

OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

January 24, 2023

Pre-meeting 4:30/Regular Meeting 5:00

- *Pledge of Allegiance*
- *Roll Call:*

1. **Vote on new Chair and Vice Chair for 2023**
2. **Approve Rules of Order**
3. **Minutes:**

Petitions, Applications, and Public Hearings:

4. Administrative Items:

4.1 UVT112822 - Request for preliminary approval of The Ridge Townhomes PRUD Phase 5, consisting of 12 townhomes in three buildings, located at approximately 5286 E Moose Hollow Drive, Eden, UT, 84310. **Planner: Tammy Aydelotte**

4.2 UVG080922 – Request for a recommendation of final approval of The Grove Cabins PRUD Phase 1 Subdivision, consisting of 11 lots, located at approximately 4553 N Seven Bridges Road, Eden, UT, 84310. **Planner: Tammy Aydelotte**

Petitions, Applications, and Public Hearings:

5. Legislative Items:

5.1 GPA 2022-03: An amendment to the Ogden Valley General Plan adding an addendum to the General Plan addressing Moderate Income Housing reporting requirements per HB 462. Copies of the proposed addendum can be found at the following link: <https://frontier.co.weber.ut.us/p/Project/Index/17464> **Planner: Bill Cobabe**

6. Public Comment for Items not on the Agenda:

7. Remarks from Planning Commissioners:

8. Planning Director Report:

9. Remarks from Legal Counsel

Adjourn to Work Session

WS1: Discussion regarding amendments to the Form Based Zone adding clarifying provisions related to street frontage, verbiage consistency, adding pedestrian pathway requirements, adding street cross-section options, refining mid-block accessway requirements, reconfiguring certain streets in the Nordic Valley Area Street Regulating Plan and New Town Eden Street Regulating Plan, and adding a new 4700 West Village Street Regulating Plan (Western Weber Planning Area), and amending provisions related to transferable development rights. **Planner Charlie Ewert**

The regular meeting will be held in person at the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/81920125209> Meeting ID: 819 2012 5209

A Pre-Meeting will be held at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. No decisions are made in the pre-meeting, but it is an open public meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8761

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record will be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Agenda Item: File No.: UVT112822 – Request for preliminary approval of The Ridge Townhomes PRUD Phase 5, consisting of 12 townhomes in three buildings, located at approximately 5286 E Moose Hollow Drive, Eden, UT, 84310

Type of Decision: Administrative

Agenda Date: Tuesday, January 24, 2023

Applicant: Ridge Utah Development Corporation, a Utah corporation

Authorized Representative: Eric Householder

File Number: UVT112822

Property Information

Approximate Address: 5286 East Moose Hollow Drive

Project Area: 2.90 acres

Zoning: FR-3

Existing Land Use: Vacant

Proposed Land Use: PRUD

Parcel ID: 22-281-0006

Township, Range, Section: T7N, R1E, Section 27

Adjacent Land Use

North: Moose Hollow Dr. - Private Drive	South: Vacant – Future Development
East: Vacant/Future Development	West: Residential

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov
 801-399-8794

Report Reviewer: SB

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 17 Forest Residential Zone (FR-3)
- Title 104, Zones, Chapter 27 Natural Hazards Overlay Zone
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 5 Planned Residential Unit Development

Summary and Background

The Planning Division recommends preliminary subdivision approval of The Ridge Townhomes PRUD Phase 5. The proposed subdivision is zoned FR-3 and is part of the master planned community within the Wolf Creek Resort known as “The Ridge Townhomes at Wolf Creek PRUD” which consists of five phases (48 units) over 14.46 acres and approximately 10.11 acres (63%) of open space/common area (see Exhibit A). The proposed subdivision phase will consist of 2.90 acres with 12 townhomes in three 6,792 square foot 4-plex buildings and approximately 2.51 acres (87%) of common area (see Exhibit B).

The PRUD received the required Conditional Use Permit, Design Review, Ogden Valley Architectural, Landscape and Screening Design Standards and Preliminary Subdivision approval from the Weber County Commission on December 10, 2013 after receiving a positive recommendation from the Ogden Valley Planning Commission on November 11, 2013.

Phase 4 recorded 11/13/2019.

The Uniform Land Use Code of Weber County (LUC) §106-1-5 identifies the approval process for preliminary subdivision. The proposed subdivision exceeds the amount of lots that can be administratively approved as part of a phasing process;

therefore the final plat must be considered and approved by the County Commission after receiving a recommendation from the Planning Commission. The proposed subdivision and lot configuration is in conformance with the current zoning, the approved PRUD and the Zoning Development Agreement Conceptual Land Use Plan as well as the applicable subdivision requirements as required in the LUC.

Analysis

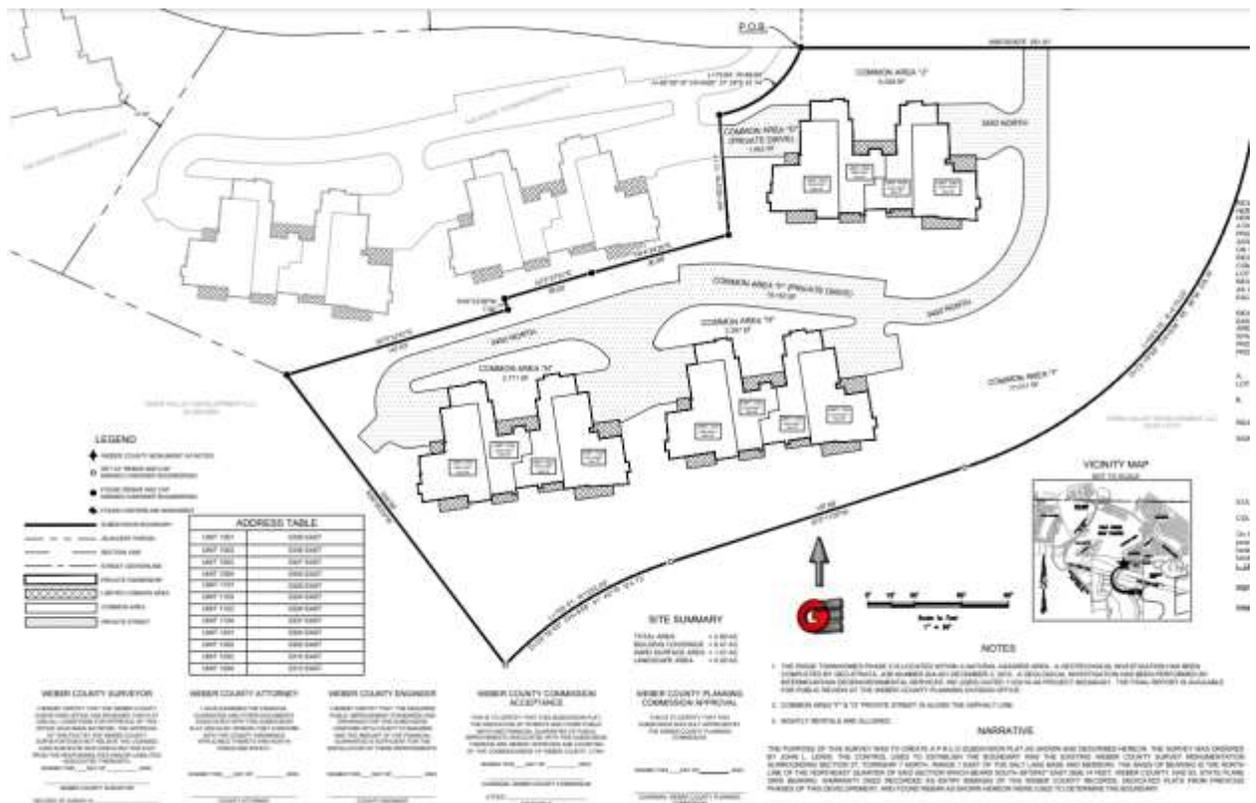
General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The subject property is located in the Forest Residential Zone more particularly described as the FR-3 zones. The purpose and intent of the FR-3 zone is identified in the LUC § 104-17-1 as:

“The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.”

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106, the PRUD ordinance in LUC §108-5, and the applicable standards in the FR-3 zone (LUC §104-17) to ensure that the regulations and standards have been adhered to. The proposed subdivisions, with the recommended conditions listed in this staff report, are in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

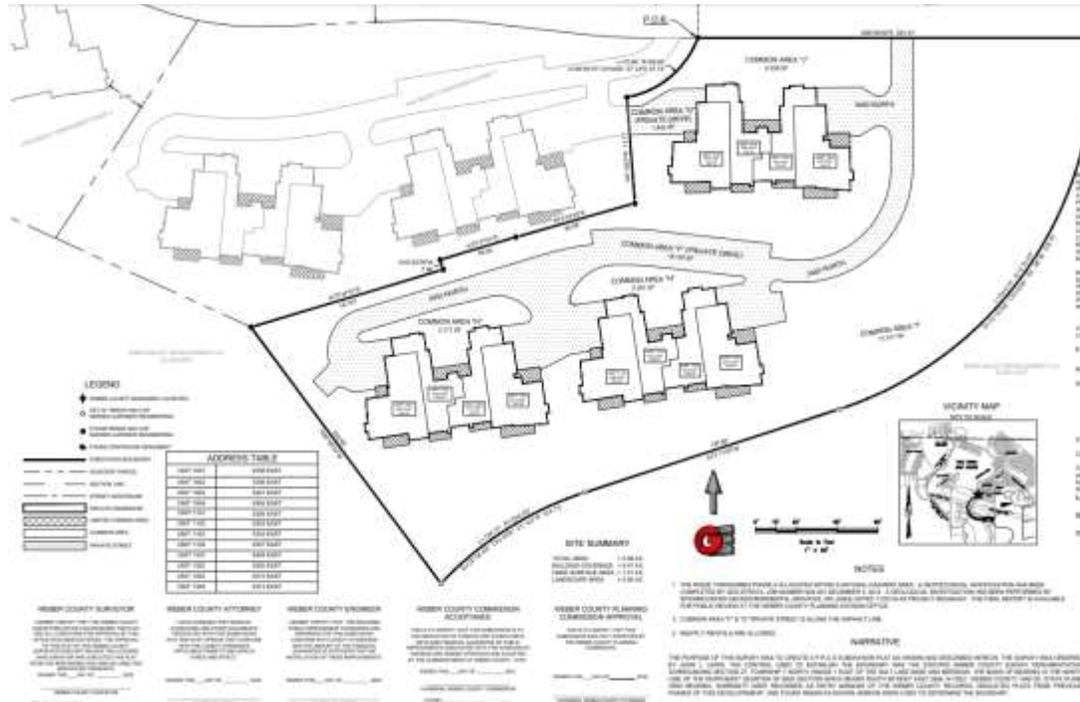
Lot area, frontage/width and yard regulations: The proposed subdivision is last of five phases in The Ridge Townhomes PRUD and is in compliance with the approved PRUD and preliminary subdivision for the multi-phased development.



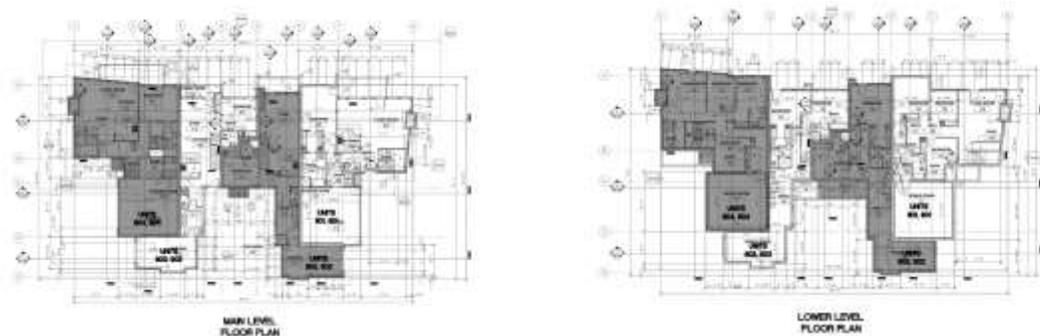
The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to “allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas” (LUC § 108-5-2). The Ridge Townhomes PRUD Phase 5 utilizes the allowed flexibility with the proposed townhomes. The proposed layout is arranged in such a way to provide the occupants of the townhomes views of

Pineview Reservoir and Mt. Ogden. The 12 townhomes are all two stories with limited common area and common area surrounding the 4-plexs. Access to the townhomes will be off of 3450 North St. with a 16 foot shared driveway. As part of the preliminary subdivision approval, the townhomes must be located a minimum of 15 feet from 3450 North St. and will be constructed within the building envelope shown on the subdivision plat. The architectural style of the proposed townhomes is considered to be "Mountain Modern" and will vary in size from approximately 1400 to 2100 square feet with a maximum building height of 26 feet. Based on the allowed flexibility of the approved PRUD, the subdivision layout, building configurations and unit sizes in Phase 5 the proposal is acceptable as reflected below:

Phase 5 subdivision plat layout:



Townhomes layout:



Townhomes architectural renderings:



Ogden Valley Sensitive Lands Overlay Districts: The development area falls within an area identified as an “Important Wildlife Habitat Area” that is part of the Ogden Valley Sensitive Lands Overlay Districts (LUC§ 104-28). The proposed subdivision has been designed to ensure that development standards in this area will follow the principles and standards established regarding the location of buildings, structures, roads, trails and other similar facilities to protect important wildlife habitat and their functions including wildlife movement across areas dominated by human activities by limiting the areas of disturbance.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Zone “X” as determined by FEMA to be an area determined to be outside 500-year floodplain.

A geologic hazards assessment has been performed and a report has been prepared by IGES dated September 12, 2016, identified as Project #02348-001. All site development will need to adhere to the geologic and geotechnical recommendations in the report. According to the report, the location of the club/pool house will need additional site specific geologic and geotechnical investigation in conjunction with a building permit. A note shall be added to the plat to notify the future property owners of the geologic and geotechnical report on file with the Weber County Planning Division as well as the requirement for further geologic and geotechnical investigation prior to submitting for a building permit from Weber County for only the club/pool house.

Upon recording the final subdivision Mylar a separate “Natural Hazards Disclosure” document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners. A condition of approval has been added to staff’s recommendations to ensure that a note is on the final Mylar to provide adequate notification for future property owners.

Culinary water, irrigation water and sanitary sewage disposal: The applicant has provided a will-serve letter from the Wolf Creek Water and Sewer District for the culinary and irrigation water and sanitary sewer (see Exhibit C). The applicant will need to provide a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission. A condition of approval has been added to ensure that a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water prior to approval by the County Commission.

Review Agencies: The Weber County Surveyor’s Office and Weber Fire District have reviewed the proposal and have provided the applicant with the additional items that will be required prior recording the final Mylar. A review from the Weber County Engineering has not been provided to the applicant to date. A condition of approval has been made part of staff’s recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

Additional design standards and requirements: Per approval of the original conditional use permit for this PRUD, if the applicant would like to utilize the ability to have short-term rentals as an option allowed in the PRUD ordinance for the owner’s in The Ridge Townhomes PRUD Phase 5, a note will need to be added to the final Mylar to declare that the subdivision is approved for short-term rentals per LUC§ 108-5-4(d) which states:

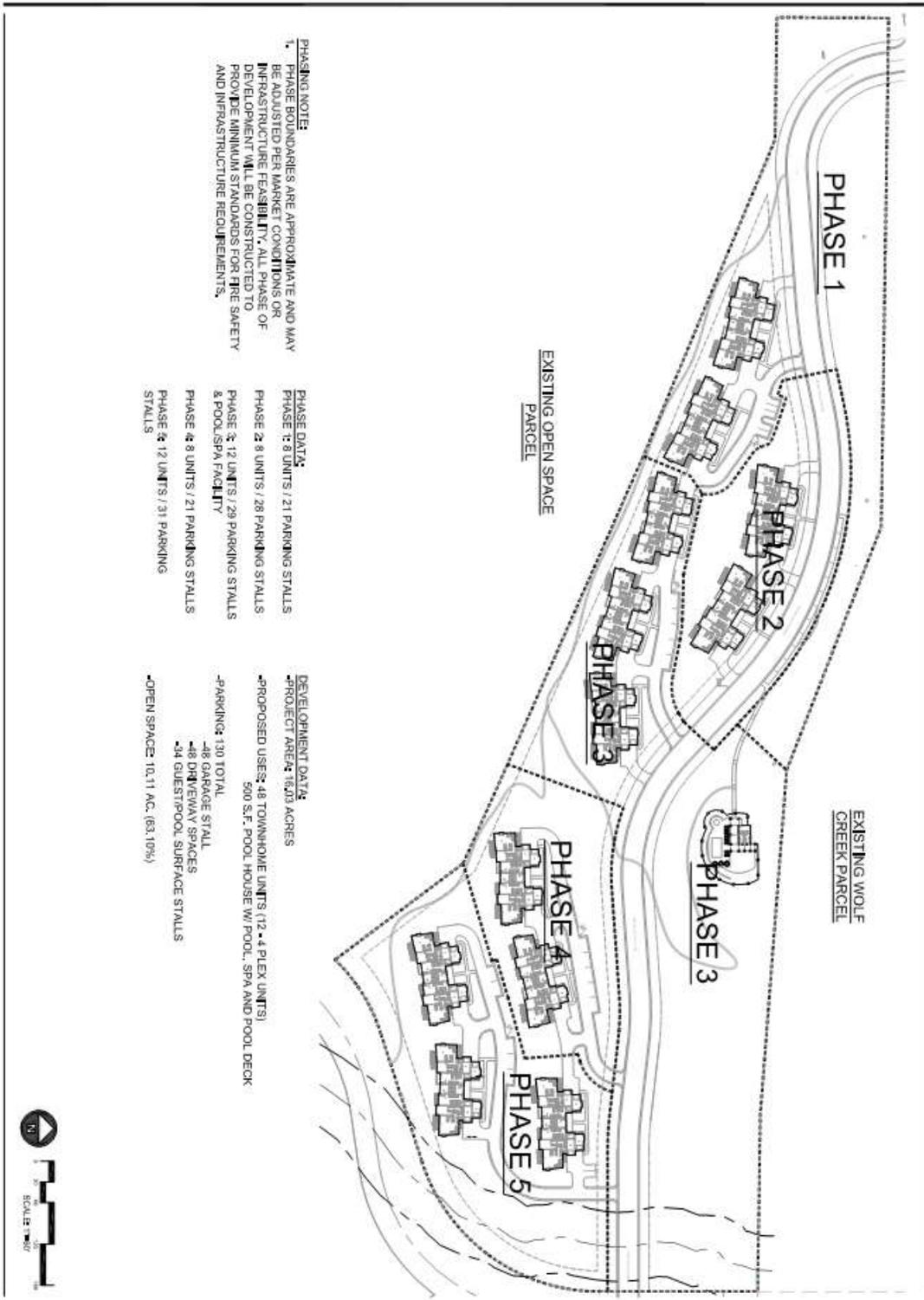
“Any housing units to be developed or used, in whole or in part, for sleeping rooms (including lockout sleeping rooms) for nightly rentals shall be declared and designated on the site development plan, and shall adhere to the additional parking requirements for rental sleeping rooms as provided in title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

A condition of approval has been made part of staff’s recommendations to ensure that if the applicant desires to allow short-term rentals as part of The Ridge Townhomes PRUD Phase 5, a note will be added to the final subdivision Mylar to provide notice of the approved short-term rental option.

Per approval of CUP 2013-25, a landscaping plan consisting of a variety of shrubs, deciduous and evergreen trees that meet the size and caliper required by the Weber County Land Use Code Title 108 Chapter 2, shall be required to either be included in the escrow for improvements, prior to final approval by the County Commission.

Tax clearance: The 2022 property taxes have been paid in full. The 2023 property taxes will be due in full on December 1, 2023.

Exhibit A-The Ridge Townhomes at Wolf Creek PRUD Phasing Plan



PHASING NOTE:
 PHASE BOUNDARIES ARE APPROXIMATE AND MAY BE ADJUSTED PER MARKET CONDITIONS OR INFRASTRUCTURE FEASIBILITY. ALL PHASE OF DEVELOPMENT WILL BE CONSTRUCTED TO PROVIDE MINIMUM STANDARDS FOR FIRE SAFETY AND INFRASTRUCTURE REQUIREMENTS.

