.

In order to mitigate the overall concerns, in the attached proposal, for which we have schedule a work session on January 2, 2018, you will find a significantly more simple definition for "height of building" and additional supplemental standards and requirements that will help better govern the issues that have been concerning staff about the way our code is currently written.

Also, as we have taken the time to offer clarifications regarding height, there is another topic that has offered staff some concern. That is the visual aesthetics of cell phone towers. The attached language also addresses measures to disguise new cell towers in a manner that fits in with its surroundings.

This work session will be time-pending.



1 Title 101 - GENERAL PROVISIONS

2 ...

3 Sec. 101-1-7. - Definitions.

4 ...

5 *Building envelope.* The term "building envelope" means a portion of a lot, parcel, or tract of land which is
6 to be utilized as the building site as may be required by the cluster subdivision ordinance or as otherwise
7 volunteered on a subdivision plat. "Building envelope" shall not be construed to mean "buildable area"
8 as provided in this section.

9 *Building, height of.* The ~~term phrase~~ "height of building," or any of its variations, normally means the
10 vertical distance between the highest point of the building or structure and the average elevation of the
11 land at the exterior footprint of the building or structure using the finished grade. See Section 108-7-5 for
12 supplemental height provisions. ~~from the average of the highest natural grade and the lowest natural~~
13 ~~grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the~~
14 ~~highest point of the ridge of a pitch or hip roof.~~

15 *Building, main.* The term "main building" means the principal building or one of the principal buildings
16 located on a lot or parcel designed or used to accommodate the primary use to which the premises are
17 devoted. Where a permissible use involves more than one structure designed or used for the primary
18 purpose, as in the case of apartment groups, each such permitted building on one lot as defined by this
19 title shall be deemed a main building.

20 ...

21 *Glare.* The term "glare" means light, originating from a direct artificial light source, or any light reflected
22 off a reflective surface, that causes visual discomfort or reduced visibility.

23 ~~*Grade, natural/existing (adjacent ground elevation).* The term "grade, natural/existing (adjacent ground~~
24 ~~elevation)" means the lowest point of elevation of the finished surface of the natural ground, paving or~~
25 ~~sidewalk within the area between the building and the property line or, when the property line is more~~
26 ~~than five feet from the building, between the building or structure and a line five feet from the building or~~
27 ~~structure.~~

28 *Grade, finished.* The term "finished grade," or any of its variations, means the final slope of the ground
29 after being altered from natural grade.

30 *Grade, natural.* The term "natural grade" or any of its variations, means the slope of the ground as it
31 existed ten years prior to the time at which the grade is to be determined.

32 *Guest house.* The term "guest house" means a separate dwelling structure located on a lot with one or
33 more main dwelling structures and used for housing of guests or servants and not rented, leased, or sold
34 separate from the rental, lease or sale of the main dwelling.

35 ...

36 *Quasi-public.* The term "quasi-public" means the use of premises by a ~~public~~-utility, the utility being
37 available to the general public, such as utility substations and transmission lines (see also "utility"); also
38 a permanently located building or structure, together with its accessory buildings and uses, commonly
39 used for religious worship, such as churches and monasteries.

40 ...

41 *Utility.* The term "utility" means utility facilities, lines, and rights of way related to the provision,
42 distribution, collection, transmission, transfer, storage, generation or disposal of culinary water,
43 secondary water, irrigation water, storm water, sanitary sewer, solid waste, oil, gas, power, information,
44 telecommunication, television or telephone cable, electromagnetic waves, and electricity. See also
45 "quasi-public."

46 Public utility substation. The phrase "public utility substation" means an unattended building or structure
47 designed for the provision of services of a public or quasi-public utility, excluding utility transportation lines
48 and incidental supports and their rights-of-way.

49 ...

50 Structure. The term "structure" means anything constructed or erected which requires location on the
51 ground or attached to something having a location on the ground.

52 Structure, height of. The phrase "height of structure," or any of its variations, shall have the same
53 meaning as "height of building" as defined in this Section.

54 ...

55 Tower. The term "tower" means a structure that is intended to support antennas for transmitting or
56 receiving wireless signals including but not limited to television, cellular, radio, or telephone
57 communication signals. A tower is also a "public utility substation" as defined in this section.

58 ...

