

OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

April 4, 2023

Work Session 5:00

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

WS1: Review and discussion regarding proposed ordinances to help implement the Western Weber General Plan. These amendments affect ordinances that pertain to the Ogden Valley Planning Area. Specifically, the subject ordinances pertain to:

- Flag lots
- Rezone application requirements
- Shared private lanes and private streets
- Development on a substandard street,
- Street access and street standards
- Access to land-locked parcels
- Access to a lot or parcel other than across the front lot line
- Exactions for park space and improvements
- Dark sky committee composition
- Related clerical and administrative edits to enable these amendments

Planner: Charlie Ewert

WS2: Review and discussion regarding implementation of a Form-Based zone for West Weber Village area. These amendments affect Form-Based zone provisions that pertain to the Ogden Valley Planning Area. Specifically, the affected provisions pertain to the following:

- The creation of a new street type to be used in street regulating plans and the associated amendments to use and standards tables to include the new street type
- Adjusting short-term rental use allowances in the Form-Based zoner to reflect the recently adopted short-term rental ordinance
- Front-facing garage doors on narrow lots
- Front yard setbacks and setbacks for accessory buildings
- Reducing the maximum height allowance
- Color of commercial buildings
- Adding a typical 3-lane village street design
- Amending mid-block access and crossing requirements
- Inserting graphics to help illustrate standards
- Creating pathway location, connectivity, and design standards
- Amendments that standardize linework, symbology, and colors for all maps, and that provide for the new street type
- Clarifies transferable development rights provisions
- Enables the banking of transferable development rights on parcels within the Form-Based zone.
- Amends workforce housing requirements to:
 - Reduce requirements for workforce housing, eliminating them from larger-lot developments
 - Sets a maximum amount of workforce housing allowed per development
 - Restricts where workforce housing can be located
- Related clerical and administrative edits to enable these amendments

Planner: Charlie Ewert

Adjourn

The Work Session will be held in person at the Weber County Commission Chambers Break-Out Room, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/85022018870> Meeting ID: 850 2201 8870

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.

MEMO

Date: Updated March 27, 2023

To: Ogden Valley Planning Commission

From: Charlie Ewert

Re: Work session discussion items regarding text amendments to implement various components of the Western Weber General Plan (some of which will affect Ogden Valley), and regarding amendments to the Form-Based Zone

The planning commission will once again review proposed ordinance amendments in the February 28th meeting. The first is regarding the implementation of various parts of the new Western Weber General Plan, including flexible lot area allowances, medium density zoning, dark sky lighting standards, and street and pathway connectivity, among others. Some of these amendments, if adopted, will have effect on the governance of development in the Ogden Valley.

The second is regarding the modification of the Form Based Zone to include a West Weber Village street regulating plan. This amendment also addresses lot area and pathway connectivity, as well as some relatively minor modifications and edits.

Both proposals are attached. Of worth to note:

- Implementing components of Western Weber General Plan, and related edits:
 - This proposed amendment (starting on line 1711) amends various parts of the outdoor lighting (dark sky) ordinance. The edits may appear to have great effect on the application of this ordinance; however the majority of them are intended to change the specificity of where the regulations will be applied. If adopted, the ordinance will be applied to Western Weber Planning Area as well. The remaining amendments are intended to help provide clarity. As the ordinance was being reviewed by the Planning Commission and County commission, a few edits were made to Section 108-16-2 (line 1727) in an effort to add clarity. However, the actual edits convoluted rather than clarified. Staff's proposed edits adds the clarity the Planning Commission and County Commission sought.
 - Staff adjusted the rezone application requirements to address the need for a street and pathway connectivity plan as well as an open space plan. It also revises submittal requirements related to water and sewer (lines 219-258). Lines 291-380 provide clarifying amendments.
 - The proposal also adds a new section titled "shared private lane." Some of you may recall that a shared private lane option was proposed a couple of years ago in a text amendment regarding street connectivity. At the time, the Planning Commission decided to omit

shared private lane from the connectivity proposal, citing the need for additional review. As you review the proposed new section you might observe that much of the language reflects the already adopted requirements of “private streets.” The original proposal said that a shared private lane is only allowed if the applicant retire 50 percent of the land’s development rights. Staff proposed this to reduce the amount of traffic on a shared private lane, since it is allowed to be much narrower than a standard street. There was a little pushback from the Planning Commission on forcing the retirement, so this version omits it. This version adds an easement width similar to the standards street width. This is to ensure that if more development occurs along the street or further down the street, the County can upgrade the private lane to a street with minimal cost to acquire the land. It also helps define the line from which building setbacks should be measured.