PHASE DATA:
 PHASE 1: 8 UNITS / 21 PARKING STALLS
 PHASE 2: 8 UNITS / 28 PARKING STALLS
 PHASE 3: 12 UNITS / 29 PARKING STALLS & POOL/SPA FACILITY
 PHASE 4: 8 UNITS / 21 PARKING STALLS
 PHASE 5: 12 UNITS / 31 PARKING STALLS

DEVELOPMENT DATA:
 -PROJECT AREA: 16.03 ACRES
 -PROPOSED USES: 48 TOWNHOME UNITS (12-4 PLEX UNITS), 500 S.F. POOL, HOUSE W/ POOL, SPA AND POOL DECK
 -PARKING: 120 TOTAL
 -48 GARAGE STALL
 -48 DRIVEWAY SPACES
 -24 GUEST/POOL SURFACE STALLS
 -OPEN SPACE: 10.11 AC. (63.10%)



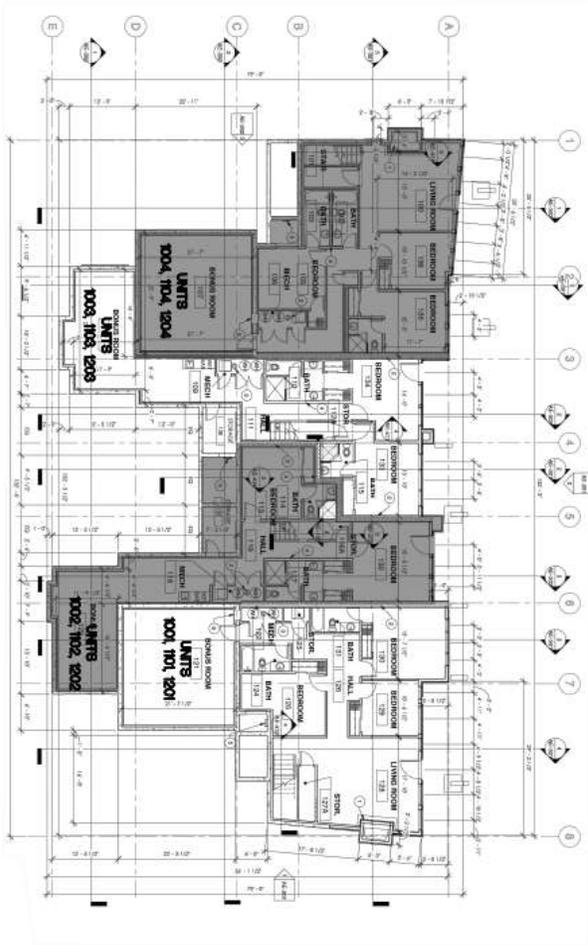
THE RIDGE TOWNHOMES
 WEBER COUNTY, UT

PRUD
 PROJECT ARCHITECT
 WEBER COUNTY, UT

DATE	DESCRIPTION
PROJECT	2018
REVISION	18
DATE	BY
18	18
18	18
18	18
18	18
18	18

SPECTRUM
 GENERAL PHASING PLAN
 SHEET NUMBER
P1.0

LOWER LEVEL
FLOOR PLAN



THE RIDGE TOWNHOMES PHASE 5
LOCATED IN THE NORTHEAST QUARTER OF SECTION 27,
TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN,
WEBER COUNTY, UTAH
JANUARY 2023

MAIN LEVEL
FLOOR PLAN

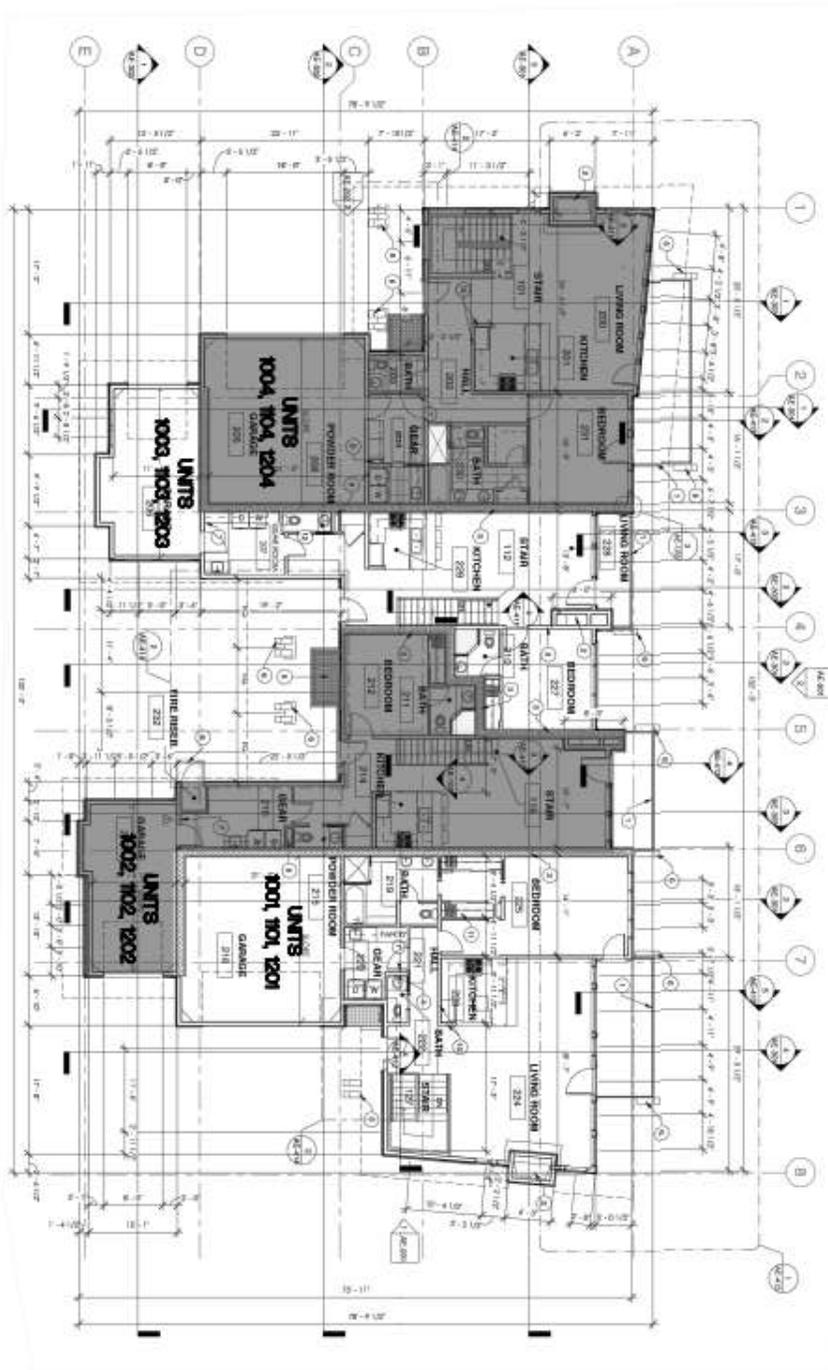
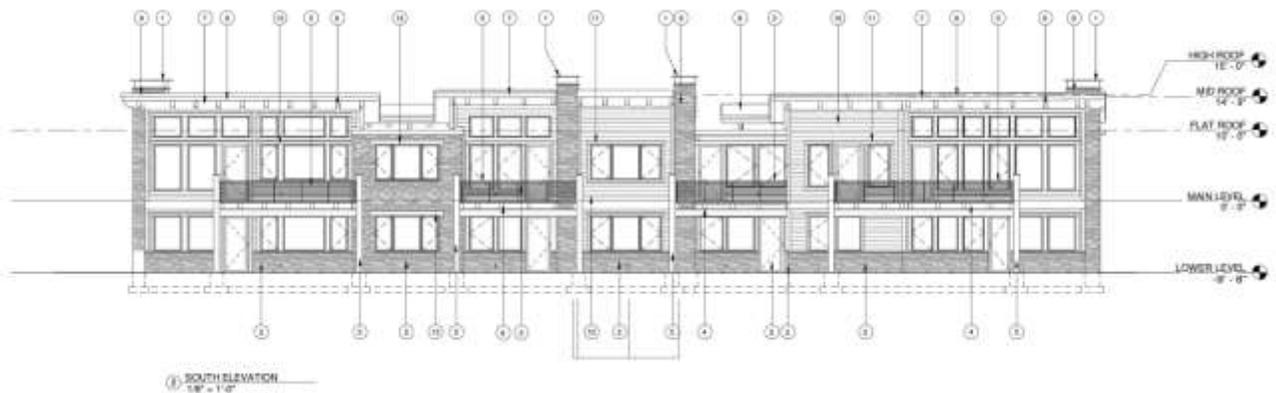
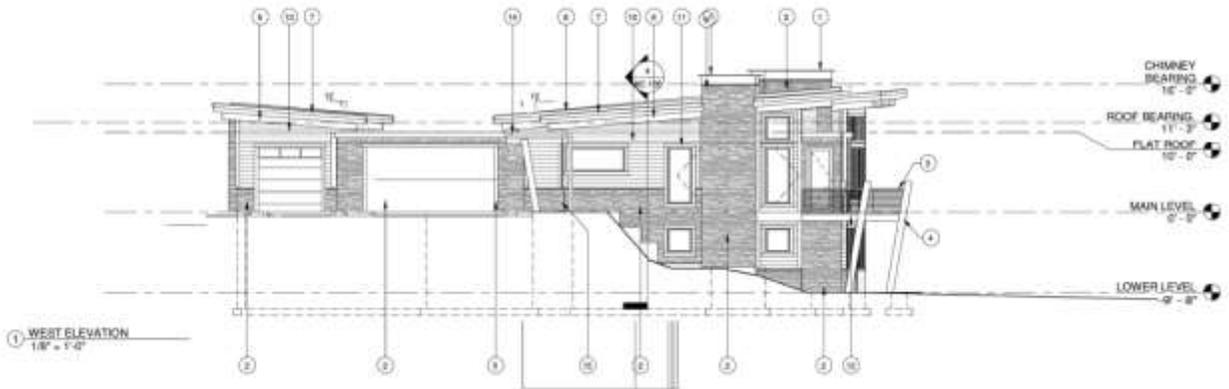
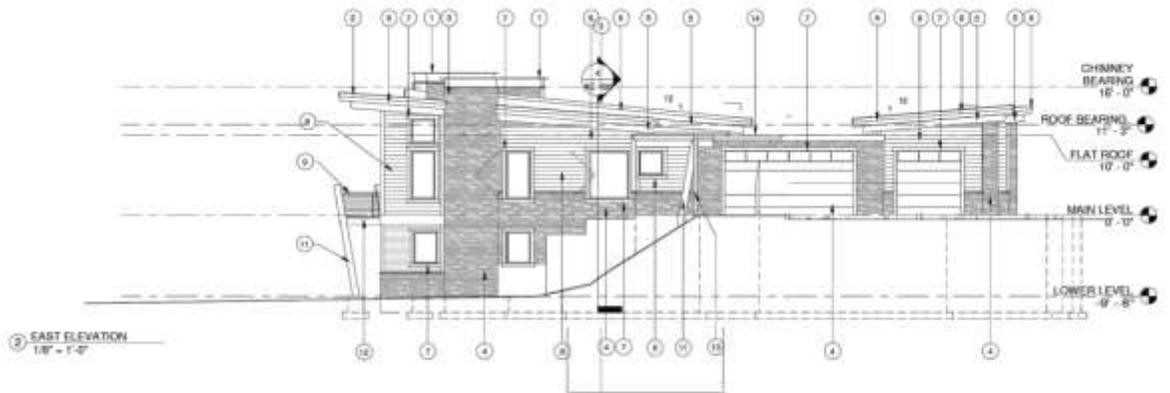
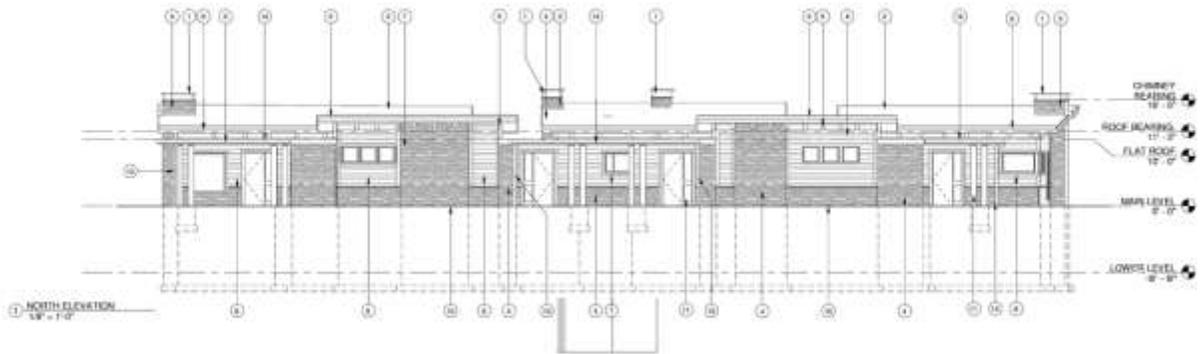


Exhibit B-The Ridge Townhomes PRUD Phase 5





November 11, 2022

Weber County

RE: Wolf Creek Water and Sewer Improvement District services to Address(s):

The Ridge Subdivision Ridge Phase 5 Building 10 Units 1 -4 Eden, UT

To whom it may concern,

This letter confirms that Wolf Creek Water and Sewer Improvement District has reviewed the capacity of its resources, and determined it will provide culinary water, irrigation water and sewer services to the above referenced address(s). This Can and Will Serve commitment applies to the above referenced address only and is non-transferable.

Residential services to be provided:

- Culinary water will be provided under water right E5492, with associated underlying contracts from Weber Basin Conservancy District. Culinary water shall be used for culinary and fire suppression (fire hydrant) uses. The District prohibits use of culinary water for outdoor uses.
- Secondary Water for landscape and outdoor uses will be provided under water right E5492, and the District's shares in Wolf Creek Irrigation Company. Secondary water is delivered by connection to the pressurized system.
- Sewer services are delivered through connection to the main sewer lines of the District, leading to the Willow Brook Lane MBR Wastewater Treatment Plant and disposal system.

Submission of the plans at the Weber County Building and Inspections Office shall be completed within 12 months from the date of this notice. If the plans have not been submitted and building permit issued, this Can and Will Serve commitment is considered expired.

Service is subject to scheduled maintenance and construction, power failures, natural disasters, and unforeseen circumstances.

Water and sewer services will be provided in accordance with applicable federal, state, and local statutes, laws, rules, regulations, ordinances, and standards.

Culinary water, Secondary water and Sewer services to the above address(s) are subject to and contingent on the following:

1. Compliance with the Wolf Creek Water and Sewer Improvement District policies and procedures as those policies and procedures may change from time to time. This includes Landscape & Conservation Requirements.
2. Natural fluctuations in water supplies.
3. Subsequent decisions and regulation by local government, the Utah State Engineer, Utah Division of Water Resources, the United States Department of the Interior, or any other applicable governmental agency.
4. Payment of hook up costs and standard billings for service. Failure to pay these costs and billings will result in temporary suspension and/or permanent cessation of service.

As recipient of said service, you agree to the above terms and to the terms set forth in the Wolf Creek Water and Sewer Improvement District policies and procedures as those policies may change from time to time.

If you have any questions regarding the contents of this letter, please contact the office at (801) 745-3435.

Wolf Creek Water and Sewer Improvement District

Annette Ames
Annette Ames, Controller

Date: *November 11, 2022*



November 11, 2022

Weber County

RE: Wolf Creek Water and Sewer Improvement District services to Address(s):

The Ridge Subdivision Ridge Phase 5 Building 11 Units 1-4 Eden, UT

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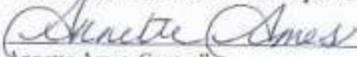
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Wolf Creek Water and Sewer Improvement District


Annette Ames, Controller

Date: November 11, 2022

2580 N. Highway 162, Suite A, P.O. Box 658 Eden, Utah 801-745-3435 Fax 801-745-3454



November 11, 2022

Weber County

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The Ridge Subdivision Ridge Phase 5 Building 12 Units 1-4 Eden, UT

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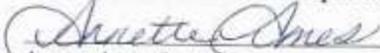
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Wolf Creek Water and Sewer Improvement District


Annette Ames, Controller

Date: November 11, 2022

2580 N. Highway 162, Suite A, P.O. Box 658 Eden, Utah 801-745-3435 Fax 801-745-3454



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Agenda Item: File No.: UVG080922 - Request for a recommendation of final approval of The Grove Cabins PRUD Subdivision Phase 1, consisting of 11 lots, located at approximately 4553 N Seven Bridges Road, Eden, UT, 84310

Type of Decision: Administrative

Agenda Date: Tuesday, January 24, 2023

Applicant: John Lewis, Owner

File Number: UVG080922

Property Information

Approximate Address: 4553 N Seven Bridges Road, Eden, UT, 84310

Project Area: 9.07 acres

Zoning: Residential Estates (RE-15) Zone

Existing Land Use: Vacant

Proposed Land Use: Residential

Parcel ID: 22-006-00004

Township, Range, Section: T7N, R1E, Section 15 SW

Adjacent Land Use

North: Vacant	South: Vacant
East: Vacant/Mountainside PRUD site	West: Vacant/Homestead site

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@webercountyutah.gov

Report Reviewer: SB

Applicable Land Use Codes

- Weber County Land Use Code Title 106 (Subdivisions)
- Weber County Land Use Code Title 104 (Zones) Chapter 3 (RE-15 Zone)

Background and Summary

7/19/2016 – Conditional Use Permit request for The Bridges PRUD was approved.

9/27/2022 – Preliminary approval granted by the Planning Commission.

The applicant is requesting a recommendation of final approval of The Grove Cabins PRUD Phase 1 Subdivision in the RE-15 Zone. The proposed development consists of 11 lots with common area, four private drives, and public road dedication.

The Grove Cabins PRUD Phase 1 is part of the master planned community within the Wolf Creek Resort known as “The Bridges PRUD” which consists of a multi-phased development including six communities (364 units) with a variety of housing options and approximately 143 acres of open space. The proposed subdivision “The Grove Cabins PRUS Phase 1” is one of the several phases (97 units) in the Grove Cabins community.

The Uniform Land Use Code of Weber County (LUC) §106-1-5 identifies the approval process for final subdivision approval. The proposed subdivision exceeds the amount of lots that can be administratively approved as part of a phasing process; therefore the subdivision plat must go through a final approval by the County Commission after receiving a recommendation from the Planning Commission. The proposed subdivision and lot configuration is in conformance with the current zoning, the approved PRUD and the Zoning Development Agreement Conceptual Land Use Plan as well as the applicable subdivision requirements as required in the LUC.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The subject property is located in the Residential Estate Zone more particularly described as the RE-15 zone.

The purpose and intent of the RE-15 zone is identified in the LUC §104-3-1 as:

“The major purpose of the RE-15 and RE-20 Zones is to provide and protect residential development at a low density in a semi-agricultural or rural environment. It is also to provide for certain rural amenities on larger minimum lots, in conjunction with the primary residential nature of the zone.”

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106, the PRUD ordinance in LUC §108-5, and the applicable standards in the RE-15 zone (LUC §104-3) to ensure that the regulations and standards have been adhered to. The proposed subdivisions, with the recommended conditions listed in this staff report, are in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: The proposed subdivision is one of several phases in the Grove Cabins community and has received conditional use approval for “The Bridges PRUD” development. The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to “allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas” (LUC§ 108-5-2). The Grove Cabins Phase 1 PRUD utilizes the allowed flexibility with all 11 lots having an area of 1,838.5 square feet, and a width of 38.04 feet. There are no minimum yard setbacks for the Grove Cabins PRUD.

Based on the allowed flexibility of a PRUD, the proposed layout, lot configurations and lot sizes are acceptable. In order to provide clear site standards, staff recommends adding the zero minimum setback standards on the final subdivision Mylar. A condition of approval has been added to staff’s recommendation to ensure the minimum setback standards are added to the final subdivision Mylar.

Ogden Valley Sensitive Lands Overlay Districts: The development area falls within an area identified as an “Important Wildlife Habitat Area” that is part of the Ogden Valley Sensitive Lands Overlay Districts (LUC§ 104-28). The proposed subdivision has been designed to ensure that development standards in this area shall follow the principles established regarding the location of buildings, structures, roads, trails and other similar facilities to protect important wildlife habitat and their functions including wildlife movement across areas dominated by human activities by limiting the areas of disturbance. A condition of approval has been added to staff’s recommendation to ensure a note providing adequate notice of the Important Wildlife Habitat area and the development standards that are required will be added to the final subdivision Mylar.

Common Area: The general requirements for a PRUD identify the need to preserve common open space. The proposed subdivision layout identifies common area surrounding all lots. The proposed common area for this phase follows the overall PRUD open space plan (exhibit C). This area will be required to be dedicated upon recording by one or more of the following methods:

- (1) Dedication of the land as Public Park or parkway system;
- (2) Granting to the county a permanent common open space easement on and over the said private open spaces to guarantee that the open spaces remain perpetually in access, parking, recreation or open space uses with ownership and maintenance being the responsibility of a home owners' association established with articles of association and bylaws which are satisfactory to the county; or
- (3) Complying with the provisions of the Condominium Ownership Act, U.C.A. 1953, § 57-8-1 et seq., as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

Any CC&R’s will need to comply with the provisions of the Condominium Ownership Act, U.C.A 1953, §57-8-1 et seq. per LUC §108-5-6(d)(3) for the preservation, maintenance and ownership of the common area. Prior to receiving final approval of the subdivisions from the County Commission, the applicant will need to provide to the County a copy of the proposed CC&R’s for review as well as a cash escrow to be held by Weber County for the proposed improvements including the amenities in the common area. The dedication language on the final plat will need to include language to grant ownership of the common area to the applicable ownership. A condition of approval has been added to ensure the final subdivision Mylar includes the correct dedication language for the

common area located within the subdivision. A cost estimate for the improvements and a draft copy of any CC&R's will also be required prior to receiving final approval from the County Commission.

Natural Hazards Overlay Zone: The proposed subdivision is located in a Zone "X" as determined by FEMA to be an area determined to be outside 500-year floodplain.

Geotech and geologic hazard studies have been submitted. A slope analysis will need to be submitted, to ensure that any lots with a slope of 25% or greater will need to show a building envelope on the final plat.

Upon recording the final subdivision Mylar a separate "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of the geotechnical and geological recommendations to future property owners. A condition of approval has been added to staff's recommendations to ensure that adequate notification is provided for future property owners regarding further development is noted on the subdivision Mylar.

Culinary water, irrigation water and sanitary sewage disposal: The applicant has provided a will-serve letter from the Wolf Creek Water and Sewer District, for each lot, for the culinary and irrigation water and sanitary sewer (see Exhibit B). The applicant will need to provide a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission. A condition of approval has been added to ensure that a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water prior to approval by the County Commission.

Review Agencies: The Weber County Surveyor's Office, and the Weber Fire District have reviewed the proposal and have provided the applicant with the additional items that will be required prior recording the final Mylar. The County Engineer has not yet reviewed this proposal. A condition of approval has been made part of staff's recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

Additional design standards and requirements: If the applicant would like to utilize the ability to have nightly rentals as an option allowed in the PRUD ordinance for the owner's in The Grove Cabins PRUD Phase 1, a note will need to be added to the final Mylar to declare that the subdivision is approved for nightly rentals. A condition of approval has been made part of staff's recommendations to ensure that if the applicant desires to allow nightly rentals as part of The Grove Cabins PRUD Phase 1, a note will be added to the final subdivision Mylar to provide notice of the approved short-term rental option, per approval of CUP 2016-12, dated 7/19/2016.

Tax clearance: The 2022 property taxes have been paid in full. The 2023 property taxes will be due in full on December 1, 2023.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation for final approval of The Grove Cabins PRUD Phase 1 Subdivision, consisting of 11 lots located at approximately 4553 N Seven Bridges Road, Eden, UT, 84310. This recommendation is subject to all review agency requirements and the following conditions:

1. In order to provide clear site standards, staff recommends adding the minimum yard setback standards on the final subdivision Mylar including the "Side; facing street on corner lot" setback.
2. A note providing adequate notice of the Important Wildlife Habitat area and the development standards that are required will be added to the final subdivision Mylar.
3. The dedication language on the final Mylar will need to include language to grant ownership of the common area to the applicable ownership.
4. A cost estimate for the improvements and a draft copy of any CC&R's will be required prior to receiving final approval from the County Commission.
5. Prior to recording the final Mylar, all lots that are impacted by a geologic hazard will be identified on the final Mylar a note to provide notice that the final geologic and geotechnical reports are on file with Weber County Planning Division. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.
7. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water must be submitted to Weber County prior to approval by the County Commission.
8. If the applicant desires, a note will be added to the final Mylar to provide notice of the approved nightly rental option.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan
2. The proposed subdivision complies with applicable county ordinances

Exhibits

- A. Subdivision Plat

NOTES

1. THE APPROVED MINIMUM SINGLE FAMILY YARD SETBACKS ARE: 0' WITHIN BUILDABLE LOT AREAS AS SHOWN HEREON.
2. SUBJECT PROPERTY FALLS WITHIN FEMA "OTHER AREAS" PER FEMA MAP NO. 49057C0229F WITH AN EFFECTIVE DATE OF JUNE 2, 2015.
3. NIGHTLY RENTALS ARE ALLOWED.
4. MOUNTAINSIDE P.R.U.D. PHASE 1 IS LOCATED WITHIN A NATURAL HAZARDS AREA. A GEOTECHNICAL INVESTIGATION HAS BEEN PERFORMED BY GSH ENGINEERING JOB NUMBER 1661-08N-16 DATED JULY 25, 2016. LOTS IDENTIFIED WITH AN "N" WILL REQUIRE FURTHER GEOLOGIC AND GEOTECHNICAL INVESTIGATIONS PRIOR TO SUBMITTING AN APPLICATION FOR A LAND USE AND BUILDING PERMIT. THE FINAL REPORT IS AVAILABLE FOR PUBLIC REVIEW AT THE WEBER COUNTY PLANNING DIVISION OFFICE.
5. ALL AREAS NOT WITHIN THE BOUNDARIES OF THE TWENTY TWO (22) NUMBERED LOTS ARE COMMON AREAS AND FACILITIES, CERTAIN OF WHICH AREAS ARE MARKED AS "CA" HEREON PROVIDED, HOWEVER, APPURTENANT TO THE LOTS ARE PERPETUAL EASEMENTS FOR THE ENCROACHMENT OF EAVES OF THE BUILDINGS. THE DRIVEWAYS ARE RESERVED FOR THE USE OF THE LOT TO WHICH IT IS APPURTENANT.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Request: (PUBLIC HEARING) Amend the Ogden Valley General Plan to adopt Addendum 1 – Moderate Income Housing Reporting Update

Agenda Date: Tuesday, January 24, 2023

File Numbers: GPA 2022-03

Report Author: Bill Cobabe
(bcobabe@webercountyutah.gov)
(801) 399-8772

Applicable Ordinances

§ 102-2-4 – Powers and Duties of the Planning Commission

(a) The planning commission shall review the general plans and make recommendations to the county commission, as deemed necessary, to keep the general plan current with changing conditions, trends, and planning needs of the county.