59 Title 108 - STANDARDS

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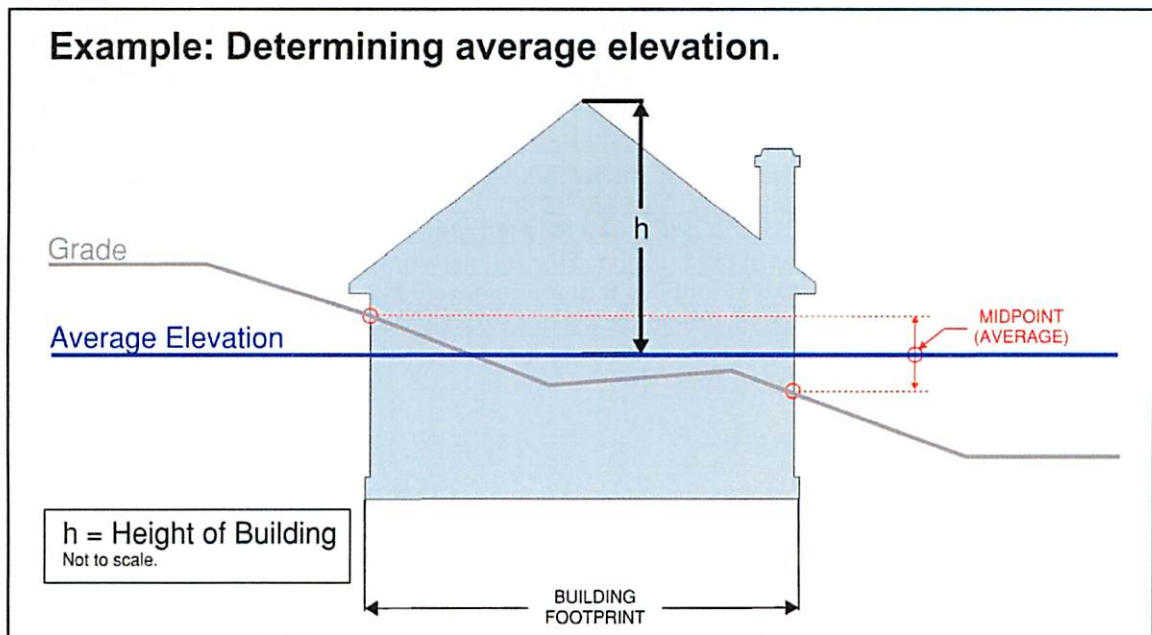
61 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

62 ...

63 Sec. 108-7-5. - ~~Exceptions to height~~ Building or structure height limitations requirements.

64 (a) Measuring height. For the purpose of determining "height of building," as defined in Section 101-1-7,
65 the following shall apply:

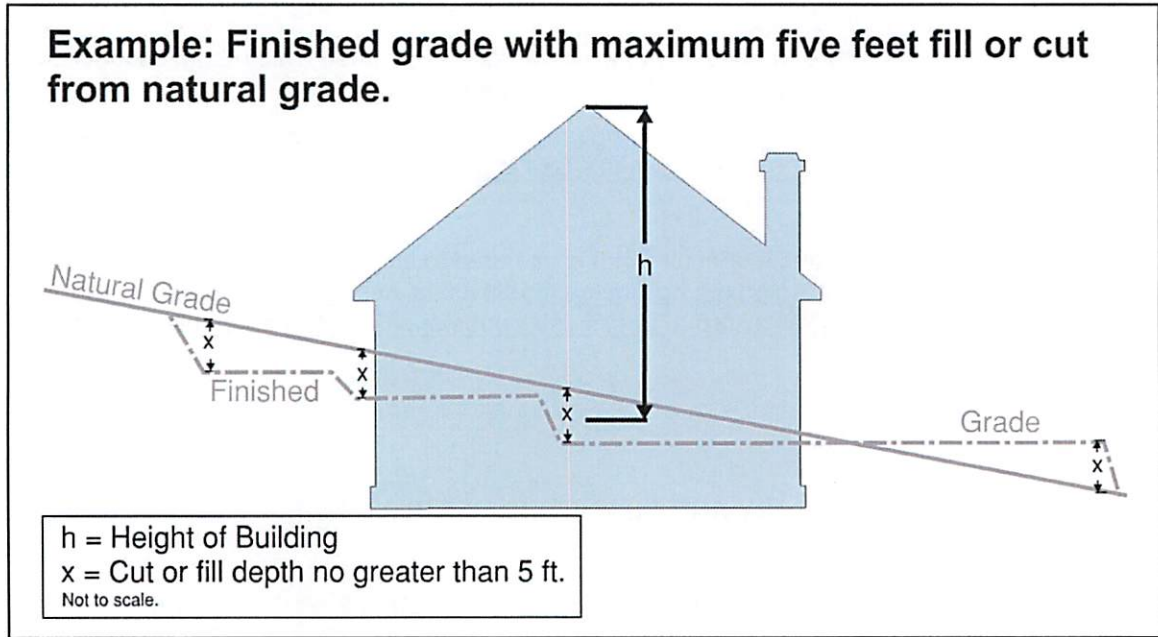
66 (1) Average elevation. Average elevation shall be determined by averaging the highest elevation and
67 the lowest elevation at the exterior footprint of the building or structure, including any support
68 posts that require a footing. An alternative means of calculating average elevation may be
69 approved by the Planning Director for an individual building if it follows industry best practices and
70 is proposed by a licensed surveyor, engineer, or architect.



