



Section 1801 – Purpose:

The purpose of this chapter is to more fully implement the general plan and the purposes of all land use ordinances. A development agreement may be considered by the council as a method of providing the city with additional control and flexibility in the approval of development projects by tailoring development standards and requirements to the unique features of a particular development site. (Ord. 967, 5-2-2006)

Section 1802 – Eligibility:

Persons entering into a development agreement with the council must have a legal or equitable interest in the property that is the subject of the development agreement. (Ord. 967, 5-2-2006)

Section 1803 – Contents:

All development agreements entered into by the council shall specify and contain, as a minimum, the following sections:

- 1) Duration of agreement.
- 2) Description of the subject property.
- 3) Allowed uses.
- 4) Maximum density or intensity of the allowed uses and construction requirements.
- 5) A subdivision layout or site plan identifying the location and arrangement of all allowed uses, circulation patterns, and all required dedications and improvements.
- 6) A phasing schedule for all project phases and the timing for the provision of all features, dedications, and improvements.
- 7) Other conditions, terms, restrictions, and requirements for subsequent actions and approvals. (Ord. 967, 5-2-2006)

Section 1804 – Public Hearing Required and Required Notice:

A public hearing to consider a development agreement application shall be held by the commission prior to making a recommendation to the council. The procedures for the consideration of an application for a development agreement shall be those procedures for the consideration of a general plan amendment application.

The required notice shall be the notice required for the consideration of a general plan amendment application. At the discretion of the commission, the required public hearing for the consideration of a development agreement application may be held concurrently with any other required public hearing. (Ord. 967, 5-2-2006)

Section 1805 – Form and Consistency:

A development agreement shall be approved by the council by ordinance, following the receipt of a commission recommendation, with a finding that the development agreement is consistent with the

general plan. (Ord. 967, 5-2-2006)

Section 1806 – Applicable Provisions, Regulations, and Policies:

Unless otherwise modified by a development agreement, all provisions, regulations, and policies governing the uses of the land, density, design, and improvement and construction standards and specifications and all other requirements and regulations of all land use ordinances in effect at the time of the execution of the agreement shall apply. A development agreement shall not prevent the city from subsequent actions applicable to the property that is the subject of a development agreement from applying any new provisions or regulations that do not conflict with those contained within the development agreement. (Ord. 967, 5-2-2006)

Section 1807 – Periodic Review and Modification or Termination:

The zoning administrator shall review a development agreement at least every twelve (12) months, at which time the applicant, or the applicant's successor, shall be required to demonstrate good faith compliance with the terms of the development agreement. If the zoning administrator finds, based on the evidence, that the applicant has not complied in good faith with all terms or conditions of the agreement, the zoning administrator shall recommend to the council that the agreement be modified, or terminated. If the council concurs, the agreement may be modified or terminated by the council. Proceedings before the council to consider modification or termination of an agreement shall include a noticed public hearing complying with the notice requirements for a general plan amendment application. (Ord. 967, 5-2-2006)

Section 1808 – Amendment of Cancellation:

In addition to provisions of section 10-19-7 of this chapter, a development agreement may be amended or canceled in whole, or in part, by mutual consent of the parties to the agreement, or their successors. (Ord. 967, 5-2-2006)

Section 1809 – Recording of a Development Agreement:

No later than ten (10) days after the council approves a development agreement application, the city recorder shall record the development agreement, as approved, in the office of the Weber County recorder. The recorded copy of the development agreement shall be considered the official copy of said agreement. The benefits, rights, and obligations of a development agreement shall be binding upon, and shall inure to all successors to the original parties to the agreement. (Ord. 967, 5-2-2006)

Section 1810 – Modification or Suspension to Comply with State or Federal Laws:

In the event that federal or state laws or regulations, enacted after the adoption of a development agreement, prevent or preclude compliance with one or more provisions of the agreement, such provisions of the agreement shall be modified, or suspended, as may be necessary to comply with such federal or state laws or regulations. (Ord. 967, 5-2-2006)

Section 1811 – Reversion of Zoning in the Event of Noncompliance:

In the event a development agreement is terminated, as provided by section 10-19.7 of this chapter, the land use ordinance and zoning districts map requirements for the subject property shall revert to those that existed prior to the enactment of the development agreement. (Ord. 967, 5-2-2006)