Legislative Decisions

Decision on these items is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

Summary and Background

HB 463 requires cities and counties in Utah to adopt a Moderate Income Housing plan that addresses strategies as outlined in State Code. Staff went through the existing General Plans for Western Weber and Ogden Valley and pulled out those portions of the respective General Plans to prepare a reporting document to report to the State. These strategies must be adopted with implantation plans that show goals and targets that can be used to demonstrate progress towards completion of the plans and adopted strategies. That document is attached as Exhibit A.

Policy Analysis

No substantive policy changes accompany this addendum. All of the policies that are listed were already adopted by the County in the respective General Plans.

Staff Recommendation

Staff recommends that the Planning Commission offers a positive recommendation to the County Commission for file GPA 2022-03, amending the adopted General Plan and adding Addendum 1, as shown in Exhibit A;

The recommendation is supportable with the following findings:

1. The proposals will meet the anticipated needs and goals outlined in the General Plan;
2. The proposals reflect the requirements of State Code;
3. The proposals demonstrate a continued orderly progression to development in the area; and,
4. The proposals are in the best interest of the health, safety, and welfare of the general public.

Exhibits

- A. Proposed General Plan Addendum 1

**Addendum 1 to the Weber County General Plan
Moderate Income Housing Reporting Update
January 2023**

Purpose/Background:

In the 2022 legislative session, the Utah State Legislature passed HB 462, changing the reporting requirements for Moderate Income Housing elements of the County’s General Plan. This includes choosing a minimum of three strategies chosen from the approved list and providing implementation plans that enable action on these strategies. Weber County has adopted General Plans for the Ogden Valley (OVGP) and West Weber (WWGP) planning areas which need to be amended to reflect these changes and requirements. The amendment considered the portions of the plan that are already adopted and made the modifications and connections necessary to bring it into compliance with State Code. The following represents the strategies and implementation plans that best fit the elements already adopted by the County, which the County hereby adopts as an addendum to the General Plan Moderate Income Housing Element:

- 1) (A) rezone for densities necessary to facilitate the production of moderate income housing;**
- 2) (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;**
- 3) (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing;**
- 4) (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones;**
- 5) (F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers;**
- 6) (G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors;**
- 7) (M) Demonstrate creation of, or participation in, a community land trust program for moderate income housing.**
- 8) (O) apply for or partner with an entity that applies for state or federal funds or tax incentives to promote the construction of moderate income housing, an entity that applies for programs offered by the Utah Housing Corporation within that agency’s funding capacity, an entity that applies for affordable housing programs administered by the Department of Workforce Services, an entity that applies for services provided by a public housing authority to preserve and create moderate income housing, or any other entity that applies for programs or services that promote the construction or preservation of moderate income housing; and,**
- 9) (S) create a program to transfer development rights for moderate income housing.**
- 10)(V) Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.**
- 11)(X) Demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80 percent of the area median income, including the dedication of a local funding source to moderate income housing or the adoption of a land use ordinance that requires 10 percent or more of new residential development in a residential zone be dedicated to moderate income housing**

The implementation plan for each of the above strategies is as outlined below:

- 1) (A) rezone for densities necessary to facilitate the production of moderate income housing**

Related current General Plan Element Goals:

- **OVGP Page 27** - Facilitate mix of housing types in new construction in keeping with neighborhood design standards and community sustainability referenced in Moderate Income Housing Principle 1.1.1.
- **OVGP Page 28** - Develop cluster ordinances that will allow for mixed housing types in compact areas consistent with village area locations on Map 8 and pursuant to small area plans referenced in Moderate Income Housing Implementation 1.1.2.
- **OVGP Page 28** - Encourage the development of low- to moderate-income housing within or near established cities, towns and village areas in order to protect agricultural lands and provide open spaces within the unincorporated areas of Weber County referenced in Moderate Income Housing Implementation 1.1.3.

Implementation Timeline:

Beginning in 2022, Weber County will identify areas for potential rezone, including in the Wolf Creek Development, Liberty, and other villages. These efforts are current and ongoing, and the FB Zone has already been implemented in Old and New Town Eden and Nordic Valley. Zoning changes will take place per the property owners’ request and according to the General Plan goals and maps already adopted. The County will further continue to encourage low- to moderate-income housing within or near established cities, towns, and village areas, which will allow for the further development and rehabilitation of existing uninhabitable housing stock. In 2023, the County will adopt measures to change zoning laws to allow for this development to occur. In 2024, the properties affected by these zone changes and new laws will be measured and accounted for, and in future years’ reporting, the County will demonstrate the effectiveness of these policies and plans by showing the increase of affordable housing units across the County.

2) (B) demonstrate investment in the rehabilitation or expansion of infrastructure that facilitates the construction of moderate income housing;

Related current General Plan Element Goals:

- **WWGP Page 76** - Housing Action Item 1.1.3: Create an adaptive reuse policy to allow abandoned or underutilized non-residential buildings within or near established cities, towns, and village areas to be converted into mixed-use spaces with ground-floor commercial spaces and upper-floor(s) residential housing units

Implementation Timeline:

As the West Weber area continues to develop, the pressure to build in the area will increase. Utilizing strategies that foster affordable housing, the County will require developers install infrastructure that will support affordable housing, including the use of trails and other active transit options, bus routes and other mass transit options, street connectivity and utility infrastructure, and the expansion of mixed-use spaces and higher concentrations of residential units in designated centers. The County will track these developments as they occur and will report on the number of units developed and the associated infrastructure improvements/installations. In 2023, the County will adopt measures to change infrastructure laws to allow for this development to occur. In 2024, the properties affected by these new laws will be measured and accounted for, and in reporting for 2025-2027, the County will demonstrate the effectiveness of these policies and plans by showing the increase of affordable housing units across the County.

3) (C) demonstrate investment in the rehabilitation of existing uninhabitable housing stock into moderate income housing

Related current General Plan Element Goals:

- **OVGP Page 28** - Moderate-Income Housing Implementation 1.2.1: Support the Weber Housing Authority emergency home repair program to assist in housing maintenance for moderate to low income homeowners.
- **OVGP Page 28** - Moderate-Income Housing Implementation 1.2.2: Update or provide the necessary tools to enable the County to track (1) the mix of existing housing stock, (2) the condition of existing housing stock, (3) the delivery of existing-housing education to the public, and (4) the availability of local resources for single and multifamily rehabilitation or new construction which facilitates access and affordability for special-needs populations

- **WWGP Page 76** - Housing Action Item 1.1.3: Create an adaptive reuse policy to allow abandoned or underutilized non-residential buildings within or near established cities, towns, and village areas to be converted into mixed-use spaces with ground-floor commercial spaces and upper-floor(s) residential housing units

Implementation Timeline:

The County will continue to support the Weber Housing Authority through financial contributions and other in other meaningful ways. The amount of money contributed to the Weber Housing Authority will be tracked and reported for each of the planning areas beginning in 2023. The County will further continue to encourage low- to moderate-income housing within or near established cities, towns, and village areas, which will allow for the further development and rehabilitation of existing uninhabitable housing stock. In 2023, the County will adopt measures to change zoning laws to allow for this development to occur. In 2024, the properties affected by these zone changes and new laws will be measured and accounted for, and in years 2025-2027 reporting, the County will demonstrate the effectiveness of these policies and plans by showing the increase of affordable housing units across the County.

4) (E) create or allow for, and reduce regulations related to, internal or detached accessory dwelling units in residential zones

Related current General Plan Element Goals:

- **OVGP Page 16** - Land Use Implementation 1.4.3: Foster the creation of a TDR market by exploring ways for developers to benefit from purchasing TDRs. Consider requiring TDRs for lodges, hotels, accessory dwelling units, accessory apartments, lockout rooms, etc.
- **OVGP Page 28** - Moderate-Income Housing Implementation 1.1.1: Support the Weber Housing Authority's role in developing mixed-use housing projects resulting in additional housing opportunities; where mixed-use development occurs, provide a variety of housing types; require resorts to comply with the Destination and Recreation Resort Zone provisions to establish a seasonal workforce housing plan and provide appropriate numbers of housing for employees; and investigate the potential for adding accessory dwelling units as an allowed use in the zoning ordinance.
- **OVGP Page 33** - Residential Development Principle 1.2: Manage accessory dwelling units (ADUs) to allow for affordable housing opportunities without increasing the overall impact of residential development in Ogden Valley. Require one development unit for each authorized ADU.
- **OVGP Page 33** - Residential Development Implementation 1.2.1: Review current County ordinances regarding ADUs to refine standards and establish measures for how ADUs are accounted for in overall zoning.
- **WWGP Page 77** - Housing Action Item 2.2.1: Provide ordinances that ease regulations for accessory dwelling units.

Implementation Timeline:

The County will begin tracking the number of building permits issued for internal and detached accessory dwelling units in 2022 and report on those numbers each year beginning with the 2023 report. The County will also revise the fees associated with the permits required for all accessory dwelling units. This fee reduction will be considered for the 2024 fee schedule year.

5) (F) zone or rezone for higher density or moderate income residential development in commercial or mixed-use zones, commercial centers, or employment centers

6) (G) amend land use regulations to allow for higher density or new moderate income residential development in commercial or mixed-use zones near major transit investment corridors

Related current General Plan Element Goals:

- **OVGP Page 28** - Moderate-Income Implementation 1.1.2: Develop cluster ordinances that will allow for mixed housing types in compact areas consistent with village area locations on Map 8 and pursuant to small area plans referenced in Development Implementation 1.1.1.

- **OVGP Page 33** - Commercial Development Implementation 1.1.2: Require new commercial or mixed-use development to locate on property currently zoned for commercial uses. Avoid rezoning new property to commercial or manufacturing until such time that the community supports it. Future commercial or mixed-use rezoning should only be considered adjacent to existing commercial or mixed-use zoning in a manner that creates village clusters and avoids strip commercial along highway corridors.
- **WWGP Page 75** - Housing Action Item 1.1.2: Incorporate Residential Dwelling Units (RDUs) within walkable village areas to encourage mixed-use development with retail/commercial space at street level and residential units on the upper floor(s). This style of development lends itself to affordable housing prices and also locates moderate-income households within walkable distances to neighborhood amenities within the village/commercial areas, minimizing household transportation costs

Implementation Timeline:

The County will continue to encourage low- to moderate-income housing within or near established cities, towns, and village areas, which will allow for the further development of higher density nodes. In 2023, the County will adopt measures to change zoning laws to allow for this development to occur. In 2024, the properties affected by these zone changes and new laws will be measured and accounted for, and in years 2025-2027 reporting, the County will demonstrate the effectiveness of these policies and plans by showing the increase of affordable housing units across the County.

7) (M) Demonstrate creation of, or participation in, a community land trust program for moderate income housing.

Related current General Plan Element Goals:

- **WWGP Page 76** - Housing Action Item 1.1.4: Work with Weber County, Weber Housing Authority, and other Weber County communities to create a Community Land Trust to provide below market homeownership opportunities for moderate-income buyers. The land is owned by the Trust but the homes or townhomes are owned by the individuals. This enables the community to facilitate a mix of homeownership opportunities within or near established cities, towns, and village areas while maintaining important greenfield areas. Because Community Land Trusts include a resale formula, the properties' affordability are maintained permanently.

Implementation Timeline:

Beginning in 2023, the County will begin the conversation with the Weber Housing Authority to identify specific areas, properties, and projects that will demonstrate progress towards achieving this goal. The creation of the Community Land Trust will take place in 2024 and actions on both fronts (partnering with the Weber Housing Authority and creation of the Community Land Trust) will be reported to the State. Specific areas identified will be catalogued for future development as time and finances permit, and this also will be reported to the State.

8) (S) create a program to transfer development rights for moderate income housing.

Related current General Plan Element Goals:

- **OVGP Page 15** - Land Use Implementation 1.1.1: Weber County will support the transfer of existing development rights (TDRs) as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. incentives – such as reduced road cross sections and other cost-saving measures for master-planned developments – should be proposed to reduce development intensities and as the primary means to incentivize the purchase and transfer of development rights. Bonus density should be used sparingly, and only in the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan. Development rights include residential (e.g. townhouses, single family detached units, etc.) and non-residential development rights (e.g. hotel units, accessory dwelling units, retirement center units, etc.).
- **OVGP Page 16** - Land Use Implementation 1.3.4: Pursue funding opportunities for purchase of development rights and open space preservation programs.

- **OVGP Page 16** - Land Use Implementation 1.4.2: Create a Transfer of Development Rights (TDR) Ordinance for the Ogden Valley planning area. The purposes of the TDR Ordinance would be to establish a process for reviewing and approving proposals to transfer development rights from the Agricultural Protection and Open Space Overlay areas to locations where additional development density could be more appropriate (receiving areas). The TDR Ordinance would establish standards for review and approval of each proposed TDR. Each TDR application would include information including, but not limited to: identification of the lands from which development units are proposed to be removed; identification of the land to which the development units would be moved; the number of development units and type(s) of development proposed; how water, sewer and other services would be provided; and other information specified by the ordinance. Standards for evaluation of the application would include such factors as detrimental or beneficial effects to both the sending and receiving properties; availability of roads and infrastructure; proximity of other development including town centers; the proposed uses and intensity of use; consistency with private covenants; compatibility with surrounding land uses and the extent to which the transfer advances the goals of the General Plan. The resort areas and villages are likely most suitable receiving areas for transferred development units.
- **OVGP Page 16** - Land Use Implementation 1.4.3: Foster the creation of a TDR market by exploring ways for developers to benefit from purchasing TDRs. Consider requiring TDRs for lodges, hotels, accessory dwelling units, accessory apartments, lockout rooms, etc.
- **OVGP Page 16** - Land Use Implementation 1.4.4: Enhance and publicize the County’s register of landowners willing to sell development units. Consider the potential for the transfer of development rights to be considered as a part of the process for acquisition of conservation easements with land trusts and other organizations that acquire conservation easements.
- **OVGP Page 16** - Land Use Implementation 1.4.5: Maintain a database that tracks all transferred, purchased, or retired development rights.

Implementation Timeline:

The County has already begun a conversation around ordinance changes that will support TDRs. It is anticipated that the County will adopt new regulation in the spring of 2023 and will report on actions taken. Subsequent years’ (2024 through 2027) reporting will include specific information regarding how many units were developed in higher-density areas as a result of the TDRs and further actions taken by the County.

9) (V) Create or allow for, and reduce regulations related to, multifamily residential dwellings compatible in scale and form with detached single-family residential dwellings and located in walkable communities within residential or mixed-use zones.

Related current General Plan Element Goals:

- **WWGP Page 75** - Housing Action Item 1.1.1: Encourage the development of low- to moderate-income multiplexes, townhomes, and other missing middle housing types within or near established cities, towns, and walkable village areas in order to balance housing opportunities with the protection of agricultural lands and open spaces. Support the Weber Housing Authority’s role in developing mixed-use housing projects.

Implementation Timeline:

Weber County will continue to work with communities within the County to provide walkable communities and develop local urban centers. As noted in previous implementation plan timelines, the County will report on efforts to develop higher-density areas as a result of TDRS and the number of units that were created. In 2023, the County will adopt measures to change zoning laws to allow for this development to occur. In 2024, the properties affected by these zone changes and new laws will be measured and accounted for, and in years 2025-2027 reporting, the County will demonstrate the effectiveness of these policies and plans by showing the increase of affordable housing units across the County.

10)(W) Demonstrate implementation of any other program or strategy to address the housing needs of residents of the municipality who earn less than 80 percent of the area median income, including the dedication of a local funding source to moderate income housing or

the adoption of a land use ordinance that requires 10 percent or more of new residential development in a residential zone be dedicated to moderate income housing.

Related current General Plan Element Goals:

- **WWGP Page 76** - Housing Action Item 1.1.5: Adopt an inclusionary zoning ordinance that requires 10 percent of residential unit equivalents (reu) in one project to be affordable to 50 percent AMI or lower and 10 percent to be affordable to 80 percent AMI or lower. The ordinance can apply to certain project sizes. For developers to comply, incentives or bonuses are needed. This strategy is most popular in areas with more intense development ability, which makes it compatible with the community's desire to provide more options in neighborhood nodes and avoiding "too small to farm, too large to mow" sprawl in current greenfield areas.

Implementation Timeline:

In 2023, Weber County will pursue the adoption of an ordinance change to allow for inclusionary zoning in certain areas that will require that 10% of residential units to be affordable to 50% of AMI or lower and 10% of units to be affordable to 80% or lower. Because this adoption will take place in 2023, it is not anticipated that any developers will take advantage of this new ordinance until 2024 at the earliest. The County will report on the adoption of the ordinance and thereafter report each year (years 2025-2027) on progress made after the adoption of the new ordinance.

**WEBER COUNTY
ORDINANCE NUMBER 2022-_____**

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY'S LAND USE CODE TO CREATE A WEST WEBER STREET REGULATING PLAN WITHIN THE FORM-BASED CODE, AND TO PROVIDE AMENDMENTS RELATED TO THE EXECUTION OF THE FORM BASED ZONE.

WHEREAS, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

WHEREAS, these land use regulations include form-based ordinances, that establish a street regulating plan, street classifications, land uses, architectural standards, and lot development standards for specific communities; and

WHEREAS, a private landowner located within the West Weber Village area near 12th Street and 4700 West has requested an amendment to the Weber County Land Use Code to add specific provisions and exhibits intended create a form-based zone applicable to land within and around the West Weber Village area; and

WHEREAS, on _____, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on _____, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on _____, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments herein substantially advance many goals and objectives of the Western Weber General Plan and the Ogden Valley General Plan; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments serve to create the necessary regulatory framework that will guide future development in form-based communities;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

SECTION 1: AMENDMENT. The Weber County Code is hereby *amended* as follows:

- 1 **Part II Land Use Code**
- 2 ...
- 3 **Title 101 General Provisions**
- 4 ...
- 5 **Chapter 101-2 Definitions**
- 6 ...
- 7 **Sec 101-2-3 Be Definitions**
- 8 ...
- 9 **Barn.** The term "barn" means an agricultural structure used for the storage of produce, animals and/or
- 10 agricultural vehicles and equipment.
- 11 **Base density.** The term "base density" means the number of residential development rightsdwelling units

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12 allowed within an described area. ~~For development types that permit more dwelling units than otherwise~~
13 ~~provided by the lot development standards of the zone,~~ the base density shall be calculated as the net
14 developable acreage ~~for development types that permit more dwelling units than otherwise provided by~~
15 ~~the lot development standards of the zone;~~ as defined herein, divided by the minimum lot area of the zone,
16 except when a greater area would otherwise be required by the Weber-Morgan Health Department due
17 to lack of sanitary sewer or culinary water, ~~then when~~ the greater area shall be used. This calculation can
18 be observed by this formula: ((net developable acreage) / (minimum lot area)) = base dwelling unit density.
19 The result shall be rounded down to the nearest whole dwelling unit.

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

23 ...

24 **Sec 101-2-5-D Definitions**

25 ...

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

37 **Development.** The term "development" means all structures and other modifications of the natural
38 landscape above and below ground or water, on a particular site; the division of land into one or more
39 parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any
40 structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

41 **Development master plan.** The term "development master plan" means a plan of a development which
42 encompasses an entire site under one or more ownerships which is designed to accommodate one or
43 more land uses, the development of which may be phased, and which could include planned residential
44 unit development, clustered subdivision and planned commercial development.

45 **Development right.** The term "development right" means the right to develop property.

46 **Development right, residential.** ~~The term "residential development right" means the right to develop one~~
47 ~~residential dwelling unit in accordance with the lot development standards of the zone, development type, or~~
48 ~~definition of "base density" as provided herein.~~

49 **Distillery.** The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound,
50 process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to
51 others.

52 ...

53 Sec 101-2-5 D Definitions

54 ...

55 Detached lockout. See "lockout, detached."

56 Development. The term "development" means all structures and other modifications of the natural
57 landscape above and below ground or water, on a particular site; the division of land into one or more
58 parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any
59 structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

60 Development master plan. The term "development master plan" means a plan of a development which
61 encompasses an entire site under one or more ownerships which is designed to accommodate one or

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62 [more land uses, the development of which may be phased, and which could include planned residential](#)
63 [unit development, clustered subdivision and planned commercial development.](#)

64 **[Development right.](#)** The term "development right" means the right to develop property.

65 **[Development right, residential.](#)** The term "residential development right" means the right to develop one
66 residential dwelling unit in accordance with the lot development standards of the zone, development type, or
67 definition of "base density" as provided herein.

68 **[Distillery.](#)** The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound,
69 process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to
70 others.

71 ...

72 **Sec 101-2-13 Loc - Lod Definitions**

73 **[Located behind the dwelling.](#)** The term "located behind the dwelling" means the setbacks are measured
74 from the farthest rear location of the dwelling and is parallel to the front lot line.

75 **[Lockout, detached.](#)** The term "detached lockout" means a detached lockout sleeping room on the same lot
76 with single-, two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments
77 (condo-tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership
78 units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or
79 common access and toilet facilities but no cooking facilities except for the allowance of a hotplate and/or a
80 microwave, which may be rented independently of the main unit for short-term rental. A detached lockout
81 is accessory to the main use and shall not be sold independently from the main unit.

82 **[Lockout sleeping room.](#)** The term "lockout sleeping room" means a sleeping room attached to a dwelling
83 unit in a condominium dwelling unit or condominium rental apartment with which has separate or common
84 access and toilet facilities but no cooking facilities except for the allowance of a hotplate and/or a
85 microwave, and which may be rented independently from of the main dwelling unit for short-term nightly
86 rental purposes. Unless specifically addressed otherwise in a development agreement, a detached lockout
87 lockout sleeping room shall be considered one-fourth of a dwelling unit when calculating density on a
88 parcel of land, by locking interior access. In the Ogden Valle Destination and Recreation Resort Zone, the
89 term "lockout sleeping room" means a sleeping room attached to a single-family dwelling, condominium
90 dwelling unit, or, condominium rental apartment (condo-tel), with separate or common access and toilet
91 facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently
92 of the main unit for nightly rental by locking access. A lockout sleeping room shall not be sold independently
93 from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.