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(2) Fills and cuts affecting building height. Except as provided in this subsection, when grading the site to obtain the finished grade, as defined in Section 101-1-7, no fill or cut may exceed five vertical feet at any point from the site's natural grade, as also defined in 101-1-7.



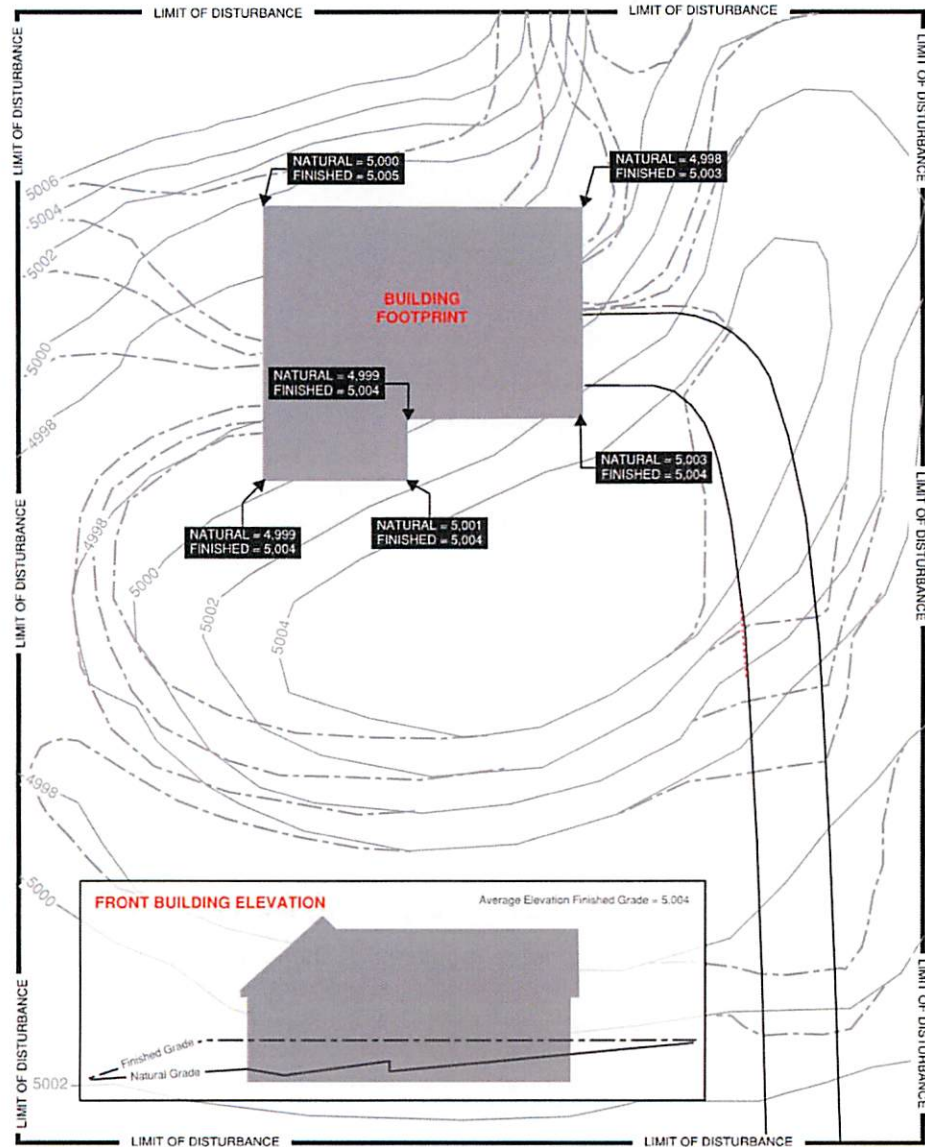
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- a. Additional fill is allowed if required by county, state, or federal law, or to meet the standards of the National Flood Insurance Program. In this case the fill shall be no higher than the minimum of the other regulation or standard; or
- b. If the building or structure is within 75 feet of a public or private street upon which its lot or parcel has frontage, cuts and fills are allowed that provide an average elevation of finished grade that is equal to the elevation of the street. In this case, the street's elevation shall be determined to be at the midpoint of the lot's front lot line. If on a corner lot the elevation of both streets at the midpoint of each lot line shall be averaged.