- The newly adopted “development on a substandard street” ordinance is being moved from Section 106-2-2.8 (lines 563-630) to Section 108-7-19 (lines 1141-1234). This moves the new procedures from the subdivision title (Title 106) to the standards title (Titles 108). The movement will help clarify that this ordinance applies whether or not a proposed development is in a subdivision.
- The proposal provides amendments to the signage chapter (Chapter 110-2). It will apply the signage chapter to western weber. The edits also help clarify this chapter. There is quite a bit of conflicting and confusing language currently in this section. The edits appear as if entire sections of the code are being deleted and replaced with entirely new sections. That is not the case. A comparison of the additions and deletions will show that the application of the existing code stays intact, but the organization and some terminology is a little different.
- The amendments to Section 104-12-1 (lines 389 through 463) are intended to help implement a component of the Western Weber General Plan. This section governs a zone that is not in the Ogden Valley Planning Area.
- I have not finished revising the supplementary and qualifying regulations chapter (from line 792 through line 1707), however, feel free to peruse the changes thus far to get a sense of the direction. Essentially, I am hoping to revise this entire chapter to group similar items into sections rather than scattered throughout. We may want to pull this chapter from the proposed changes and let it run on its own if we get bogged down in the details.
- Form Based Zone for West Weber Village area:
 - Working from the guidance of the Planning Commission in the last meeting, staff has made changes to the proposed lot area, as well as other desired changes. Maps remain unchanged. The only thing not addressed in this version is changes to pathway right-of-way width. There was not clear and final direction from the Planning Commission on this subject. Staff suggests perhaps allowing a narrower width if the adjacent fences are either 50 percent see through, or no taller than four feet.
 - The Planning Commission also asked for better clarity regarding “banking” transferable development rights. Lines 893-899 provide this clarity.

WEBER COUNTY
ORDINANCE NUMBER 2023-_____

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY’S LAND USE CODE TO IMPLEMENT POLICIES AND RECOMMENDATION OF THE WESTERN WEBER GENERAL PLAN, INCLUDING SMART GROWTH REQUIREMENTS, LOT WIDTH REDUCTIONS, STREET AND PATHWAY CONNECTIVITY AND IMPROVEMENT REQUIREMENTS, A RELATED CLERICAL AMENDMENTS.

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

WHEREAS, _____; and

WHEREAS, _____; 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 of neighborhoods and 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 PROVISION**

4 ...

5
6 **Chapter 101-2 Definitions**

7 ...

8

9 **TITLE 102 ADMINISTRATION**

10 ...

11 **Chapter 102-1 General Provisions**

12 ...

13 **Sec 102-1-2 Planning Director Authority**

14 (a) The planning director, or his designee, is authorized to deny, approve, or approve with
15 conditions an application for an administrative approval. Administrative approval can be given
16 for the following applications:

17 (1) Site plan approval, when required by this Land Use Code, for which the land use authority
18 is not otherwise specified by this Land Use Code;

19 (2) Design review for buildings under 10,000 square feet and which impact an area of less
20 than one acre, as provided in section 108-1-2;

21 (3) Home occupation, as provided in section 108-13-2;

22 (4) Building parcel designation, as provided in section 108-7-33;

23 (5) Small subdivisions, as provided in section 106-1-8(f) of this Land Use Code; and

24 (6) Flag lots, access to a lot/parcel using a private right-of-way or access easement, and
25 access to a lot/parcel at a location other than across the front lot line, as provided in title
26 108, chapter 7 of this Land Use Code.

27 ...

28

29 **Chapter 102-5 Rezoning Procedures**

30 ...

31 **Sec 102-5-1 Purpose And Intent**

32 Every property in the unincorporated area of the county is legally zoned as a result of
33 comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the 1960s.
34 The purpose of this chapter is to establish a legislative means by which applications to the county
35 are processed to change zoning. Rezoning is intended to implement the adopted general plans
36 for the different planning areas of the county.

Commented [E1]: Need to address definition of private access right-of-way.

Commented [E2]: Check ref

Commented [E3]: Check ref

Commented [E4]: Check ref

Commented [E5]: Check ref

Commented [E6]: Making changes these provisions elsewhere herein. Ensure consistency here.

37 **Sec 102-5-2 Development To Be In Conformance To The General Plan**

38 Rezoning of property should further the purpose of the zoning regulations listed in Section 101-
39 1-2 of the county's Land Use Code by complying with the county's general plans.

40 **Sec 102-5-3 Reserved**

41 **Sec 102-5-4 Application Requirements**

42 (a) A rezoning application may be initiated by an owner of any property or any person, firm, or
43 corporation with the written consent of the owner of the property, or be county-initiated.

44 (b) An application for a rezoning shall be prepared and submitted on forms provided by the
45 planning division. The application shall be accompanied with the following information:

46 (1) The application shall be signed by the landowner or their duly authorized representative
47 and shall be accompanied by the necessary fee as shown within the applicable fee
48 schedule.

49 (2) A conceptual street, pathway, trail, and accessway or alley connectivity plan showing how
50 the project or a future project can connect to both existing, proposed, and potential future
51 streets, pathways, trails, and accessways or alleys.

52 (3) The proposed parks and open space plan, including land, infrastructure, or monetary
53 donations intended to be given to the park district, county, or other entity for the purpose
54 of providing parks or open spaces.

55 (4) A narrative explaining the planned or potential future access to culinary and secondary
56 water facilities, and wastewater disposal facilities.