94 **[Lodginghouse Lodging house/boardinghouse.](#)** The term "lodginghouse lodging
95 house/boardinghouse" means a building where lodging only is provided for compensation in five or
96 more guest rooms, but not exceeding 15 persons.

97 ...

98 **Sec 101-2-19 R Definitions**

99 **[Ridge line area.](#)** The term "ridge line area" means the top, ridge or crest of a hill or slope, plus the land
100 located within 100 feet on both sides of the top, ridge, or crest.

101 **[Right, development.](#)** See "development right."

102 **[Right, residential development.](#)** See "residential development right."

103 ...

104 **Sec 101-2-21 T Definitions**

105 ...

106 **[Transfer company.](#)** The term "transfer company" means a company established to provide expert
107 shipping services that include the shipping, receiving, inspection and temporary warehousing of
108 commercial or household goods.

109 **[Transfer of development rights.](#)** The term "transfer of development rights," means the removal of a

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Commented [E1]: This definition was moved from "detached lockout" and placed here next to "lockout sleeping room" for administrative ease of using the code. The provisions have been updated to do the following:

- To better reflect other provisions of the ordinance
- To better address short-term rentals.
- To reduce redundancies and conflicts with other definitions.

Commented [E2]: Same explanation as above. It should be noted that both changes also affects density as follows:

- Makes both a detached lockout and a lockout sleeping room count against allowed density. Current ordinance seems to only count a detached lockout.
- Changes how much density is affected to make consistent with provisions already found in existing ordinances (see Section 104-11-60).

residential development right from one lot or parcel which is then transferred to a different lot or parcel.

Transferable development right. The term "transferable development right" also known herein as a "TDR," means the transfer of the right to develop property from one Lot or Parcel to another.

Transfer incentive matching unit (TIMU). The term "transfer incentive matching unit (TIMU)" means a discretionary development right, or fraction thereof, that may be granted by the county commission, after a recommendation from the planning commission, when a development right is transferred from an area within the Ogden Valley to a Destination and Recreation Resort Zone.

...

Title 104 Zones

...

Chapter 104-22 Form-Based Zone FB

Sec 104-22-1 Purposes And Intent

The purpose and intent of the Form-Based Zone is to provide a form-based regulatory tool that focuses on the public street design and the buildings that frame the public street. This deemphasizes separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design. Additionally:

- (a) **Implements the general plan.** The Form-Based Zone regulations are intended to carry out the objectives of the 2016 Ogden Valley General Plan through the implementation of form-based small area zoning and transferable development rights.
- (b) **Creates street regulating plans.** Each area affected by the Form-Based Zone shall be governed by a Street Regulating Plan. The purpose of the Street Regulating Plan is to address specific design and functionality of streets and building facades along these streets. The intent is to stimulate the creation of buildings and streets that frame the public rights-of-way with architectural and design elements that are unified under a common design theme whilst enabling unique building facades.

Sec 104-22-2 Applicability

- (a) **New development to comply.** The principles, standards and guidelines of this chapter apply to proposals for new development, changes in land uses, and site improvements to existing buildings, lots, or parcels that are in the Form-Based Zone. Exterior modifications to existing development shall comply if the exterior modification exceeds either 25 percent of the street-facing facade of the building, or 25 percent of the lot's street frontage.
- (b) **Other regulations apply.** In the Form-Based Zone, except when more specific regulations are provided in this chapter, the design review regulations and architectural, landscape, screening, and design standards of Title 108 Chapter 1 and Title 108 Chapter 2 apply to all lots, except a lot with only one single-family dwelling.
- (c) **Street regulating plan.** The applicable regulations herein are specific to the street type, as designated by the applicable street regulating plan. New development within the Form-Based Zone shall comply with the applicable street regulating plan. Development of any property along a street or that gains primary access from that street shall comply with the street design requirements, as provided in Section 104-22-7, and the building design standards in Section 104-22-6, for the specific type of street. A list and explanation of each street type is provided in Section 104-22-7.

- (d) **Effect of street regulating plan and graphics.** Details in a street regulating plan or any graphic in this chapter have no effect unless expressly provided by this chapter.

(e) **Street type, description, and purpose.**

(1) **Government/institutional street.**

A government/institutional street or alley has street-front buildings that are intended to serve the traveling public provide the same as a Vehicle-Oriented Commercial Street, and provide . The primary purpose of the street is preferential areas for the siting of government or public-

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Commented [E3]: This entire section has been moved up to here from 104-22-7 to provide earlier reading of street types prior to reading other sections of code.

service oriented buildings [that](#) fronting the street. Public-service oriented buildings may include any governmental, nonprofit, or for-profit school as long as the school provides the same K-12 educational courses required by the State of Utah, or a school that is an accredited institution of higher education. Hospitals or other medical services buildings, including medical, dental, or mental-health offices, laboratories, or similar public-health related offices, a public transportation facility or a multimodal transportation hub are also intended to be street-adjacent. Except for a public transportation facility, pickup and drop off areas shall be located to the rear of the building.

155 (2) **Vehicle-oriented commercial street.**

A vehicle-oriented commercial street or alley has street-front buildings that are intended to serve the traveling public, such as a large grocery store, drive-through or drive-up window service of varying kinds, and gas station. Street-front buildings that are not vehicle oriented are also allowed [as described for a Mixed-Use Commercial Street](#). Multi-family residential uses are allowed only if located above first-floor street-level commercial space.

156 (3) **Mixed-use commercial street.**

A mixed-use commercial street has street-front buildings that are oriented toward pedestrian traffic. At the street-level, these buildings shall be exclusively used or reserved for commercial operations. Commercial and Multi-family residential uses are allowed above or behind first-floor street-level commercial space.

157 (4) **Multi-family residential street.**

A multi-family residential street has street-front buildings that are used for multi-family dwellings, and are set back from the street enough to provide a stoop or door yard between the facade and the street's sidewalk. Where possible, given terrain, first-floor building space intended for residential uses shall be offset by half a story from the plane of the street's sidewalk. First-floor street-level commercial area is permitted, but not required. Commercial uses are not permitted above the first-floor street-level unless the first-floor street level is also occupied by a commercial space.

158 (5) **Mid-block alley.**

159 Each street type may have an associated mid-block alley, where shown on the
160 applicable street regulating plan. As development occurs, sufficient area shall be
161 preserved and constructed to provide the mid-block alley to provide access to parking
162 areas, garages, and other uses or buildings that are located in the middle of the block.
163 The location of an alley shall be in the locations depicted by the applicable street
164 regulating plan, and designed at a minimum in accordance with the standards herein, and
165 at a maximum to the standards applicable for a public street. Some mid-block alleys
166 connect to adjoining residential streets. Where they connect, the applicable standards
167 shall change to residential street standards. Snow removal for an alley is the
168 responsibility of all landowners, collectively, or an HOA, that have a parking area that has
169 an access from the alley.

170 (6) **Small-lot residential street.**

A small-lot residential street has street-front buildings that may be set back more than multi-family residential street facades, but are less likely to have a noticeable front yard area.

171 (7) **Medium-lot residential street.**

A medium-lot residential street has street-front buildings that may be set back more than small-lot residential street facades to provide a small front yard area.

172 (8) **Large-lot residential street.**

A large-lot residential street has street-front buildings that may be set back enough to create a sizeable front yard on a lot that is large.

173 (9) **Rural residential street.**

A rural residential street has street-front buildings that may be set back enough to create a sizeable front yard on a lot that is at least an acre large.

174 (10) **Estate lot residential street.**

An estate lot residential street has street-front buildings that may be set back enough to create a sizeable front yard on a lot that contains multiple acres.

175 (11) **General open space street.**

A general open space street has very limited buildings adjacent to the street, and only those that are incidental and accessory to the open space.

176 **Sec 104-22-3 Land Use Table**

177 The following land use table provides use regulations applicable for each street type. In the list, those
 178 designated for any street type as "P" will be a permitted use. Uses designated as "C" will be allowed only
 179 when authorized by a conditional use permit obtained as provided in Title 108, Chapter 4 of this Land Use
 180 Code. Uses designated "N" will not be allowed on property with frontage on, or that gains access from, that
 181 street type. All uses listed are indoor uses, unless explicitly stated otherwise with the terms "outdoor" or
 182 "yard."

183 **Sec 104-22-3.010 Accessory Uses**

184 An accessory use is prohibited unless located on the same Lot or Parcel as the main use to which it is
 185 accessory.

G & I **V C** **M C** **M C** **S R** **M R** **L R** **L R** **L R** **R R** **E R** **L R** **O S** **SPECIAL REGULATIONS**

	G & I	V C	M C	M C	S R	M R	L R	L R	L R	R R	E R	L R	O S	SPECIAL REGULATIONS
Accessory building. A building that is accessory and incidental to the use of a main building.	P	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory dwelling unit. A dwelling unit that is accessory to a single-family dwelling residential use.	N	N	N	N	P	P	P	P	P	P	N		See Chapter 108-19.	
Accessory use. A use that is accessory and incidental to the main use.	P	P	P	P	P	P	P	P	P	P	P			
Agricultural hobby farm	P	P	P	P	P	P	P	P	P	P	P			
Family food production. Family food production as an accessory use to a single-family dwelling residential use.	N	N	N	N	N	N	P	P	P	P	N		See Section 104-22-4.	
Home occupation. A home occupation that is accessory to a residential use.	P	P	P	P	P	P	P	P	P	P	N		See Chapter 108-13.	
Household pets. Household pets that are accessory to a residential use.	P	P	P	P	P	P	P	P	P	P	N			

Main building. A main building that is designed or used to be accessory to an outdoor main use allowed in the zone.	P	P	P	P	P	P	P	P	P	P	
Parking lot. A parking lot that is accessory to a main use allowed in the zone.	P	P	P	P	P	P	P	P	P	P	See Section 104-22-9.
Produce stand, for produce grown on the premises only.	P	P	P	P	P	P	P	P	P	P	
Temporary building or use. A temporary building or use that is accessory and incidental to onsite construction work.	P	P	P	P	P	P	P	P	P	P	See Section 104-22-4.

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Sec 104-22-3.020 Agricultural and Open Space Uses, Generally.

G	V	M	M	S	M	L	R	E	O	SPECIAL REGULATIONS
&	O	U	F	L	L	L	R	L	O	
I	C	C	R	R	R	R	R	R	S	

Agriculture , as a main use of the property	N	N	N	N	N	N	P	P	P	P	
Agricultural experiment station.	P	N	N	N	N	N	N	P	P	P	
Agri-tourism.	N	N	N	N	N	N	N	P	P	P	See Title 108, Chapter 21.
Aquaculture.	N	N	N	N	N	N	N	P	P	P	
Botanical or community garden. Open space land for the purpose of growing plants. This use may be for private use or open to the general public with or without a fee.	P	P	P	P	P	P	P	P	P	P	
Fruit and vegetable storage and packing plant , for produce grown on premises.	N	N	N	N	N	N	N	P	P	P	10-acre minimum lot- Lot or Parcel area required.
Grain storage elevator.	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot- Lot or Parcel area required.
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	N	N	N	N	P	P	P	P	
Manure spreading, drying and sales.	N	N	N	N	N	N	N	N	P	P	
Wildlife sanctuaries. A wildlife sanctuary.	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot- Lot or Parcel area required.

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Sec 104-22-3.030 Agricultural Uses, Animal-Oriented.

G	V	M	M	S	M	L	R	E	O	SPECIAL REGULATIONS
&	O	U	F	L	L	L	R	L	O	
I	C	C	R	R	R	R	R	R	S	

Animal grazing. Animal grazing, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	P	P	P	
Apiary. The keeping of bees.	N	N	N	N	C	P	P	P	P	P	
Aquaculture, animal related. The raising and potential harvesting of water animals or water plants.	N	N	N	N	N	N	P	P	P	P	
Aviary. The raising of birds.	N	N	N	N	N	P	P	P	P	P	No onsite slaughtering permitted.
Corral or stable. A corral, stable, or building for the keeping of agricultural animals or fowl.	N	N	N	N	N	N	P	P	P	P	See Section 104-22-4.
Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.	N	N	N	N	N	N	P	P	P	P	10-acre minimum lot- Lot or Parcel area required.

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The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the ~~Lot~~ or ~~parcel~~ [Parcel](#).

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Sec 104-22-3.040 Amusement, Entertainment, and Recreation Uses.

The following are uses oriented toward providing amusement or entertainment for patrons.

G	V	M	M	S	M	L	E			
&	O	U	F	L	L	L	R	L	O	
I	C	C	R	R	R	R	R	R	S	SPECIAL REGULATIONS

Amphitheater. An outdoor open-air amphitheater with raising rows of spectator seating used for entertainment and performances.	C	C	N	N	N	N	N	N	N	C
Entertainment facility, large indoor. An indoor entertainment facility, as defined in Title 101, Chapter 2, using greater than 20,000 square feet of floor area.	C	C	N	N	N	N	N	N	N	N
Entertainment facility, outdoor. An outdoor entertainment facility, as defined in Title 101, Chapter 2.	C	C	N	N	N	N	N	N	N	N
Entertainment facility, small indoor. An indoor entertainment facility, as defined in Title 101, Chapter 2, limited to no more than 20,000 square feet of floor area.	C	C	C	C	N	N	N	N	N	N
Amusement park. Amusement park.	C	C	N	N	N	N	N	N	N	N
Amusement park, temporary. An amusement park, circus, petting zoo, pony ring, or carnival that is conducted for no longer than one month.	P	P	P	C	N	N	N	N	C	C
Botanical or zoological garden. A botanical or zoological garden, including petting zoo and pony ring.	P	P	P	P	P	P	P	P	P	2-Acre minimum Lot or Parcel lot or parcel area required.
Campgrounds or picnic areas, commercial. A commercial campground or picnic area.	N	N	N	N	N	N	C	C	C	See Section 104-22-4. 2-Acre minimum Lot or Parcel lot or parcel area required.
Dude ranch. A dude ranch, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	P	P	C 10-acre minimum Lot or Parcel lot or parcel area required.
Golf course. Golf course.	N	N	N	N	N	N	P	P	P	P This shall not include miniature golf.
Private park, playground or recreation area, noncommercial. A private park charging no fee or remuneration for use.	P	P	P	P	P	P	P	P	P	P
Public park, recreation grounds. Recreation grounds that are owned and operated by a public entity.	P	P	P	P	P	P	P	P	P	P
Recreation lodge. A recreation lodge, as defined in Title 101, Chapter 2.	P	P	P	P	P	N	N	N	C	N
Recreational resort. A recreational resort, as defined in Title 101, Chapter 2.	P	P	P	N	N	N	N	N	N	N

Shooting range or training course. A shooting range.	C	C	N	N	N	N	N	N	N	N	C	See Section 104-22-4. Five-acre minimum Lot or Parcel lot or parcel area required for an outdoor range.
Ski area. A ski area and associated skiing facilities such as lifts, lift towers, and ski runs and trails.	P	P	P	P	P	P	P	P	P	P	P	
Ski lodge and associated services	N	N	P	P	N	N	N	N	N	P		When accessory to an allowed ski area.
Swimming pools, private. A private swimming pool.	P	P	P	P	P	P	P	P	P	P		
Trails. Trails for skiing, equestrian uses, hiking, biking, and similar.	P	P	P	P	P	P	P	P	P	P		
Zoo.	P	P	N	N	N	N	N	N	N	P		10-acre minimum Lot or Parcel lot or parcel area required.

197 **Sec 104-22-3.050 Animal Services and Uses.**

G	V	M	M	S	M	L	E
&	O	U	F	L	L	L	R
I	C	C	R	R	R	R	S

SPECIAL REGULATIONS

Animal groomery, small animal. Grooming for small animals.	P	P	P	P	N	N	N	N	P	N	A small animal generally weighs less than 250 lbs.
Dog or cat facility. Dog or cat breeding, kennels, lodging, or training school.	P	C	N	N	N	N	N	C	C	N	If located completely indoors, and inaudible from an adjoining Lot or Parcel lot or parcel , this use is permitted where listed as conditional.
Horse or equestrian event center. A horse or equestrian event center, including indoor concessions as an accessory use.	P	N	N	N	N	N	N	N	N	C	
Horse or equestrian training facility and stabling, commercial. A commercial equestrian training facility or horse stable.	N	N	N	N	N	N	N	N	C	C	
Stable for horses, noncommercial. Horses shall be for noncommercial use only.	N	N	N	N	N	N	P	P	P	P	No more than two horses shall be kept for each one-half acre of land used for the horses.
Stray animal shelter. A shelter for stray, lost, or seized animals.	P	C	N	N	N	N	N	N	N	N	
Veterinary facility. Veterinary facility.	P	P	P	C	N	N	N	N	C	C	If located completely indoors, and inaudible from an adjoining Lot or Parcel lot or parcel , this use is permitted where listed as conditional.

G	V	M	M	S	M	L	E				
&	O	U	F	L	L	L	R	L	O		
I	C	C	R	R	R	R	R	R	S		

SPECIAL REGULATIONS

Food Preparation and Services:											
Alcoholic beverage production. The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.	P	P	N	N	N	N	N	N	N	N	N
Bakery, delicatessen, or catering, large. Bakery or other food preparation services primarily intended for offsite consumption.	P	P	N	N	N	N	N	N	N	N	N
Bakery, delicatessen, or catering, small. Bakery or small-batch food processing and retail sales of goods produced on premises, limited to 5,000 square feet floor area. Offsite catering allowed as an incidental and accessory use.	P	P	P	P	N	N	N	N	N	N	N
Butcher or other custom meat products, large. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	P	P	N	N	N	N	N	N	N	N	N
Butcher or other custom meat products, small. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite; limited to 510,000 square feet floor area.	P	P	P	P	N	N	N	N	N	N	N

Eating and Drinking Establishments. Products Primarily for Onsite Consumption											
Bar. A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.	P	P	P	P	N	N	N	N	N	N	N
Brewery or distillery in conjunction with a restaurant.	P	P	P	P	N	N	N	N	N	N	N
Restaurant with drive-up window. Restaurant, all food types, with drive-up windows.	P	P	C	N	N	N	N	N	N	N	N
Restaurant. Restaurants, all food types, excluding those with drive-up windows.	P	P	P	P	N	N	N	N	N	N	N

Retail, Food, and Drug; Products Primarily for Offsite Consumption.											
Candy or confectionary store. The sales of candy, sweets, snacks, and small batch bakery goods and desserts.	P	P	P	P	N	N	N	N	N	N	N

Drugstore or pharmacy.	P	P	P	P	N	N	N	N	N	N	If applicable, see drive up (drive-thru) window requirements of Section 104-22-4.
Grocery store. A grocery store, including a store that specializes in the sales of any type of food normally found in a grocery store.	P	P	P	P	N	N	N	N	N	N	
Produce stand, commercial. A commercial produce stand intended for the sales of agricultural products.	P	P	P	P	N	N	N	P	P	P	

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Sec 104-22-3.070 Government and Institutional Uses.

G	V	M	M	S	M	L	E	O	S	SPECIAL REGULATIONS
I	C	C	R	R	R	R	R	R	S	

Cemetery.	P	N	N	N	N	N	N	P	P	P	
Convalescent, rest home, or sanitarium. An establishment for long-term medical treatment of people.	P	P	P	P	P	N	N	N	N	N	
Child daycare. A daycare center operating in compliance with State regulation.	P	P	P	P	P	N	N	N	N	N	
Fire station. Fire and emergency medical service station.	P	P	P	P	P	P	P	P	P	P	
Governmental offices. The offices of a governmental entity.	P	P	P	N	N	N	N	N	N	N	
Instructional facility, large. A facility in which instructional lessons are taught, such as a school or education center, and that does not qualify as a small instructional facility.	P	C	C	N	N	N	N	N	N	N	
Instructional facility, small. An indoor facility in which instructional lessons are taught, such as a school or education center, limited to 10,000 square feet floor area.	P	P	C	N	N	N	N	N	N	N	
Medical facility. A facility, such as a hospital or surgery center, that provides medical services that are typically unavailable from a medical or dental office.	P	C	C	N	N	N	N	N	N	N	
Museum or art gallery. A museum, art gallery, or similar space for historical or educational displays.	P	P	P	P	N	N	N	N	N	N	
Post office. A post office.	P	P	P	P	P	P	P	P	P	N	
Preschool. A preschool operating in compliance with State regulation.	P	P	P	P	P	P	P	P	P	N	
Public library. A library owned and operated by a governmental entity.	P	P	P	P	P	P	P	P	P	N	

Public park. A public park and related recreation grounds and associated buildings and structures.	P	P	P	P	P	P	P	P	P	P	
Public recreation or community center. A recreation or community center owned and operated by a public entity.	P	P	C	C	N	N	N	N	N	N	
Public schools. A public school or a private educational facility having a curriculum similar to that ordinarily given in public schools.	P	P	P	P	P	P	P	P	P	N	
Public storage facilities. Storage facilities used by a governmental entity.	P	C	N	N	N	N	N	N	N	N	
Visitors center. A tourism visitor's center or offices.	P	P	P	P	N	N	N	N	N	N	
Worship facility. A church, synagogue or similar building used for regular religious worship.	P	P	P	P	P	P	P	P	P	N	

202

203

Sec 104-22-3.080 Office uses.

G	V	M	M	S	M	L	E	SPECIAL
&	O	U	F	L	L	L	R	REGULATIONS
I	C	C	R	R	R	R	R	

Agency. An agency for real estate, travel, property rental or management, insurance, detective, employment, or similar based on frequency of visiting clientele.	P	P	P	N	N	N	N	N	N	N	
Bank or financial institution. A bank or other financial institution.	P	P	P	N	N	N	N	N	N	N	This use shall not include payday loan services.
Medical or dental office. A medical or dental office for routine out-patient care.	P	P	P	N	N	N	N	N	N	N	
Office, generally. Office or studio space for office or studio uses not otherwise listed herein, in which goods or merchandise are not commercially created, exchanged or sold, and that operates with typical office equipment in a relatively quiet and nonintrusive manner.	P	P	P	N	N	N	N	N	N	N	

204

207

208

Sec 104-22-3.090 Sales with Retail Storefront.

G	V	M	M	S	M	L	E			
&	O	U	F	L	L	L	R	L	O	
I	C	C	R	R	R	R	R	R	S	

SPECIAL REGULATIONS

	G	V	M	M	S	M	L	E			
Agricultural implement sales or repair. A facility that sells or repairs agricultural implements.	C	C	N	N	N	N	N	N	N	N	
General retail sales, small items. The sales of small items, as qualified in Section 104-22-4.	P	P	P	P	N	N	N	N	N	N	See Section 104-22-4.
General retail sales, large items. The sales of large items, as qualified in Section 104-22-4.	P	C	C	N	N	N	N	N	N	N	See Section 104-22-4.
Nursery, commercial. A plant nursery, with associated greenhouses for retail sales of plants and accessory products.	P	C	N	N	N	N	N	N	N	P	See Section 104-22-5 for maximum lot Lot coverage by buildings.
Pawn shop. A shop where a pawnbroker holds items as collateral, then sells unredeemed items to the public.	C	C	N	N	N	N	N	N	N	N	
Smoke shop. A shop primarily devoted to the sale of tobacco or vaping products.	C	C	C	N	N	N	N	N	N	N	

209

210

Sec 104-22-3.100 Sales typically without retail storefront.