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(3) Site plan submittal requirements. A site plan shall contain both existing and proposed topographic contours at two foot intervals for the entire limits of disturbance, unless more is required by another section of this Land Use Code or by the Planning Director or County Engineer for the purpose of determining compliance with other laws or standards. Grading that is proposed across lot or parcel lines shall require the consent of all owners. Building elevation drawings shall display natural grade and finished grade, and shall present the finished grade's elevation at each corner of the building. This requirement may be waived by the Planning Director or County Engineer for sites that are relatively flat, or if evidence is presented that clearly shows the proposed structures will not exceed the maximum height of the zone.

Example: Site plan showing existing and proposed topographic contours and building elevation drawing showing natural and finished grade.



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94 (b) Roof structure height exception. Penthouse or roof structures for the housing of elevators, stairways,
 95 tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or
 96 parapet walls, skylights, cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water
 97 tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the
 98 height limit of the zone in which they are located, but no space above the height limit shall be
 99 allowed for the purpose of providing additional floor space, and at no time shall the height be greater
 100 than 15 feet higher than the maximum height of the zone. ~~and if in proximity to an airport, no~~
 101 ~~heights exceptions are permitted above the maximum allowed under airport height regulations.~~

102 (b) All exceptions to height shall be subject to applicable design review requirements and all mechanical
 103 equipment shall be screened by materials consistent with those used on the main
 104 building.

105 (c) Air traffic height conflicts. If in proximity to an airport, no building or structure or other appurtenance
106 is permitted above the maximum height allowed by the Federal Aviation Administration, or other
107 applicable airport or airspace regulation.

108 (d) Minimum height of a dwelling. Unless on a lot or parcel five acres or greater, no dwelling shall be
109 erected to a height less than one story above natural grade.

110 **Sec. 108-7-6. - ~~Minimum height of dwelling~~Reserved.**

111 ~~No dwelling shall be erected to a height less than one story above natural grade.~~

112 ...

113 **Sec. 108-7-12. - ~~Reserved Towers.~~**

114 ~~(a) — No commercial tower installation shall exceed a height equal to the distance from the base of~~
115 ~~the tower to the nearest overhead power line by less than five feet.~~

116 ~~(b) — A tower that exceeds the height limitation of the zone in which it is to be located as permitted~~
117 ~~by section 108-7-5, shall be considered a conditional use.~~

118 ~~(c) — In all zones, except in commercial and manufacturing zones, towers shall not be located within~~
119 ~~the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a~~
120 ~~corner lot, nor on the roof of a residential structure.~~

121 ~~(d) — A building permit shall be required for a tower. An application for a permit shall include~~
122 ~~construction drawings showing the method of installation and a site plan depicting structures on the~~
123 ~~property and on any affected adjacent property and a structural engineering certification by a registered~~
124 ~~structural engineer from the state.~~

125 **CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS ~~OR STRUCTURES~~**

126 **Sec. 108-10-1. - Location.**

127 The location and arrangement of public buildings and public utility substations ~~or structures~~ will comply
128 with requirements set forth in this chapter and will be in accordance with construction plans submitted
129 to and approved by the planning commission.