G	V	M	M	S	M	L	E			
&	O	U	F	L	L	L	R	L	O	
I	C	C	R	R	R	R	R	R	S	

SPECIAL REGULATIONS

	G	V	M	M	S	M	L	E			
Christmas tree sales. The temporary siting of an outdoor Christmas tree sales establishment.	P	P	C	N	N	N	N	N	N	P	
Fireworks sales. The siting of a temporary fireworks booth or tent.	P	P	C	N	N	N	N	N	N	N	
Vendor, short term. The siting of a temporary vendor booth or vehicle for the sales of food or other hand-held items.	P	P	P	P	N	N	N	N	N	C	See Section 108-13-3 and Section 104-22-4.

211

212
213

Sec 104-22-3.110 Services.

G	V	M	M	S	M	L	E	
&	O	U	F	L	L	L	R	L
I	C	C	R	R	R	R	R	S

SPECIAL REGULATIONS

Dry cleaning, laundry, or linen cleaning establishment. The professional cleaning of laundry and linens.	P	P	P	P	N	N	N	N	N	N
Household item repair, large. The repair or service of devices that the average person cannot carry without aid of a moving device.	P	P	N	N	N	N	N	N	N	N
Household item repair, small. The repair or service of devices that the average person can carry without aid of a moving device.	P	P	P	P	N	N	N	N	N	N
Gathering facility, indoor. An indoor facility for rental to clubs, private groups, parties, and organizational groups for recreational activities, including dancing.	P	P	P	P	N	N	N	N	N	N
Laboratory. A laboratory for the scientific processing, testing, experimenting, etc., of samples in small enough quantities to not be explosive, toxic, or otherwise hazardous.	P	P	P	N	N	N	N	N	N	N
Laundromat. A facility that provides washers and dryers for self-serve laundry service.	P	P	P	P	N	N	N	N	N	N
Mortuary or funeral home. Mortuary or funeral home and related sales and services.	P	P	P	N	N	N	N	N	N	N
Outdoor recreation guide base-operation. A location that provides a base of operations for an outdoor recreation guide service.	P	P	P	P	N	N	N	N	N	N
Parcel drop-off service. A service for the collection and shipment of small parcels, and accessory sales or services.	P	P	P	P	N	N	N	N	N	N
Printing and copying service without retail shop. Printing, lithographing, publishing or reproductions sales and services, including engraving and photo engraving.	P	P	N	N	N	N	N	N	N	N
Tailor services. The altering, pressing, or repairing of articles of clothing. Creation of new articles of clothing is permitted as long as the clothing is sold in an onsite retail establishment.	P	P	P	P	N	N	N	N	N	N

Taxidermist. Taxidermy services.	P	C	N	N	N	N	N	N	N	N	N	N	N	N
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215

Sec 104-22-3.120 Storage.

G	V	M	M	S	M	L	L	E	O	SPECIAL REGULATIONS				
&	O	U	F	L	L	L	R	L	O					
I	C	C	R	R	R	R	R	R	S					

Outdoor storage. The storage of anything that meets the definition of "outdoor storage" pursuant to Title 101 Chapter 2	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Self-storage. Indoor storage units for personal or household items or vehicles.	P	P	N	N	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Warehouse storage. The storage of products or goods that are or will be for sale.	C	N	N	N	N	N	N	N	N	N	N	N	N	

216

217

Sec 104-22-3.130 Utility uses.

G	V	M	M	S	M	L	L	E	O	SPECIAL REGULATIONS				
&	O	U	F	L	L	L	R	L	O					
I	C	C	R	R	R	R	R	R	S					

Public utility substations.	P	P	P	P	P	P	P	P	P	P	C	See Title 108, Chapter 10.		
Wastewater treatment or disposal facilities.	P	P	P	P	P	P	P	P	P	P	C			
Water treatment or storage facility.	P	P	P	P	P	P	P	P	P	P	C			
Small wind energy system.	P	N	N	N	N	N	N	N	P	P	C			
Solar energy system.	P	P	P	P	P	P	P	P	P	P	C	See Section 108-7-27		

218

219

Sec 104-22-3.140 Vehicle-oriented uses.

G	V	M	M	S	M	L	L	E	O	SPECIAL REGULATIONS				
&	O	U	F	L	L	L	R	L	O					
I	C	C	R	R	R	R	R	R	S					

Airport, private and commercial.	C	N	N	N	N	N	N	N	N	N	N	N	N	N
Automobile sales or rentals, indoor. The sale or rental of a passenger automobile.	P	P	C	N	N	N	N	N	N	N	N	N	N	
Automobile sales or rentals, outdoor. The sale or rental of a passenger automobile.	P	C	N	N	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Boat sales or rentals. The sale or rental of a motorized boat.	P	C	N	N	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Car wash. A car wash of any type that is not accessory to a gas or refueling station as regulated otherwise herein.	P	C	N	N	N	N	N	N	N	N	N	N	N	See Section 104-22-4.

Gas or refueling station. A gas or refueling station, which may include a convenience store and an automatic carwash as an accessory use.	C	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Motor vehicles sales or rentals. The rental or sales of motor vehicles not otherwise listed herein.	C	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Parking lot or structure. A parking lot or parking structure.	P	P	P	P	N	N	N	N	N	N	N	
Passenger vehicle repair or service of any kind. The repair or service of any passenger automobile or any other motorized vehicle less than 10,000 lbs gross vehicle weight.	C	C	N	N	N	N	N	N	N	N	N	
Trailer sales or rentals.	C	C	N	N	N	N	N	N	N	N	N	
Transit terminal.	P	P	N	N	N	N	N	N	N	N	N	
Truck gas or refueling station. A gas or refueling station oriented toward large freight vehicles, which may include a convenience store and an automatic carwash as an accessory use.	N	N	N	N	N	N	N	N	N	N	N	
Trucking terminal. The repair, service, and/or storage of freight trucks, or a station for transferring freight.	N	N	N	N	N	N	N	N	N	N	N	

220

221 **Sec 104-22-4 Special Regulations**

222 **Sec 104-22-4.010 Special Regulations, Generally.**

223 (a) **All uses, generally.** All uses listed in the use table are indoor uses, unless specifically stated otherwise.
 224 All indoor uses shall not generate noise, outdoor lighting, vibration, smoke, dust or airborne particulate
 225 matter, refuse, or anything else that is uncommon to the established character of the neighborhood to
 226 such a degree as to be perceptible to constitute a nuisance to the occupants of the immediate area.

227 (b) **Drive up (drive-thru) window.** Any business with a drive up (drive-thru) window shall comply with
 228 the following:

229 (1) The window shall be located on the rear of the building. The rear of the building shall be determined
 230 as the side of the building opposite from the building's facade that faces the public street. If on a
 231 corner along a government or institutional street or vehicle-oriented commercial street, the window
 232 may be located on the side of the building that is visible from the less prominent street.

233 (2) The stacking lanes and drive up (drive-thru) queue, and the parking spaces devoted to the drive
 234 up (drive-thru) window shall be located in an area that is not visible from the more prominent street
 235 right-of-way when the area is fully built-out.

236 (3) One drive up (drive-thru) queue space that is at least 20 feet in length may substitute a parking
 237 space required by this Land Use Code.

238 (c) **Perpetual building maintenance agreement.** When a building is set back less than ten feet from a
 239 property line, a perpetual building maintenance agreement is required between the building owner and
 240 the affected adjacent property owner, which shall allow for construction and maintenance of the side or
 241 rear of a commercial building, and shall:

242 (1) be reviewed for compliance with this section by the Planning Division and County Attorney's Office;

243 (2) place responsibility on the building owner for prompt repairs and maintenance of the side or rear of
 244 the building;

245 (3) require allowances of access to the property for repairs and maintenance purposes;

246 (4) be signed by the owner of the building and the adjacent property owner and be recorded on the title
247 of both properties.

248

249 **Sec 104-22-4.020 Special Regulations For Specific Uses.**

250 (a) **Automobile or other vehicle related uses.** The use of a [Lot or Parcellet](#) for automobile repair of
251 any kind, automobile sales, rental or service, boat sales, rental or service, a tire shop, or any other
252 use governed by this section by reference shall only be conducted within a completely enclosed building
253 that meets the standards of this chapter.

254 (1) No vehicle awaiting service shall be stored outside for more than one day.

255 (2) Sufficient parking for all employee or customer uses, including the temporary parking of vehicles
256 awaiting pickup from owners, shall be provided on the [Lot or Parcellet](#).

257 (3) No vehicles associated with the use shall be parked on the street. However, up to 20 vehicles may
258 be temporarily parked in a parking lot meeting all applicable parking standards of this land use code
259 if the vehicles are available for immediate purchase, lease, or rent, and as long as all other standards
260 of this Land Use Code are met.

261 (b) **Automobile repair of any kind.** Refer to paragraph (b) of this section.

262 (c) **Automobile sales, rentals, or service.** Refer to paragraph (b) of this section.

263 (d) **Boat sales or service.** Refer to paragraph (b) of this section.

264 (e) **Campgrounds or picnic areas, commercial.** A commercial campground or picnic area shall comply
265 with Title 108, Chapter 20. If located along any street in the FB zone except open space, an opaque
266 fence or wall shall surround the use. Vegetation screening shall be planted on the outside of the fence
267 or wall to allow the use to blend in with surrounding uses. A drip irrigation system shall be installed to
268 ensure long-term viability of the vegetation.

269 (f) **Car wash.** Where allowed, a car wash is subject to the following restrictions:

270 (1) Operation hours are only allowed between 6:00 a.m. and 10:00 p.m.

271 (2) There shall not be more than four washing bays for a manual spray car wash.

272 (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet, reserving street
273 frontage for buildings that provide street-facing commercial facades.

274 (4) The off-street vehicle spaces or queues required shall be as follows:

275 a. One bay car wash, four spaces in the approach lane;

276 b. Two bay car wash, three spaces in the approach lane for each wash bay;

277 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

278 (g) **Corral or stable.** This use shall be located no less than 100 feet from a public street and not less than
279 25 feet from any side or rear lot line

280 (h) **Dwelling or dwelling unit.** The regulations for a dwelling unit use listed in the land use table are as
281 follows:

282 (1) **Construction standards.** A dwelling unit on a government and institutional, vehicle-oriented, mixed
283 use commercial, or multi-family residential street shall be constructed to a multifamily residential
284 standard in accordance with the International Building Code.

285 (2) **Dwelling unit location.** A dwelling unit proposed along a government and institutional, vehicle-
286 oriented commercial, or a mixed-use commercial street shall be located on a [Lot or Parcellet](#) as
287 follows:

288 a. Above or behind any street-level commercial space; or

289 b. Behind a building that provides street-level commercial space, or if no such building exists at
290 the time of application, behind the area reserved for street-level commercial space as otherwise
291 required herein. The location shall provide for the existing and future planned street layout of

- 292 the area, including the future street-level commercial space that will face future streets, and
293 internal block alleyways.
- 294 (3) **Two, three, four, and multi-family residential:** Unless one of the units is owner occupied, a two,
295 three, four, or multi-family residential building shall be operated and maintained by a professional
296 management company that specializes in multi-family residential property management.
- 297 (4) **Density allowance and transferable development rights.** No dwelling units in excess of the base
298 density, as defined by Title 101, Chapter 2, and as provided in Section 104-22-11, are allowed in
299 the Form-Based Zone except when in compliance with the transferable development rights
300 requirements of Section 104-22-11.
- 301 (i) **Family food production.**
- 302 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
303 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys,
304 five ducks, five geese, or five pigeons.
- 305 a. No more than four sets of Group B animals or fowl may be kept on a [Lot or Parcel](#)~~lot or parcel~~
306 that is less than 40,000 square feet.
- 307 b. No more than six combined sets of Group A animals and Group B animals or fowl may be kept
308 on a [Lot or Parcel](#)~~lot or parcel~~ that is less than two acres. The same applies to a [Lot or Parcel](#)~~lot~~
309 ~~or parcel~~ greater than two acres, except that an additional six combined sets of Group A and
310 Group B animals or fowl may be kept per each additional acre greater than two.
- 311 (j) **Gas or fuel station.** A gas or fuel canopy shall not be located closer to a public street right-of-way,
312 excluding a mid-block alley, than 60 feet. The canopy shall be located to the rear of the convenience
313 store associated with the canopy.
- 314 (k) **General retail sales, small items.** This use is any store that primarily retails or rents items to be
315 physically taken by the customer from the store, when those items weigh less than 80 lbs, including
316 product packaging, or that are small enough to fit in a typical passenger vehicle. The use is limited to
317 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of items intended to be
318 explosive or hazardous to human health, safety, or welfare is permitted.
- 319 (l) **General retail sales, large items.** This use is any store that primarily retails or rents items to be
320 physically taken by the customer from the store, when those items weigh more than 80 lbs, including
321 product packaging, or that are too large to fit in a typical passenger vehicle. This use may include an
322 outdoor sales yard of no greater than 6,000 square feet as long as it is completely surrounded by an
323 opaque wall. No sales of items intended to be explosive or hazardous to human health, safety, or welfare
324 is permitted.
- 325 (m) **Office uses.** A use listed in the "office uses" table may only be located above or behind first-floor street-
326 level commercial space, reserving the street frontage for first-floor street-level commercial space. A local
327 recreation and tourism office devoted to providing services, information, and events primarily for visitors
328 to the Ogden Valley is exempt from this requirement provided that it is open and accessible to all
329 members of the public.
- 330 (n) **Shooting range or training course, indoor or outdoor.** The facility shall provide designated shooting
331 positions for which ballistic backstops are designed. No shooting is allowed except in these designated
332 shooting positions. All sides down range of a shooting position shall have a non-ricochet ballistic
333 backstop, including overhead and on the ground or floor, capable of containing all errant bullets. For an
334 outdoor range, the overhead backstop may be a series of baffles. Approval shall be subject to the
335 requirements and conditions of the local fire authority. The range operator shall be onsite at all times
336 shooting is occurring.
- 337 (o) **Short-term rental, owner occupied.** The residence shall be the owner's primary residence, be taxed
338 as such, and the owner shall have owned the residence for at least two years prior to submitting a Land
339 Use Permit for the owner-occupied short-term rental. Additionally, the owner must be present at all times
340 in which the property is being rented on a short-term basis.
- 341 (p) **Self-storage.** Self-storage is only allowed if located on the same [Lot or Parcel](#)~~lot or parcel~~ with a
342 building that has street-facing commercial space. The use shall comply with the following:

- 343 (1) Storage units shall be located behind or above building area that provides a first-story-floor street-
344 facing commercial façade and related commercial space. The building providing street-facing
345 commercial space shall appear from the exterior as if office or residential space is offered in the
346 area housing the storage units.
- 347 (2) If located in a separate onsite building than the building providing first-story-floor street-facing
348 commercial space specified herein, the separate building shall be located behind the building with
349 first-story-floor street-level commercial space, and shall be no wider than the building providing first-
350 story-floor street-level commercial space.
- 351 (3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property
352 line, and shall be completely obscured from view from any public right-of-way.
- 353 (q) **Ski area.** This use may include ancillary equipment and structures such as snow making equipment,
354 snow grooming equipment, maintenance facilities, trail and wayfinding signage, ski lifts, ski fences, ticket
355 booths, concession stands, restroom facilities, food and beverage sales, ski patrol facilities, emergency
356 response facilities, and similar uses commonly found in ski areas. Outdoor storage and maintenance of
357 ski related equipment is allowed provided that it is screened from view of the general public. Ski area
358 trail wayfinding signage are exempt from other signage requirements of this Land Use Code. Any lighting
359 associated with said signage is subject to the requirements of Section 108-16.
- 360 (r) **Temporary building or use.** The building or use shall be removed upon completion or abandonment
361 of the construction work.
- 362 (s) **Tire shop.** Refer to paragraph (b) of this section.
- 363 (t) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it be
364 stationary for more than four days at a time.
- 365

366 **Sec 104-22-5 Lot Development Standards**

367 The following lot development standards apply to a [Lot or Parcel](#)~~lot or parcel~~ in the Form-Based
 368 Zone, unless specified otherwise in this Land Use Code. The table headers provide the street types, as
 369 described in Section 104-22-7, in abbreviated form. A ~~lot~~[Lot](#) fronting or gaining access from one of these
 370 street types shall be developed in accordance with the corresponding development standard.

371 (a) **Lot area.**

STREET TYPE:	MINIMUM LOT AREA:
Government and Institutional (G/I)	No minimum
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	3,000 square feet
Medium Lot Residential (MLR)	8,000 square feet
Large Lot Residential (LLR)	20,000 square feet
Rural Residential (RR)	40,000 square feet
Estate Lot Residential	3 acres
Open Space (OS)	No minimum

372

373 (b) **Lot width and frontage.**

374 (1) [Unless allowed otherwise by this Land Use Code, each Lot shall have frontage on the type of street](#)
 375 [that corresponds with its governing street type as provided on the street regulating plan map.](#)

STREET TYPE:	MINIMUM LOT WIDTH AND STREET FRONTAGE:
Government and Institutional (G/I)	12 feet
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	30 feet
Medium Lot Residential (SLR)	50 feet
Large Lot Residential (LLR)	100 feet
Rural Residential (RR)	150 feet
Estate Lot Residential	
Open Space (OS)	No minimum

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- (2) Along a MFR, MUC, VOC, and G/I street, the frontage requirement is not applicable for a Lot that is platted as part of a larger planned development, provided that:
- a. The development includes or has included the dedication and construction of all required street and mid-block alley improvements.
 - b. The street improvements required shall be, at a minimum, for the same length as the Lot is wide.
 - c. No parcel shall be configured or developed in a manner that obstructs the ability to develop buildings that contain street-facing first-floor retail operations. A Lot without street frontage shall not have any Lot line closer to the street right-of-way than 40 feet.

(c) **Front lot-line setback.**

STREET TYPE:	FIRST-FLOOR STREET-LEVEL COMMERCIAL BUILDING FAÇADE		ALL OTHER BUILDING FAÇADES	
	MINIMUM FRONT LOT-LINE SETBACK:	MAXIMUM FRONT LOT-LINE SETBACK:	MINIMUM FRONT LOT-LINE SETBACK:	MAXIMUM FRONT LOT-LINE SETBACK:
Government and Institutional (G/I)	No minimum	5 feet, or 20 feet if providing public dining or gathering space.*	40 feet**	No maximum
Vehicle-Oriented Commercial (VOC)				
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)			5 feet	10 feet*
Small Lot Residential (SLR)	Not Applicable		5 feet	No maximum
Medium Lot Residential (SLR)	Not Applicable		20 feet	30 feet
Large Lot Residential (LLR)	Not Applicable		30 feet	No maximum
Rural Residential (RR)				
Estate Lot Residential (ELR)				
Open Space (OS)				

387
 388 *This maximum front yard setback shall be waived if at least 90 percent of the Lot's street front is already
 389 occupied by a similar building.

390 **Except for a public plaza, this setback distance shall remain clear from permanent building improvements
 391 or significant financial investments until or unless a first-floor street-level commercial building facade is
 392 constructed that meets the five-foot maximum building setback. Any parking provided in this area shall not
 393 be included in the overall parking calculations.
 394
 395

396 (d) **Side lot-line setback.**

STREET TYPE:	MINIMUM SIDE LOT-LINE SETBACK:	MAXIMUM SIDE LOT-LINE SETBACK:
Government and Institutional (G/I)	No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1	No maximum. Any space between buildings shall be open for pedestrian passage to internal block areas, unless designed, constructed, and actively used (when weather permits) for outdoor dining, shopping, or other street activities that are open to the public.
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	5 feet	No maximum
Medium Lot Residential (MLR)		
Large Lot Residential (LLR)		
Rural Residential (RR)	10 feet	
Estate Lot Residential (ELR)		
Open Space (OS)		

397

398 (e) **Rear lot-line setback.**

STREET TYPE:	MINIMUM REAR LOT-LINE SETBACK:
Government and Institutional (G/I)	No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	5 feet
Medium Lot Residential (MLR)	20 feet
Large Lot Residential (LLR)	30 feet
Rural Residential (RR)	
Estate Lot Residential	
Open Space (OS)	

399

400 (f) **Lot coverage.**

STREET TYPE:	MAXIMUM PERCENT OF LOT COVERAGE BY BUILDINGS:	MAXIMUM NUMBER OF DWELLING UNITS ALLOWED PER LOT:
Government and Institutional (G/I)	No maximum, provided compliance with all other requirements.	No maximum
Vehicle-Oriented Commercial (VOC)		

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Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	85 percent	4
Medium Lot Residential (MLR)	50 percent	1*
Large Lot Residential (LLR)	30 percent	1*
Rural Residential (RR)	20 percent	1*
Estate Lot Residential	10 percent	1*
Open Space (OS)	2.5 percent	Not applicable

401 *Not including an accessory dwelling unit, as provided in Section 108-19.

402 (g) **Loading and unloading.** Each building anticipated to receive deliveries from a truck that has a gross
 403 vehicle weight greater than 26,000 lbs shall be provided with an off-street loading and unloading area
 404 behind the building.

405 (h) **Building location.** Each building shall be located on a **lot-Lot** in a manner that preserves space for the
 406 extension of street rights-of-way as shown in the street regulating plan, and the **L**ot's respective setback
 407 standard.

408

409 **Sec 104-22-6 Building Design Standards**

410 **Sec 104-22-6.1 Building Design Standards Per Street Type**

411 The follow table provides regulations applicable to all buildings in the FB Zone. They are broken out by
 412 street type, as represented in the applicable street regulating plan.

413

414 (a) **Height.**

STREET TYPE:	MINIMUM BUILDING HEIGHT	MAXIMUM BUILDING HEIGHT
Government and Institutional (G&I)	25 feet	50 feet
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)	One story	

Small Lot Residential (SLR)		35 feet
Medium Lot Residential (MLR)		
Large Lot Residential (LLR)		
Rural Residential (RR)		
Estate Lot Residential		
Open Space (OS)	None	25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use.

415 (b) **Building area.**

STREET TYPE:	MAXIMUM BUILDING FOOTPRINT:
Government and Institutional (G&I)	No single commercial use shall occupy a footprint of more than 30,000 square feet*
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	No single commercial use shall occupy a footprint of more than 10,000 square feet
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	None
Medium Lot Residential (MLR)	
Large Lot Residential (LLR)	
Rural Residential (RR)	
Estate Lot Residential	
Open Space (OS)	

416 *Government buildings and schools are exempt from building area maximum.

417

418

419 (c) **First-floor building standards.**

STREET TYPE:	VERTICAL DISTANCE OF FIRST-FLOOR SURFACE ELEVATION FROM THE STREET SIDEWALK'S SURFACE ELEVATION*:	MINIMUM FIRST-FLOOR STORY HEIGHT	FIRST-FLOOR LOAD-BEARING SUPPORTS
Government and Institutional (G&I)	30 inches maximum.	12 feet	Columns and beams, no interior load bearing walls. A column shall be at least 10 feet away from another column or exterior load-bearing wall.
Vehicle-Oriented Commercial (VOC)		15 feet	
Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	5 feet minimum, except 30 inches for building area to be used for commercial purposes.	10 feet, except 15 feet for areas of the first-floor to be used for commercial space.	For commercial area, same as MUC. Not applicable for residential parts of the building.
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
Medium Lot Residential (MLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

420

421 (d) **Transparent fenestration requirements.**

STREET TYPE:	MINIMUM FENESTRATION FOR THE FIRST-FIRST-STORY-FLOOR FAÇADE OF A BUILDING		MINIMUM FENESTRATION FOR THE SECOND-SECOND-STORY-FLOOR AND ABOVE	
	STREET-FACING:	ALLEY-FACING:	STREET-FACING:	ALLEY-FACING:
Government and Institutional (G&I)	50 percent	30 percent	30 percent	
Vehicle-Oriented Commercial (VOC)	70 percent	40 percent	40 percent	
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)	70 percent for commercial			

	facade, 30 percent for residential facade.		
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
Medium Lot Residential (MLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

422
423 (e) **Main entrance requirements.** Each building [with building or Lot frontage](#) along a government and
424 institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family street shall be provided
425 with a main entrance that faces the street. Except when the building is set back from the street right-of-
426 way [or any sidewalk, pathway, or pedestrian way](#) at least four feet, the main entrance shall be recessed
427 from the building's façade no less than five feet.

428
429 **Sec 104-22-6.2 Building Design Standards By Area**

430 Except for single-family, two-family, three-family and four-family dwellings, the following regulations are
431 applicable to the architecture and design of buildings in each area. Each area, as depicted in the applicable
432 street regulating plan, has a unique architectural theme as provided herein. Each building, except those
433 aforementioned, is required to be designed by a licensed architect. After receiving recommendation from a
434 licensed architect, the planning commission may allow minor modifications to the applicability of the
435 standards in this section as long as it results in a design that better aligns with the intent of the design theme
436 and blends well with the design features of adjacent buildings.

437 **Sec 104-22-6.3 Old Town Eden Area Building Design Standards**

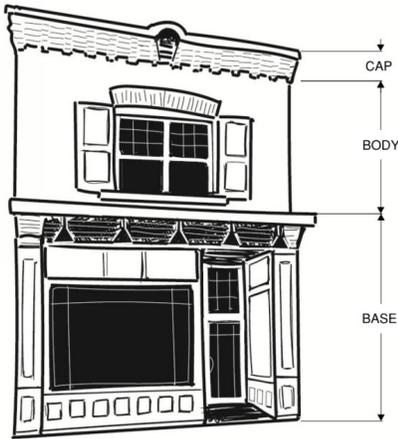
438 In addition to applicable standards in this chapter, the following standards apply to all buildings in the
439 Old Town Eden Area:

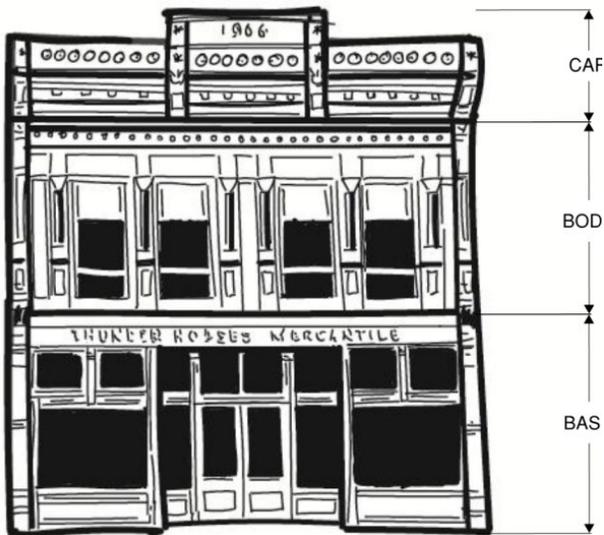
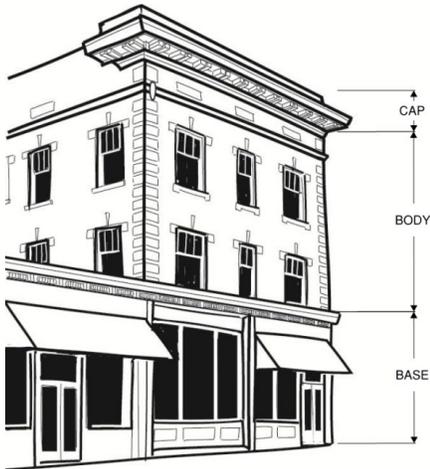
- 440 (a) **Design theme.** All buildings shall have architectural styling and materials that resemble historic
441 commercial main-street buildings in the Western United States that were in existence between 1880 and
442 1910. Each new building shall provide diversity and variety in building design, architectural features,
443 and building material that set each building apart from adjacent buildings.
- 444 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and cap, each
445 of varying design features and building material.
- 446 (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12-inch shift between adjacent
447 rooflines. If the building will have a sloped roof, parapet walls shall be constructed to hide the roof slope.
- 448 (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with
449 no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed
450 and constructed to have a building base, building body, and varying building roofline, each having
451 varying building materials or design techniques.
- 452 (e) **Building material.** Each building facade that faces the street shall consist of brick, or wood, or a faux
453 material that is hard to distinguish from real brick, or wood. Metal may be used for accent material. At
454 least one of the building materials used on the building façade shall also be used on all other sides of

455 the building.

456 (f) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina, are allowed.
457 Other muted earth-tone paints may be used as long as they complement the age period. No more than
458 70 percent of a building's facade shall be white.

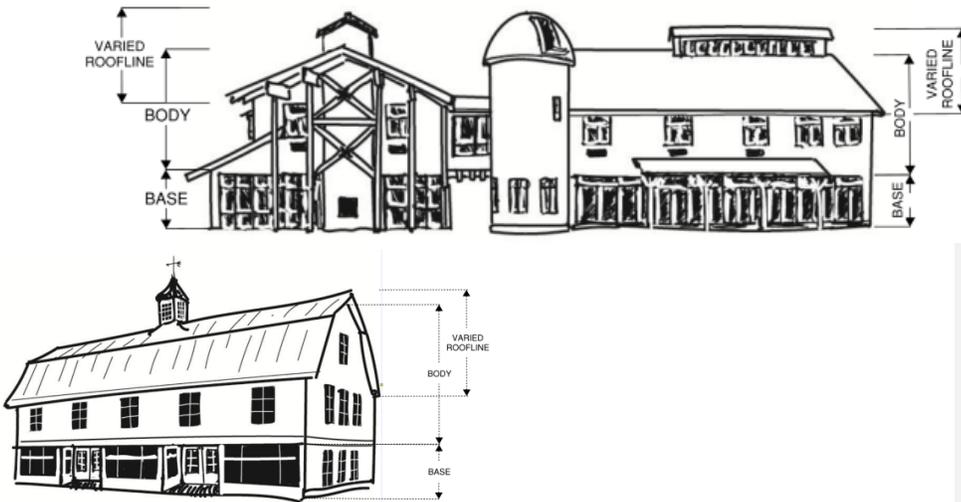
459 (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following
460 images. Any conflict between details in the images and regulations in this chapter shall be
461 interpreted in favor of the regulations in the chapter.





- 462
- 463 **Sec 104-22-6.4 New Town Eden Area and West Weber's 4700 Area Building Design Standards**
- 464 In addition to applicable standards in this chapter, the following standards apply to all buildings in the New
- 465 Town Eden Area:
- 466 (a) **Design theme.** All buildings shall have architectural styling and materials that implement agrarian-style
- 467 architecture. Agrarian-style architecture shall incorporate at least two of the following four options:
- 468 (1) Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.
- 469 (2) An attached shed-roof at a 4/12 or greater slope that is not attached to the main roof structure.
- 470 (3) A clerestory or cupola.

- 471 (4) Gable-style dormer windows.
- 472 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying
473 roofline, each of varying design features and building material.
- 474 (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent
475 rooflines.
- 476 (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with
477 no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed
478 and constructed to have a building base, building body, and varying building roofline, each having
479 varying building materials or design techniques.
- 480 (e) **Building material.** Building façade walls shall be finished with no less than two diverse types of material.
481 The primary building material shall be wood siding or similar appearing siding. At least one of the
482 building materials used on the building façade shall also be used on all other sides of the building.
- 483 a. Brick or stone may be used in place of wood if approved by the Land Use Authority.
- 484 b. Metal siding may be used on the building's body, as long as the building's base is made of brick or
485 stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and
486 is treated to create a natural-appearing aged patina.
- 487 (f) **Colors.** Muted earth-tone colors are required. No more than 70 percent of a building's facade shall be
488 white.
- 489 (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following
490 images. Any conflict between details in the images and regulations in this chapter shall be
491 interpreted in favor of the regulations in the chapter.





492

493 **Sec 104-22-6.5 Nordic Valley Area Building Design Standards**

494 In addition to applicable standards in this chapter, the following standards apply to all buildings in the Nordic
495 Valley Area:

496 (a) **Design theme.** All buildings shall have architectural styling and materials that implement a modern
497 interpretation of alpine design. A modern interpretation of alpine design includes a balance between
498 modern alpine and classical alpine design features. The following design features are intended to
499 provide minimum stylistic requirements to implement this design theme.

500 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying
501 roofline, each of varying design features and building material.

502 (c) **Rooflines.** Buildings shall have varying rooflines of predominantly gabled roofs. Rooflines shall be
503 broken every 100 feet, with no less than a 12 inch shift between adjacent rooflines that are on the same
504 plane.

505 (d) **Building massing.** The wall massing of building facades shall be broken at least every 50 feet with
506 no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed
507 and constructed to have a building base, building body, and a varying building roofline.

508 (e) **Building material.** Building façade walls shall be finished with no less than two primary and one
509 secondary type of building material. The primary building materials shall be real cut stone, glass, or
510 wood siding or similar appearing siding with a natural wood finish. The secondary building materials
511 include metal, wood, large-cut timbers, metal beams and columns, or concrete or other flat-surface
512 building material which may be colored as allowed herein. At least one of the building materials used on
513 the building façade shall also be used on all other sides of the building.

514 (1) Each building shall have at least 60 percent primary building material.

515 (2) The base of the building shall be at least 60 percent stone, except those areas occupied by
516 transparent fenestration.

517 (3) Use of metal shall be limited to trim, balconies, railing, exposed structural components, and roofs.

518 (4) No more than ten percent of any building façade shall be exposed concrete.

519 (f) **Colors.** Muted earth-tone colors are required. No more than 30 percent of a building's facade shall be
520 white.

521 (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following
522 images. Any conflict between details in the images and regulations in this chapter shall be
523 interpreted in favor of the regulations in the chapter.



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534 **Sec 104-22-7 Street Types And Street Design**

535 **Sec 104-22-7.010 Street Types And Right-Of-Way Cross Sections**

536 (a) ***Right-of-way dedication.*** As development occurs on each Lot or Parcel ~~lot or parcel~~, the owner shall
537 dedicate area for public right-of-way with a width as depicted in the table below or as otherwise
538 adopted, to form a block pattern as depicted in the applicable street regulating plan.

539 (b) ***Drawings required.*** Each application for development shall provide engineered construction drawings
540 of the street improvements required herein.

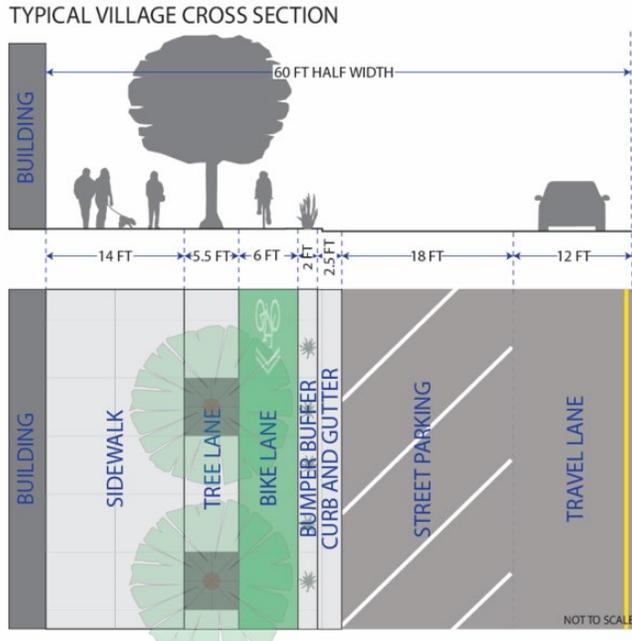
541 (c) ***Street right-of-way design.***

542 (1) ***Commercial street design.*** The dimensions and general design for a governmental and
543 institutional street, vehicle-oriented commercial street, mixed-use commercial street, and multi-
544 family residential street is as follows:

545 a. ***Typical three-lane village cross section.*** A three-lane village street is required for all minor
546 arterial and major collector streets, as designated by the applicable general plan or master street
547 plan.

548 b. ***Typical two-lane village cross section.*** A two-lane village street is required for all minor
549 collector streets or other local street within a village area.

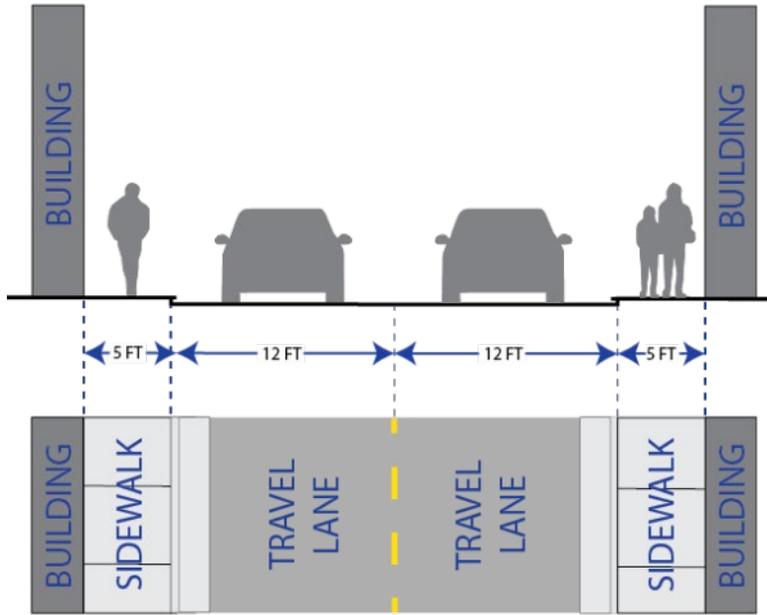
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- (2) **Commercial street design with challenging cross slopes.** Unless otherwise negotiated by development agreement, the design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street and multi-family residential street with a cross slope that is greater than 10 percent shall provide a 50 foot right-of-way half-width, with design dimensions as follows:
- 12-foot travel lane with a painted shared bike lane.
 - 16-foot 45 degree angled parking.
 - 2.5-foot curb and gutter.
 - 5.5-foot tree lane.
 - 14-foot sidewalk.
- (3) **Commercial Mid-block alley design.** ~~When any side of a street-block contains a G/I, VOC, MUC, or MFR street designation, that side shall have at least one alley designed and constructed. The design for a governmental and institutional alley, vehicle-oriented commercial alley, mixed-use~~
- ~~Regardless of the configuration of a mid-block alley on the street regulating plan map, a mid-block alley shall be located at a distance that is no greater than 330 feet and no less than 200 feet from a street intersection or other mid-block alley intersection.~~
 - ~~The mid-block alley's access to the street shall align with an existing or planned mid-block alley on the opposite side of the street. If there is no existing or planned mid-block alley on the opposite of the street, then the subject mid-block alley's access to the street shall be located in a manner that provides reasonable opportunity for the creation of a future mid-block alley on the opposite of the street.~~
 - ~~The width of the mid-block commercial alley, and multi-family residential alley shall, at a minimum, be designed~~ is as follows:

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 575 (4) **Residential street design.** The design for all non-multi-family residential streets is as follows:
 576 See [provided in](#) Section 106-4-5.
 577

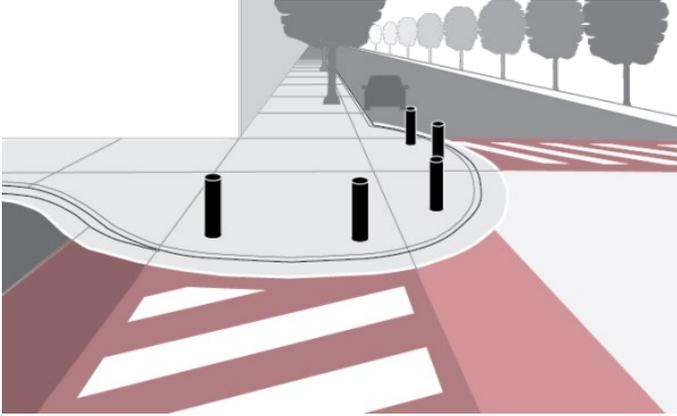
578 **Sec 104-22-7.020 Street Design Standards**

579 For all mixed-use commercial, vehicle-oriented commercial, multi-family residential, and
 580 government/institutional street types, the following provisions shall apply. ~~Other~~ [The following standards do](#)
 581 [not apply to non-multi-family](#) streets [unless explicitly stated herein.](#) [Otherwise, non-multi-family streets](#) shall
 582 follow adopted residential street design standards.

583 (a) **Pedestrian priority design.** The street shall be designed to prioritize pedestrian use. At primary points
 584 of conflict between pedestrian uses and vehicle uses, the street facility shall be designed and
 585 constructed to promote pedestrian safety, comfort, and efficiency.

586 (1) **Raised crosswalks.** Where a pedestrian-way intersects with a vehicle-way, the pedestrian-way
 587 shall be raised at least six inches above the grade of the vehicle-way, or to the level of the
 588 adjoining pedestrian-ways, whichever is higher. This shall include but is not limited to the installation
 589 of crosswalks and intersections that are raised to the same plane as the sidewalk or adjoining
 590 pathways.

591 (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety, street
 592 improvements at intersections, pedestrian crossings, and mid-block alleys, if different, shall be
 593 constructed with curb extensions that bulb out directly adjacent to the lane of travel. Bike lane widths
 594 shall not be obstructed or made narrower at any point along a curb extension bulb-out. Bulb-outs
 595 shall be designed to the specifications of this ordinance and the County Engineer, or as otherwise
 596 adopted. Where a bulb-out provides access to a ~~raised~~ pedestrian crosswalk, bollards [or other](#)
 597 [permanent features](#) shall be installed along the curve of the bulb-out to keep vehicles from entering
 598 the pedestrian-way. ~~Examples of bulb-outs are depicted in the images above~~ [An example of a bulb-](#)
 599 [out is illustrated as follows:](#)



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(3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective striping, crosswalks shall be constructed of stamped and colored concrete to provide clear contrast between the street and crosswalk.

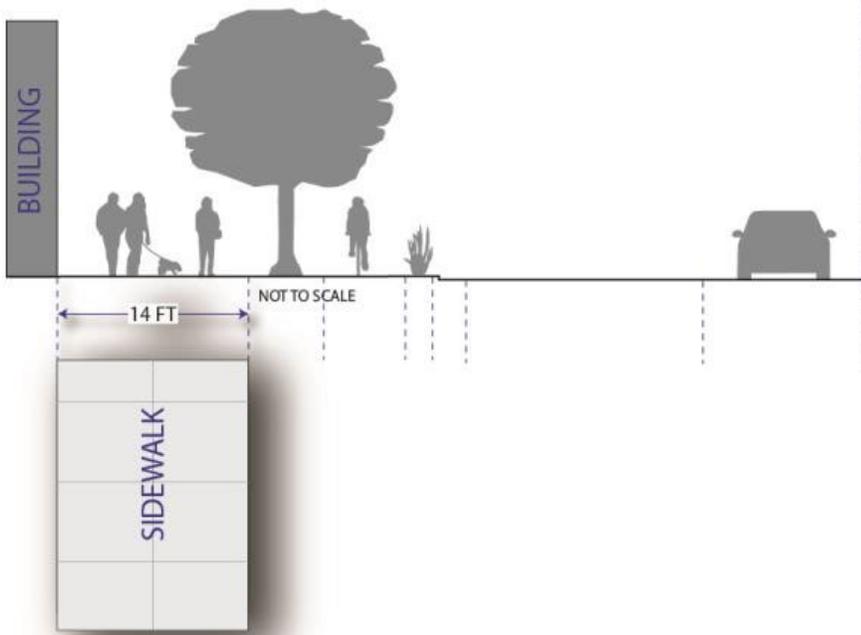
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(4) **Mid-block crosswalk.** A block that has a length that is greater than 330 feet, as measured from the center of each bounding intersection, shall be provided with a mid-block crosswalk. Solar powered user-activated rapid flashing beacons shall be installed on midblock crosswalk signage.



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(b) **Sidewalk required.** As part of the required street improvements within the FB Zone, a sidewalk shall be installed in the designated sidewalk area, as depicted in Section 104-22-7.010 and as illustrated as follows, on the side of the street of the development and for the entire length of the development lot's street frontage or width.



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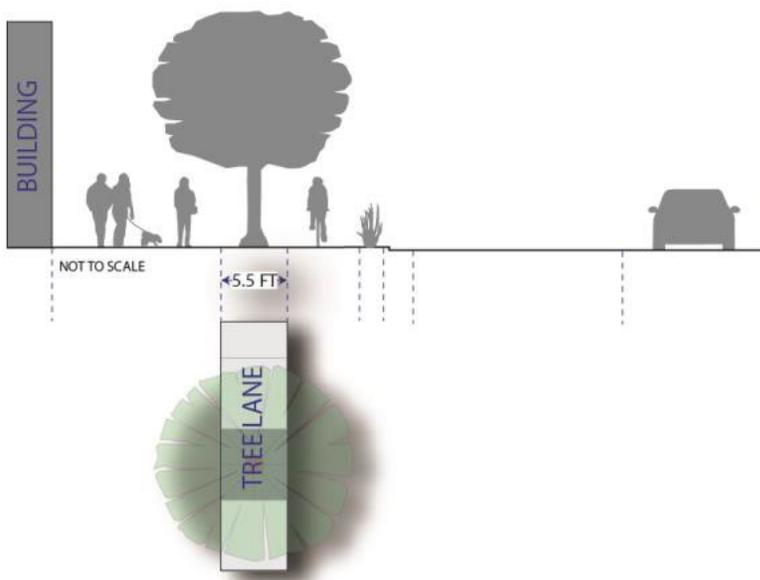
- (1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required sidewalk along any street ~~designated as residential except the multi-family residential street~~ [that is very unlikely to have an adjacent building with first-floor street-level commercial space. The pathway shall be designed as provided in Section 104-22-7.030](#)
- (2) **Covered boardwalk alternative.** The County Commission may, but is not obligated to, approve the encroachment of a covered boardwalk, or similar, by legislative approval of an encroachment and maintenance contract. The adjoining landowners shall bear full responsibility for the operations and maintenance of the boardwalk. The covered boardwalk shall comply with the overhead projections standards of this chapter.