130 **Sec. 108-10-2. - Site development standards for public utility substation ~~or structure.~~**

131 (a) Lot area, width, setback, and street frontage regulations. The lot area, width, ~~depth,~~ setback, and
132 street frontage regulations for ~~an unmanned culinary or secondary water system facility, storage~~
133 ~~tank, or well house; unmanned sanitary sewer system facility; unmanned oil or natural gas pipeline~~
134 ~~regulation station; unmanned telecommunication, television, telephone, fiber optic, electrical facility;~~
135 ~~or other unmanned utility service regeneration, transformation, or amplification facility~~ a public utility
136 substation, as defined in Section 101-1-7, are as follows:

137 (1) *Lot area and lot width.* No minimum lot area or width, provided that the lot or parcel shall contain
138 an area and width of sufficient size and dimension to safely accommodate the utility facility or
139 use, any necessary accessory use, any landscaping required by this Land Use Code, the
140 required setbacks, and space to park two maintenance vehicles.

141 (2) *Front yard setback.* Front yard setback requirement may be reduced to no less than ten feet if
142 the lot does not directly front on a public or private street right-of-way, provided that ~~the~~ no
143 substation ~~or structure~~ shall be located closer to a public or private street right-of-way than the
144 minimum front yard setback of the zone, or 20 feet, whichever is more restrictive.

145 (3) *Side yard setback.* The side yard setback requirement shall comply with the typical setback
146 specified in the applicable zone regulating the property.

147 (4) *Rear yard setback.* The rear yard setback requirement may be reduced to the following:

148 a. In a residential zone: five feet.

149 b. In an agricultural zone: ten feet.

- 150 c. In a forest zone: 20 feet.
- 151 d. In a zone not specifically listed above: typical zone setback as provided in the chapter for
- 152 that zone.
- 153 (5) Street Frontage. No frontage is required along a public right-of-way if clear and legal access
- 154 exists from a public right of way to the site for the purpose of the utility use.
- 155 (b) Co-location. Co-location of a public utility substation with other existing public utility substations is
- 156 required provided that the co-location does not cause interference with any public utility, or the
- 157 reasonable operation of the public utility substation.
- 158 (c) Towers. The following regulations govern the installation of public utility substation towers:
- 159 (1) Tower distance from overhead power. The height of a tower shall be one foot less than the
- 160 linear distance between the base of the tower and the nearest overhead power line, or lesser
- 161 height.
- 162 (2) Tower setbacks. In all zones, except in commercial and manufacturing zones, a tower shall not
- 163 be located within the minimum front yard setback of any lot, nor within the minimum side yard
- 164 setback facing a street on a corner lot, nor on the roof of a residential structure.
- 165 (3) Tower building permit. A building permit shall be required for a tower. An application for a permit
- 166 shall include construction drawings showing the method of installation and a site plan depicting
- 167 structures on the property and on any affected adjacent property and a structural engineering
- 168 certification by a registered structural engineer from the state.
- 169 (4) Tower disguise. A public utility substation tower which exceeds the maximum height of the zone,
- 170 or 35 feet, whichever is less, and which cannot be reasonably co-located on an existing tower,
- 171 shall be disguised so that the average person cannot discern that it is a public utility substation
- 172 from a distance greater than 200 feet.
- 173 a. With the exception of part b.1. herein, the disguise shall be constructed of painted, stained,
- 174 sandblasted or carved wood, log timbers, brick, stone, textured concrete or similar material.
- 175 Glass, metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent
- 176 reflective glare may also be used. Copper, brass, wrought iron, and other metals may
- 177 remain untreated and allowed to develop a natural patina. Support structures shall use
- 178 natural, muted earth-tone colors including browns, black, grays, rusts, etc. White shall not be
- 179 used as a predominant color, but may be used as an accent.
- 180 b. The disguise shall be designed by a licensed architect and shall:
- 181 1. replicate natural features found in the natural environment within 1000 feet such that the
- 182 average person cannot discern that it is not a natural feature from a distance greater
- 183 than 200 feet;
- 184 2. architecturally replicate structures that are commonly accessory to onsite agricultural
- 185 uses;
- 186 3. architecturally replicate structures that were commonly found in historic old-west or
- 187 western mining town centers prior to 1910, excluding poles, structures, or other features
- 188 that were used for overhead utilities; or
- 189 4. replicate architectural structures that support the architectural theme of an approved
- 190 master plan or development agreement applicable to the site.
- 191
- 192