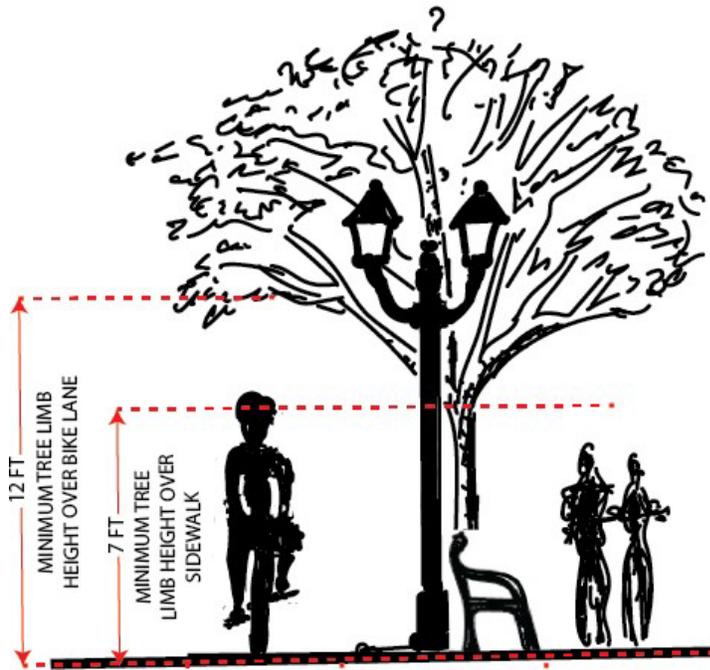
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623 (c) **Street trees required.** As part of the required street improvements within this zone, street trees shall
624 be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the
625 street as the development and for the entire length of the development Lot's street frontage. Tree
626 species shall be approved by the Planning Director and County Engineer as part of the review of the
627 development. A street tree plan shall be submitted as part of a development application and shall be
628 accompanied by a letter from a certified arborist or landscape architect, certifying that the proposed tree
629 type is suitable considering site conditions and local climate. The plan shall include planting methods
630 that are specific to the site conditions. Planting methods shall provide means of protecting the longevity
631 of the tree and the street infrastructure. Street trees shall be provided with a permanent watering
632 method with irrigation infrastructure installed underground.

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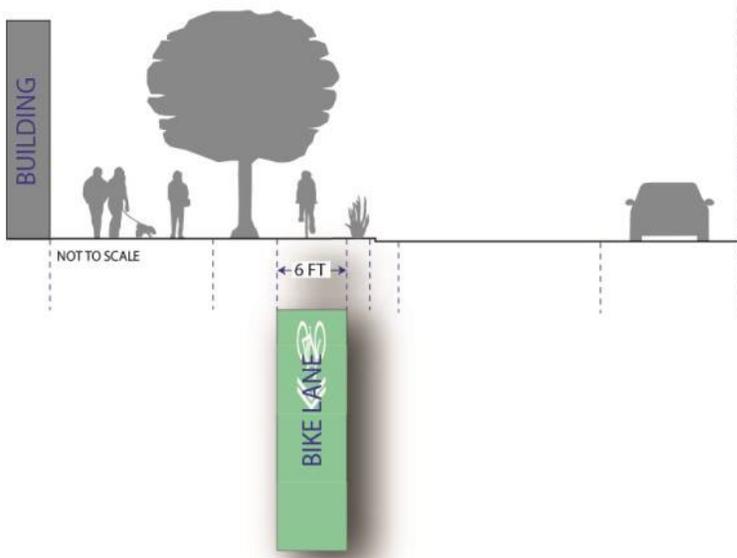
634 (1) **Tree planting.** No street tree shall be planted within the clear view triangle as provided in Section
635 108-7-7, Section 106-4-5, or the American Association of State Highway and Transportation Officials
636 (AASHTO) standards. To provide continuous shade of the pedestrian areas, spacing between tree
637 trunks shall equal the average diameter of the specific tree species' canopy at maturity. However,
638 in the Nordic Valley Area, each block shall have the same number of trees that is equal to one tree
639 per every 50 linear feet of street on both sides of the street, and the trees may be grouped in clusters
640 of no greater than ten trees, rather than equally spaced along the right of way.



641 (2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance
642 entity is approved by the County to provide tree maintenance, a street tree shall be maintained by
643 the owner or proprietor of the property that is immediately adjacent to the street right-of-way where
644 the tree is located. A tree maintenance plan shall be submitted as part of the development review
645 for new development. Trees shall be pruned in a manner that gives at least a seven foot clearance
646 above the sidewalk and a 12 foot clearance above a bike lane or parking area, as depicted by the
647 following graphic:
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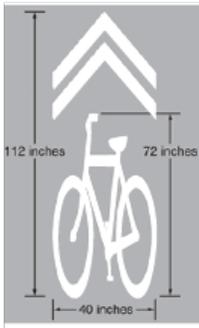


- 649
 650 (d) **Bike facilities required.**
 651 (1) **Separated bike lane.** Unless provided otherwise herein, a concrete bike lane that is six feet in width
 652 shall be installed as part of the required street improvements. The bike lane shall be on the same
 653 plane as the sidewalk, and shall be separated from the pedestrian walkway by the tree lane.



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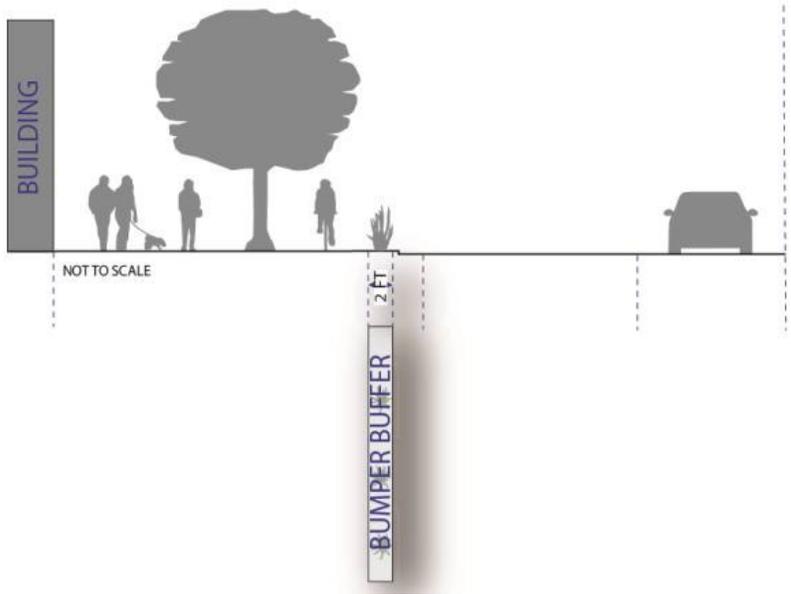
- (2) **Bike lane alternative.** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall be applied to the center of the lane, and marked with retroreflective sharrows as depicted by the following graphic:



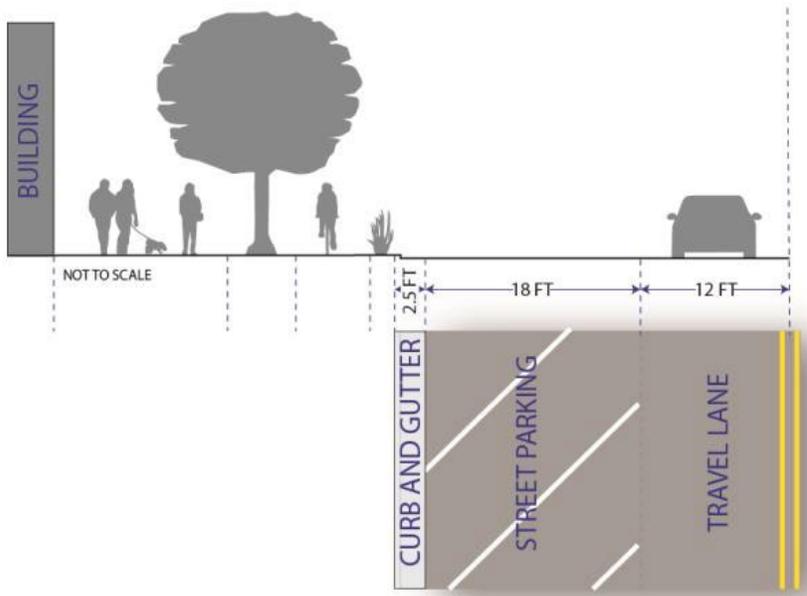
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(e) **Street parking required.**

- (1) **45-degree angle parking.** Each street shall be designed and constructed to provide 45-degree angled parking.
- (2) **Street parking alternative.** When topography results in the inability to safely create sufficient street width, the County Engineer has discretion to allow a parallel street-parking design instead.
- (3) **Parking bumper buffer.** A three-foot parking buffer shall be provided between the bikelane and the curb for vehicle bumper overhang. Vegetation may be in this buffer.



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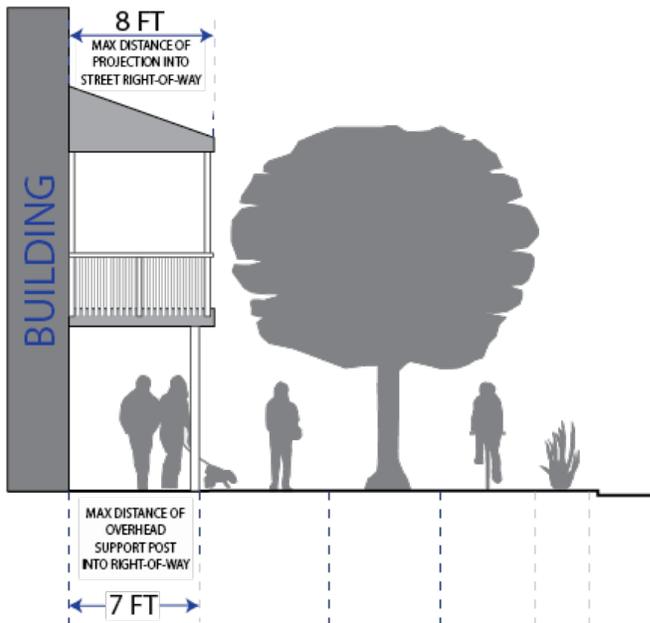
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669 (f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each
 670 street and internal alleyway in accordance with the County's standard curb and gutter cross sections and

671 in a manner that accommodates the street designs herein.

672 (g) **Items in public right-of-way.**

- 673 (1) **Overhead projections.** Overhead building projections such as but not limited to awnings,
674 canopies, balconies, and cantilevers, are permitted within the public right-of-way, provided that they
675 leave a vertical clearance over the sidewalk or walkway of no less than nine feet, and shall not project
676 more than eight feet into the public right-of-way. Any support post beneath the building projection
677 shall be no greater than seven feet from the building façade, be designed to offer minimal disruption
678 to sidewalk traffic, and meet all ADA clearance requirements.



- 679
- 680 (2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside
681 dining, benches, bike racks, planters, and street sales and displays are permitted between street
682 trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and
683 they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.
- 684 (3) **Street Lighting.** Street lighting shall be installed as part of the required street improvements within
685 this zone. Street lighting shall complement the architectural design theme of the area.
- 686 (4) **Overhead utilities.** All new development shall move all existing overhead utilities underground, and
687 install all new utilities underground as well.
- 688 (h) **Round-a-bout.** A round circle along any street intersection on the street regulation plan indicates a
689 planned round-a-bout. As development occurs, street right-of-way shall be dedicated to the County to
690 accommodate at least a 110-foot diameter round-a-bout. Round-a-bout improvements shall be installed
691 when required by the County Engineer. Otherwise, all improvements installed shall be installed in a
692 manner that does not create an undue burden on the construction of a future round-a-bout.

693 **Sec 104-22-8 Street Regulating Plans**

694 The following maps depict the adopted Street Regulating Plans for their respective areas. The plans illustrate
695 the intended street layout of the area and the designated street types. The plan is intended to be a guide for
696 the placement of streets and mid-block alleys, and is not designed to survey-level accuracy. A mid-block
697 alley shall be as close to the middle of the block as is practicable, and the street placement shall be within
698 200 feet of the location depicted on these maps. A land owner proposing development in an area that a
699 street or alley is planned shall be responsible for dedicating the land and constructing the street or alley
700 improvements.

701 **Sec 104-22-7.030 Pathway Location and Design Standards**

702 (a) **Pathways and sidewalks, generally.**

- 703 (1) Each development shall be configured so that the maximum pathway or sidewalk walking-distance
704 between a pathway or sidewalk intersection is 500 feet.
- 705 a. This distance may be increased for a segment of a pathway that travels through permanently
706 preserved open space areas or areas very unlikely to ever develop.
- 707 b. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another
708 pathway, sidewalk, or street.
- 709 (2) Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-
710 motorized modes of transportation.
- 711 (3) Pathways shall connect using shortest distance reasonably possible.
- 712 (4) Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks in
713 the general area, and for future planned pathways, as shown on an adopted pathway plan, general
714 plan, master trails plan, or other applicable adopted planning document.
- 715 (5) A pathway or sidewalk shall connect to any pathway or sidewalk stubbed from adjacent developed
716 property.
- 717 (6) Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a
718 stub to the subdivision boundary.
- 719 (7) Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating
720 convenient and efficient access to nearby parcels that are likely to eventually be developed.

721 (b) **Street-adjacent pathway.** Along each arterial, collector, and major neighborhood street, as provided in
722 an adopted general plan, master streets plan, or similar adopted document, a 10-foot wide hard-surfaced
723 pathway shall be installed.

- 724 (1) When determining which side of the street the pathway is required, preference shall be given to the
725 side of the street that has optimal sun exposure during winter months.
- 726 (2) The Planning Director may require a pathway be located on the other side of the street to support
727 pathway connectivity based on other factors such as existing or planned future pathways in the
728 vicinity and potential pedestrian conflicts.
- 729 (3) The pathway shall be located within the street right-of-way unless expressly authorized by the
730 County Engineer. If not located within the street right-of-way, a pathway easement is required.
- 731 (4) Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of at
732 least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with the top
733 of asphalt.
- 734 (5) Example:

735

Example: Street-Adjacent Pathway



736

737 (c) **Non-street-adjacent pathway.** Where generally depicted on a map or in the text of an applicable street
738 regulating plan, general plan, master streets plan, or when otherwise required herein or in a development
739 agreement, a 10-foot wide hard-surfaced pathway shall be installed through the development.

740 (1) Where a pathway runs between buildings or fenced Lots, a minimum 30-foot pathway public right-
741 of-way is required. The pathway shall run down the center of the 30-foot right-of-way.

742 (2) If both of the adjoining Lots or parcels are or will be single-family residential, and are deed-restricted
743 to only allow a see through fence that is no greater than four-feet, then the pathway right-of-way
744 may be reduced to 15 feet.

745 (3) The adjoining land owners are responsible for the maintenance and upkeep of the half of the
746 pathway right-of-way that is adjacent to their Lot or Parcel.

747 (4) Example:

748

Example: Non-Street-Adjacent Pathway



749

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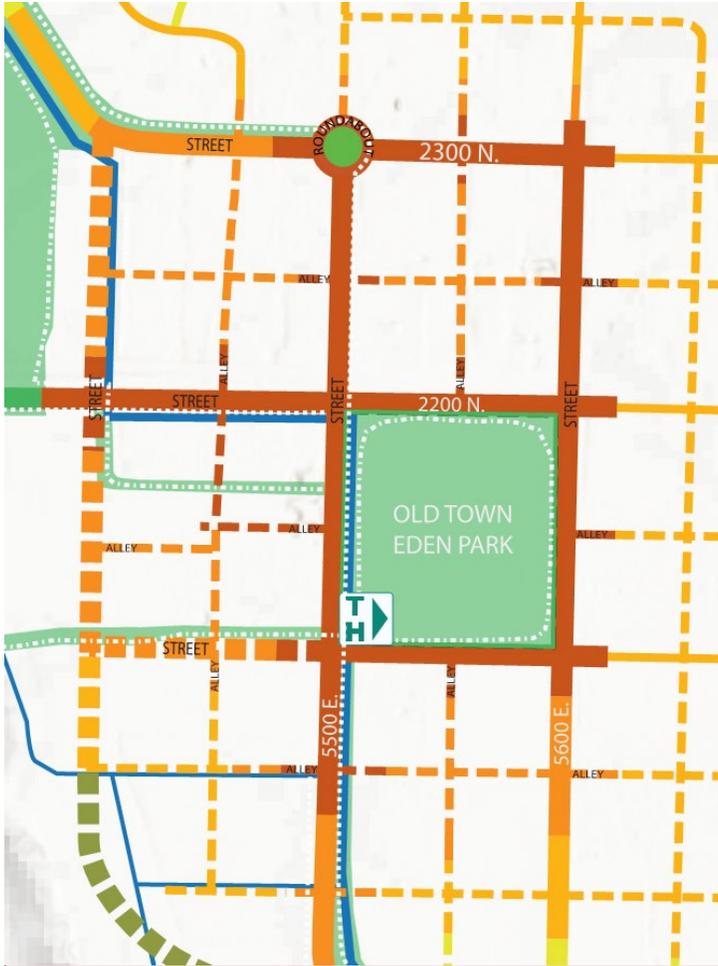
STREET TYPES AND AMENITIES

-  **General Open Space**
TDR sending area.
-  **Estate Lot Residential (ELR)**
As low as 3 acre single-family lot. TDR sending Area.
-  **Rural Residential (RR)**
As low as 40,000 sq. ft. single-family lot. TDR sending area.
-  **Large Lot Residential (LLR)**
As low as 15,000 sq. ft. single-family lot. TDR receiving area.
-  **Medium Lot Residential (MLR)**
As low as 8,000 sq. ft. single-family lot. TDR receiving area.
-  **Small Lot Residential (SLR)**
As low as 3,000 sq. ft. four-family lot. TDR receiving area.
-  **Multi-Family Residential (MFR)**
No lot minimum, height restrictions, multi-family lot. TDR receiving area.
-  **Mixed-Use Commercial (MUC)**
No lot minimum, height restrictions, commercial at street level, multifamily behind and above. TDR receiving area.
-  **Vehicle Oriented Commercial (VOC)**
No lot minimum, height restrictions, commercial at street level, multifamily behind and above, uses oriented toward vehicles. TDR receiving area.
-  **Government/Institutional (G/I)**
No lot minimum, height restrictions, commercial at street level, multifamily behind and above, uses oriented toward vehicles. Flex for govinst. TDR receiving area.
-  **Trails**
Required trails.
-  **Roundabout**
Street roundabout.

COMMUNITY FEATURES

-  Long-Term Open Space
-  Park
-  Trailhead
-  Water Body

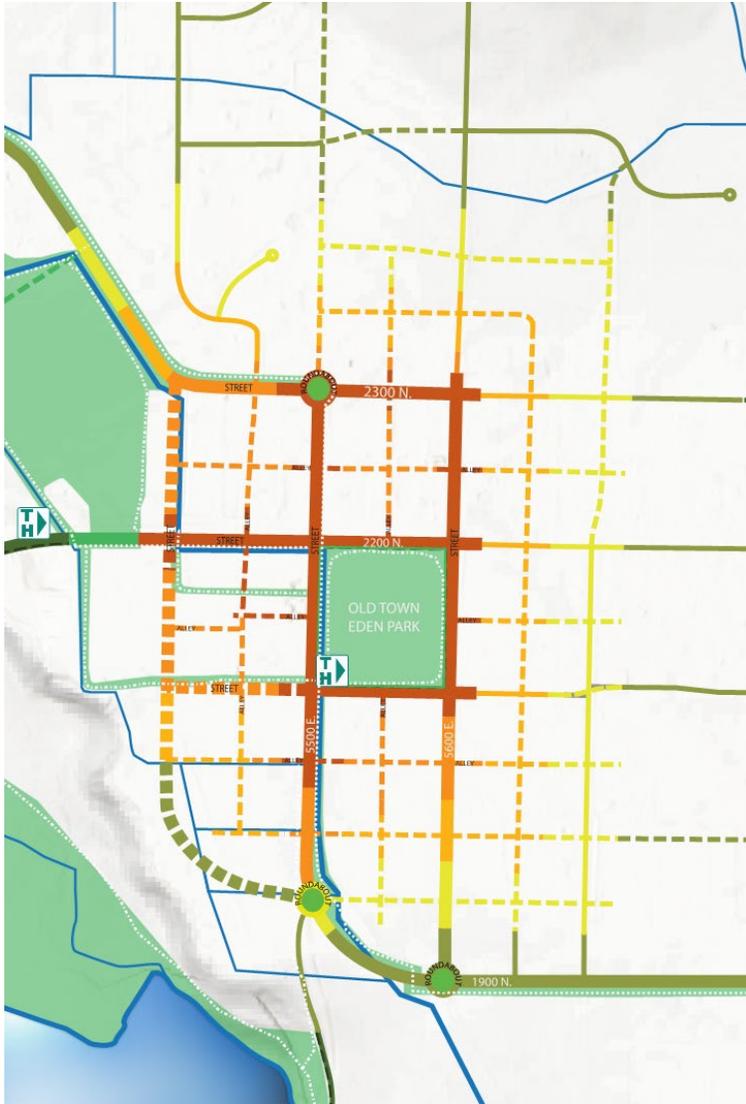
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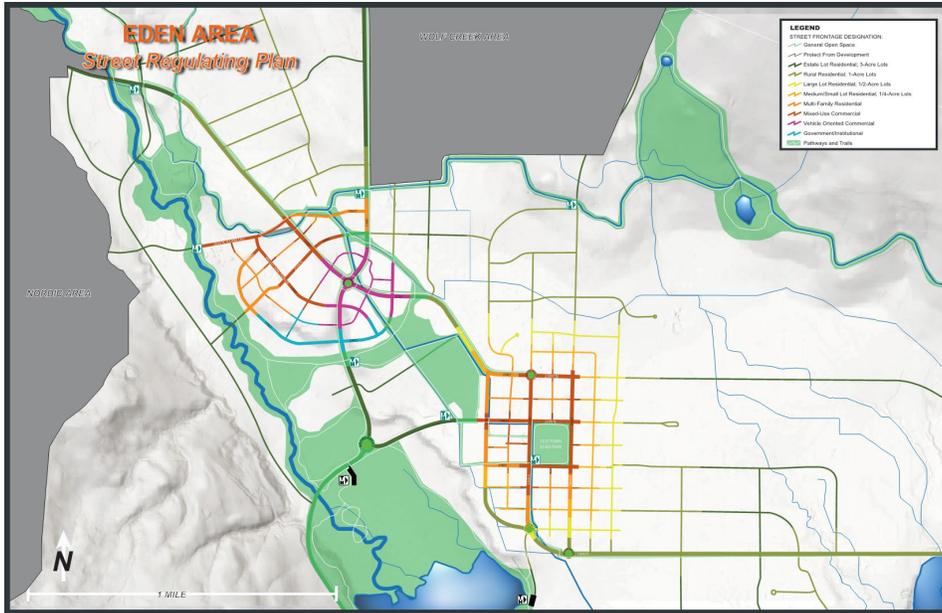
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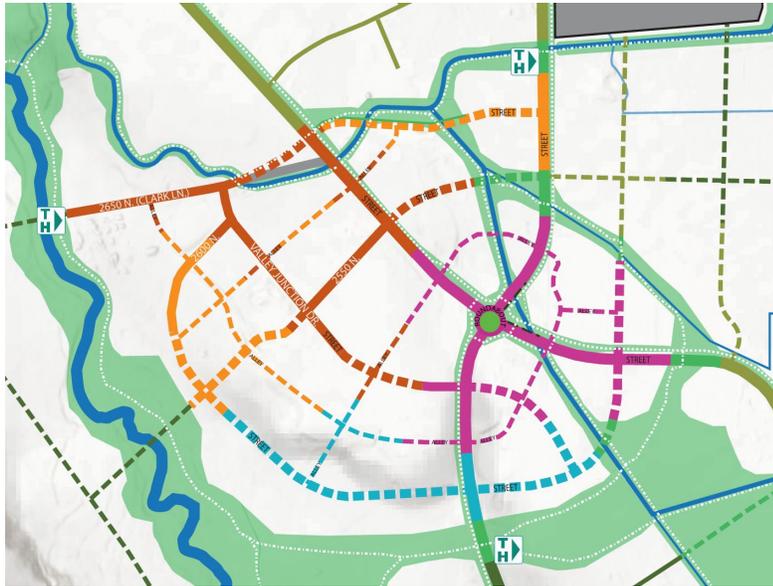
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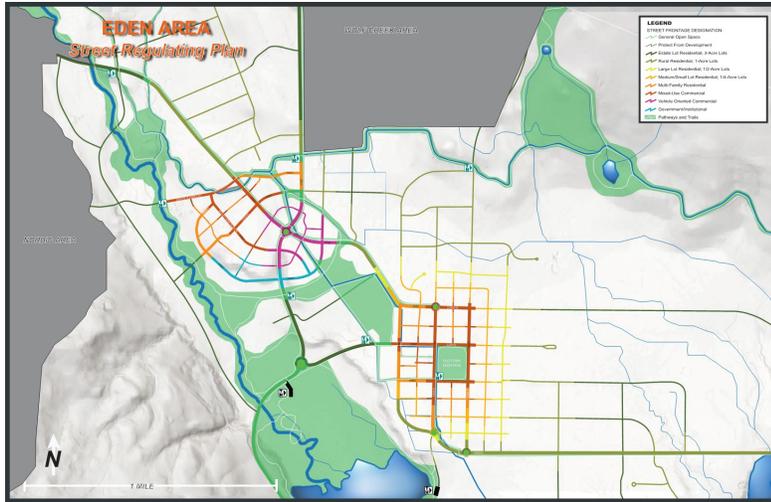
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COMMUNITY FEATURES

- Long-Term Open Space
- Park
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- Water Body

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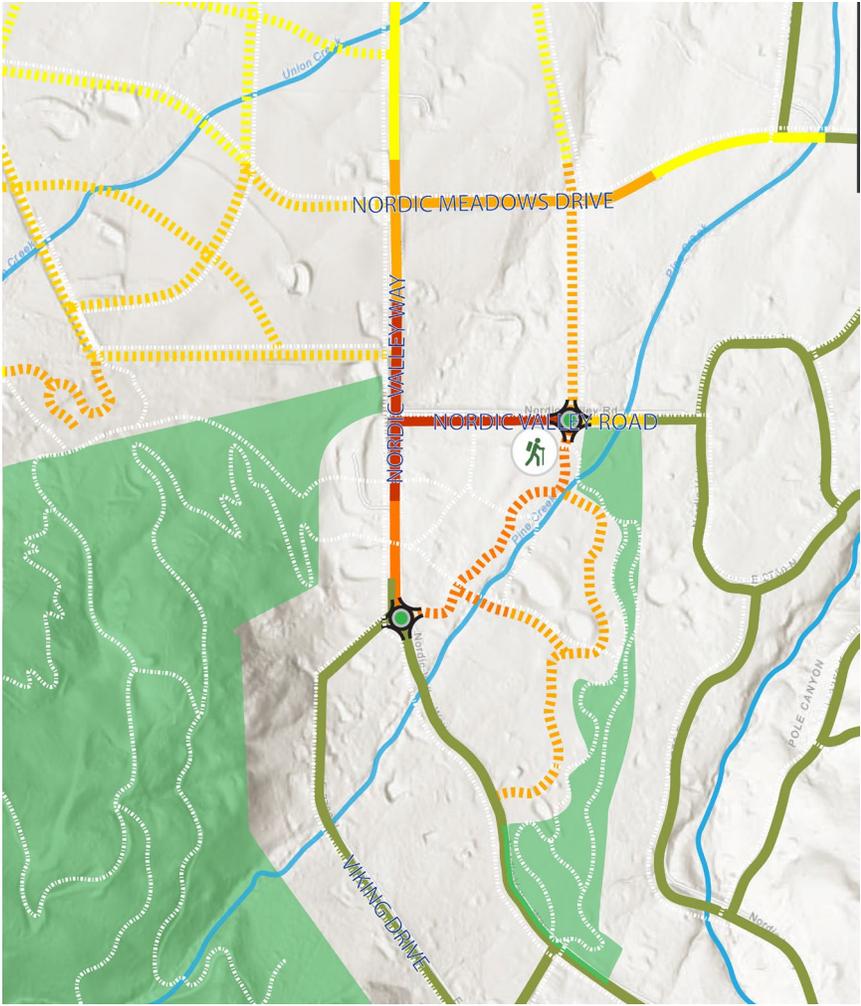
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-  **Trails**
Required trails.
-  **Roundabout**
Street roundabout.

COMMUNITY FEATURES

-  Long-Term Open Space
-  Park
-  Trailhead
-  Water Body



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Sec 104-22-8.040 West Weber's 4700 Area Street Regulating Plan Map.

STREET TYPES AND AMENITIES

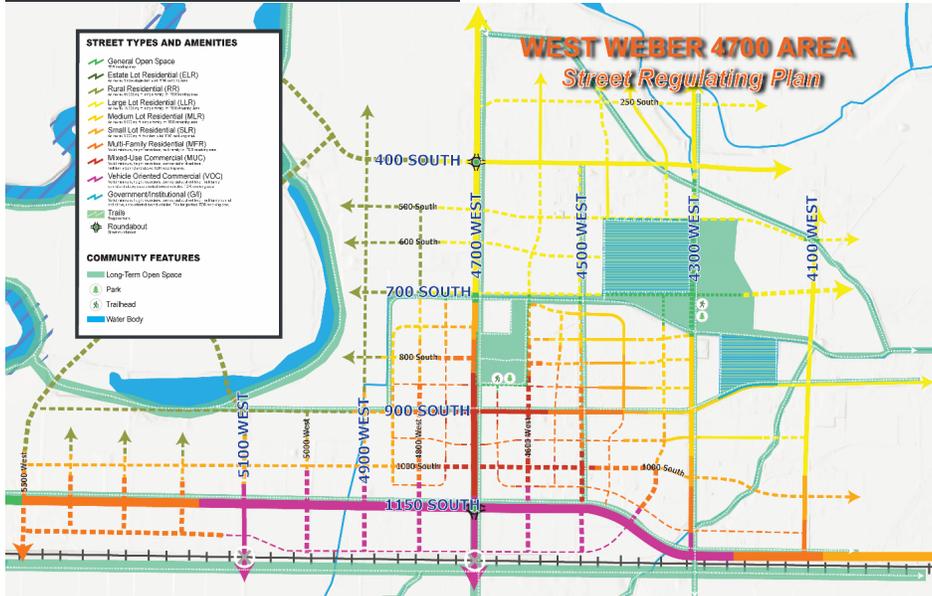
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Request trails.
- Roundabout
Street roundabout.

COMMUNITY FEATURES

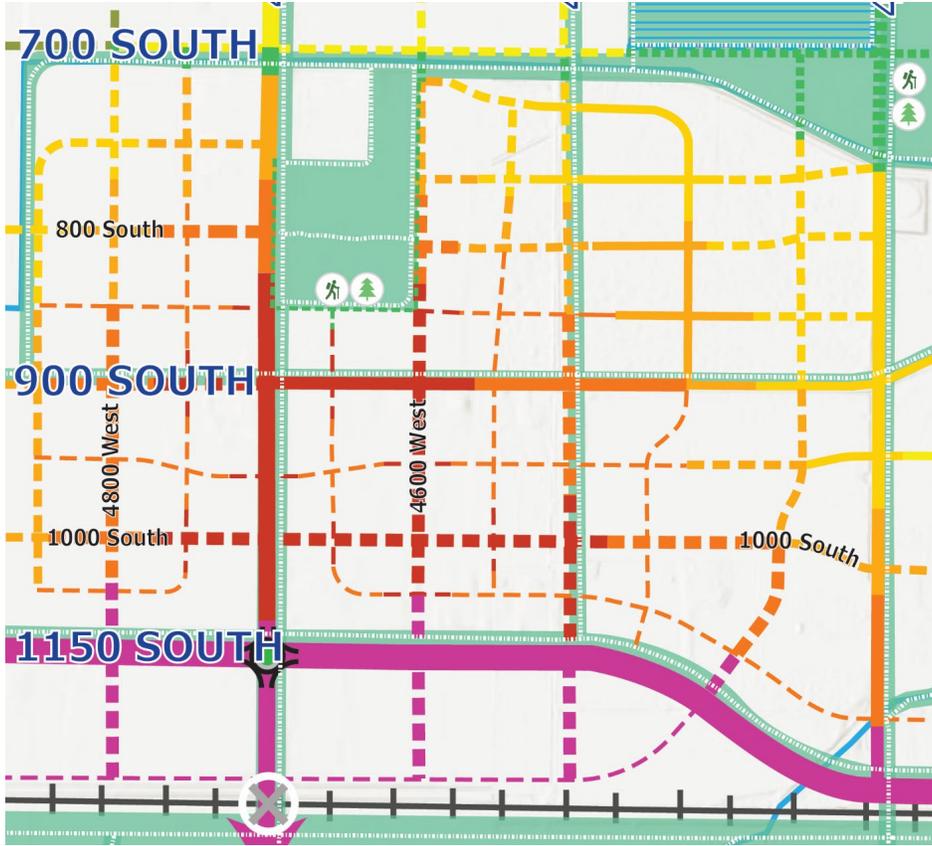
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- Trailhead
- Water Body

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774 **Sec 104-22-9 Parking and Internal Block Access.**

- 775 (a) **Parking required.** Each application for development shall include a parking plan that demonstrates
 776 that sufficient parking will be provided by the street parking adjacent to the building or an off-street
 777 parking lot within 1000 feet of the building. All parking lots shall be hard-surface asphalt or concrete, or
 778 other improved surface otherwise approved by the County Engineer and local fire authority. Street
 779 parking not adjacent to the lot's-Lot's street-frontage shall not be counted in determining that sufficient
 780 parking has been provided.
- 781 (b) **Parking flexibility.** Except for residential uses, the Land Use Authority may reduce the minimum
 782 parking spaces required if sufficient evidence suggests that the required number of spaces is excessive
 783 for the building and proposed use or uses therein.
- 784 (c) **Parking related to a change of use.** If a change of use occurs, more parking may be required if the
 785 new use merits it, as determined by the Land Use Authority. The applicant proposing to change the use
 786 shall be required to provide the additional off-street parking within 1000 feet of the use.
- 787 (d) **Residential parking.** The minimum required parking for a residential use shall be located off-street
 788 within the same block as the residential use.
- 789 (e) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces, and a five-
 790 foot wide landscape planting area that runs the depth of the parking row shall be located at each end
 791 of a parking row.

792 (f) **Parking structure design standards.** When located adjacent to a vehicle-oriented commercial, mixed
793 use commercial, or multi-family residential street, a parking structure shall have first-floor street-level
794 commercial space along the street's frontage. However, for a corner ~~lot~~Lot, this requirement applies to
795 the façade that is adjacent to the more prominent street, as determined by the land use authority; the
796 other façade shall have the same for no less than fifty percent of that façade's street frontage. The
797 other fifty percent, and the area of the parking structure above the street level commercial space, shall
798 have a street-facing facade that disguises the parking structure to generally look like other buildings in
799 the area.

800 (g) **Cross-access and cross-access easement.** For all ~~parcels or lots~~Lots or Parcels along a
801 governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family
802 residential street, providing access to adjacent existing or future development without the need to
803 access the public right-of-way is required. This access shall be provided by a mid-block alley, where
804 shown on a street regulating plan, or other alley or shared driveway as may be deemed necessary by
805 the land use authority. When no new alley access is deemed necessary because an alley access or
806 street access is already provided to the ~~Lot or Parcel~~lot or parcel through another ~~Lot or Parcel~~lot or
807 ~~parcel~~, then a cross-access easement shall be provided along adjoining lot lines, as follows:

808 a. A cross access easement shall provide an easement to all landowners in the block that develop
809 along a governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-
810 family residential street that is framing the block. The easement shall allow ingress and egress to
811 these other ~~lots~~-Lots or ~~P~~parcels, including ingress and egress infrastructure.

812 b. At a minimum, each developed ~~Lot or Parcel~~lot or parcel shall have two points of ingress and
813 egress, at least one of which shall be stubbed to adjacent property where practicable. Except that
814 a parking area is allowed to only provide a single access as long as it does not block the
815 accessibility to other areas within the block that are or could be used for public parking.

816 c. Each parking area that is located within the block and that will be open to the public for public
817 parking shall be designed to extend to the parcel boundary and shall provide a cross access
818 easement along all sides of the parking area abutting the adjacent ~~lot~~Lot(s) or ~~parcel~~Parcel(s) in a
819 manner that allows the adjoining ~~Lot or Parcel~~lot or parcel owner to extend that public parking area
820 seamlessly into their parcel.

821 d. When locating a cross-access easement or designing the cross-access infrastructure, good faith
822 efforts shall be made to coordinate the location and design with the adjoining land owner.

823 e. The Planning Director may require the cross-access to be located in a manner that optimizes
824 internal block traffic circulation.

825 f. Construction of the cross-access infrastructure shall be completed prior to the issuance of a
826 certificate of occupancy for any structure on the ~~Lot or Parcel~~lot or parcel, or a completion bond
827 may substitute for completion if allowed by the County Engineer.

828 g. When a ~~Lot or Parcel~~lot or parcel is being developed that abuts an existing cross-access easement
829 or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on
830 the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access
831 infrastructure shall be constructed to the same standard as, or better than, the existing cross-
832 access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the
833 title of all affected properties, along with a perpetual operation and maintenance agreement
834 between the property owners that specifies, at a minimum, that the infrastructure will be operated
835 and maintained by the property owners in a manner that is safe and usable for two-way vehicle
836 traffic.

837 h. If property owners fail to operate or maintain cross-access infrastructure that was required by the
838 County under this section, the County may pursue enforcement measures as provided in this Land
839 Use Code.

840
841 **Sec 104-22-10 Signage**

842 In addition to the signage regulations in this Land Use Code, no signage shall be affixed to a building
843 higher than the top of the second story.

844

845

Sec 104-22-11 Form-Base Zone Transferable Development Rights

846

~~Density allowance and transferable development rights. As provided in the Ogden Valley General Plan, the creation of dwelling units in the FB Zone shall not create any new density in the Ogden Valley Planning Area unless otherwise provided in this Land Use Code. To establish the residential dwelling unit rights that exist on a lot or parcel in the FB Zone, or to increase or decrease residential dwelling unit rights on a lot or parcel in the FB Zone, the following apply:~~

851

~~(a) **Transfers, generally.** To establish the ~~Residential dwelling~~ **Development unit** ~~Rights~~ that exist on a ~~Lot or Parcel~~ lot or parcel in the FB Zone, or to increase or decrease ~~Residential dwelling unit~~ **Development** ~~Rights~~ on a ~~Lot or Parcel~~ lot or parcel in the FB Zone, the following apply:~~

854

~~(1) **Base density.** For a ~~L~~ lot or ~~P~~ parcel rezoned to the Form-Based Zone from a zone that allow(s) ~~(ed)~~ residential dwelling units, including transfers within the Form-Based Zone, the ~~base~~ **Base density** ~~Density~~, as defined in Title 101, Chapter 2, shall be the same as the density that was allowed in the prior zone. This shall be documented by recording a covenant to the ~~Lot or Parcel~~ lot or parcel that provides a calculation of the ~~base~~ **Base density** ~~Density~~. The covenant shall run with land, and be between the owner and the County.~~

860

~~(2) **Transferred density.** Additional ~~residential~~ **Residential dwelling** ~~Development~~ ~~units~~ ~~Rights~~ are permitted on any lot that has street frontage on, or gains primary access from, any street type in the street regulating plan except an Estate Lot Residential street, ~~a general~~ **General open** ~~Open space~~ **Space** street, and, in the Western Weber Planning Area, a Rural Residential street. However, no additional ~~density~~ **Residential Development Right** is allowed unless the landowner has successfully negotiated the reallocation of an equal number of ~~Residential dwelling unit~~ **Development** ~~Rights~~ from another ~~L~~ lot or ~~P~~ parcel that has an available ~~Residential dwelling unit~~ **Development** ~~R~~ right, as determined by the ~~L~~ lot or ~~P~~ parcel's ~~B~~ base ~~D~~ density and adjusted for any previous ~~Residential Development~~ ~~dwelling-unit-right~~ **Right** reduction or addition.~~

869

~~a.~~ The reallocation shall be made by recording a covenant to each affected ~~Lot or Parcel~~ lot or parcel.

871

~~b.~~ Each covenant shall run with the land and be between the owner and the County.

872

~~a-c.~~ Each covenant shall document the applicable ~~lot~~ **Lot** or ~~P~~ parcel's calculated ~~base~~ **Base density** ~~Density~~; the number of ~~dwelling~~ **Dwelling units** ~~Units~~ already developed on the ~~lot~~ **Lot** or ~~P~~ parcel; the number of ~~Residential Development~~ ~~dwelling-unit~~ ~~R~~ Rights subtracted from, or added to, the ~~base~~ **Base density** ~~Density~~ by any means; and the number of ~~dwelling unit~~ **Residential Development** ~~R~~ rights remaining for the ~~L~~ lot or ~~P~~ parcel.

877

~~(a)~~ **Ogden Valley Planning Area Form-Based Zone transfers.**

878

~~(1) **Transfer allowances and limitations.** Residential Development Rights may be transferred to a ~~Lot or Parcel~~ lot or parcel in a FB Zone from any ~~Lot or Parcel~~ lot or parcel in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FB.~~

881

~~(2) **Transfer ratio.** The transfer ratio shall be one to one. This means for every one Residential Development Right transferred from a Lot or Parcel in the Ogden Valley Planning Area, one is allowed to be transferred to a Lot or Parcel within the FB Zone.~~

884

~~(c)~~ **Western Weber Planning Area Form-Based Zone transfers.**

885

~~(1) **Transfer allowances and limitations.** A Residential Development Right may be transferred to a ~~Lot or Parcel~~ lot or parcel in a FB Zone from any ~~Lot or Parcel~~ lot or parcel in the following zones within the West-Central Weber area: A-1, A-2, and A-3. Unless negotiated otherwise in a development agreement, a transfer from any Lot or Parcel is prohibited if the Lot or Parcel received a rezone after January 1, 2023 that increased the Base Density.~~

890

~~(2) **Transfer ratio.** The transfer ratio shall be one to three. This means for every one Residential Development Right transferred from a Lot or Parcel in the Western Weber Planning area, three are allowed to be transferred to a Lot or Parcel within the FB Zone.~~

893

~~(+)~~ **Transfer ratio incentive.** However, the transfer ratio shall be one to five if transferred from a Lot

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894 [or Parcel identified as "TDR Open Space Preservation," "Parks/Recreation," or "Agriculture" on the](#)
895 [Future Land Use Map of the Western Weber General Plan.](#)

896 ~~(b)~~(d) **Actual developable rights.** Regardless of ~~the~~ number of ~~residential-Residential dwelling~~
897 ~~Development unit rights-Rights~~ transferred to a ~~L~~lot or ~~P~~parcel in the FB Zone, ~~or the applicable transfer~~
898 ~~ratio~~, the number of ~~dwelling-Dwelling units-Units~~ actually constructed shall be limited by what can be
899 constructed given compliance with the standards of this chapter.

900 **Sec 104-22-12 Workforce Housing**

901 Participation in creating workforce housing is required.

902 (a) **No transfer required.** Workforce housing will not be deducted from the ~~L~~lot or ~~parcel's-Parcel's~~
903 development rights and is not required to be established through transferable development rights.

904 (1) **Lot development standard reduced.**

905 a. Unless the applicable lot development standards are more permissive, a structure that is
906 exclusively devoted to, and deed restricted for, workforce housing may have a front yard setback
907 of 20 feet, and a side and rear yard setback of five feet, and has no minimum area requirement.

908 b. In the event the provision for the required workforce housing results in the inability to realize the
909 number of dwelling units that would otherwise be allowed if workforce housing was not required,
910 then the applicable minimum lot development standards in the development may be reduced to
911 no less than half of the applicable minimum lot development standard.

912 (b) **Workforce housing requirements.** Unless otherwise negotiated by development agreement, one or
913 more of the following workforce housing requirements shall be provided by the developer.

914 (1) **Building and reservation of dwelling units.** Dwelling units, in an amount that is equal to or
915 greater than five percent of the non-workforce housing units being developed, shall be constructed
916 and deed restricted for workforce housing;

917 (2) **Fee in lieu.** In lieu of building affordable housing units, a fee equaling up to two percent of the
918 dwelling unit's market value, shall be paid for each dwelling unit constructed. This shall be
919 implemented by a covenant recorded on title of each dwelling unit, and shall be paid at the time a
920 building permit is issued, or prior to the transfer of the property's title after the dwelling unit has
921 been completed;

922 (3) **Buildable lot in lieu.** In lieu of building affordable housing units, a lawfully subdivided ~~lot-Lot~~ or
923 ~~L~~lots in a size and configuration that is capable of supporting dwelling units in an amount that is
924 equal to or greater than 10 percent of the non-workforce housing units being developed, shall be
925 donated, with stubbed utilities, to the Weber Housing Authority for the purpose of meeting this
926 requirement; or

927 (4) **Floor area in lieu.** Along G&I, VOC, MUC, MFR and SLR streets, floor area, in a size and
928 configuration that is capable of supporting dwelling units in an amount that is equal to or greater
929 than five percent of the non-workforce housing units being developed, shall be donated, with
930 stubbed utilities, to the Weber Housing Authority for the purpose of meeting this requirement.

931 (c) **Workforce housing location.** The required housing units, ~~L~~lots, or floor area provided for workforce
932 housing may be located outside of the proposed development but no greater than one mile from a G&I,
933 VOC, or MUC street designation [in the same planning area](#), or within one mile of a [commercial or](#)
934 [manufacturing CV-1, CV-2, or CVR-1 zone in the same planning area.](#)

935 (d) **Weber housing authority.** Eligibility and long-term monitoring of qualification for workforce housing is
936 the responsibility of the Weber Housing Authority.