57 (5) A proposed rezone may be required to be accompanied by a concept development plan
58 in accordance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept
59 development plan may be required.

60 ~~(1) A street, pathway, trail, and accessway or alley connectivity plan showing how the project~~
61 ~~or a future project can connect to both existing, proposed, and potential future streets,~~
62 ~~pathways, trails, and accessways or alleys.~~

63 ~~(2)(1) The proposed parks and open space plan, including land, infrastructure, or~~
64 ~~monetary donations intended to be given to the park district, county, or other entity for the~~
65 ~~purpose of providing parks or open spaces.~~

66 ~~(3)(1) A narrative explaining the planned or potential future access to culinary and~~
67 ~~secondary water facilities, and wastewater disposal facilities.~~

68 ~~(4) If the land is located within an existing or future service area of a local water or sewer~~
69 ~~service provider, a letter of acknowledgment and conditions of future service.~~

70 ~~(5) A narrative from the project engineer discussing the feasibility for the mitigation of~~
71 ~~stormwater runoff.~~

72 (6) The applicant shall provide a narrative ~~addressing the following information~~ explaining:

73 a. The vision for the proposed zone change and, if known, the proposed development.
74 Project narrative describing the project vision.

75 a.b. How is the change is in compliance with the general plan, or if not, the public interest
76 the change is intended to address.?

77 b.c. Why should the present zoning should be changed to allow this the proposal rezone.?

78 c.d. How is the change is in the best interest of the public interest?.

- 79 ~~d.e. What~~ The conditions and circumstances have in the general area that have taken
80 place changed in the general area since the general plan was adopted to warrant such
81 a change? ~~the rezone.~~
- 82 ~~e.f. How does this~~ The reasons or ways the proposal rezone will promote the health, safety
83 and general welfare of the inhabitants of the county.?
- 84 ~~f.a. Project narrative describing the project vision.~~
- 85 (c) Supplemental application requirements for the rezone of a large master planned area
86 or any proposed rezone to the Destination and Recreation Resort Zone;
87 supplementary requirements. Due to the anticipated scale and potential impact of a
88 destination and recreation resort on the county and other surrounding areas, the following
89 additional information, shall be required to accompany any application submitted for the
90 rezone of a large master planned area or any proposed rezone to the consideration of a
91 Destination and Recreation Resort Zone approval. The additional information shall consist
92 of the following:
- 93 (1) For a rezone application of a large master planned area or for a rezone to the Destination
94 and Recreation Resort Zone, the additional information in Subsection (c)(3) of this section
95 shall be submitted with the initial rezone application.
- 96 ~~(7)~~ (2) For a rezone other than those specified in Subsection (c)(1) of this section, after
97 submittal of the initial rezone application, the additional information in Subsection (c)(3) of
98 this section shall be submitted if requested by the Planning Director, Planning
99 Commission, or County Commission at any point during the rezone procedure.
- 100 (3) Supplemental application information.
- 101 a. A ~~C~~ concept development plan, which shall include the project's conceptual layout and
102 shall include a mapped depiction of ~~showing~~ sensitive land areas as
103 described/mapped in Title 104, Chapter 28, Ogden Valley Sensitive Lands Overlay
104 Zone and potential geologic hazards as identified in .
- 105 b. If the land is located within an existing or future service area of a local water or sewer
106 service provider, a letter of acknowledgment and conditions of future service.
- 107 c. A narrative from the project engineer discussing the feasibility for the mitigation of
108 stormwater runoff.
- 109 ~~b.d.~~ Traffic impact analysis.
- 110 ~~e.e.~~ Cost benefit analysis.
- 111 ~~d.f.~~ Recreation facilities plan.
- 112 ~~e.g. Seasonal wW~~ orkforce housing plan.
- 113 ~~f.h.~~ Emergency services plan including a letter of feasibility from the Weber fire district and
114 Weber County sheriff's office.
- 115 ~~g.i.~~ Letter of feasibility from the electrical power provider.
- 116 ~~h.i.~~ Density calculation table showing proposed density calculations.
- 117 ~~i.k.~~ Thematic renderings demonstrating the general vision and character of the proposed
118 development.
- 119 ~~(e)d.~~ All documents submitted as part of the application shall be accompanied by a in a
120 corresponding PDF formatted file.

Sec 102-5-5 Concept Development Plan

- (a) A concept development plan may be required to be submitted with a rezoning application to any zone, as provided in Section 102-5-6. The concept development plan shall supply sufficient information about the development to assist the Planning Commission and County Commission in making a decision on the rezoning application. Information supplied shall include text and illustration identifying or showing:
 - (1) Inventory of general land use types located within the project and the surrounding area.
 - (2) Approximate locations and arrangements of buildings, structures, facilities and open space.
 - (3) Architectural rendering of proposed buildings, structures, facilities and open space within the project.
 - (4) Access and traffic circulation patterns and approximate location of parking.
 - (5) A written description explaining how the project is compatible with surrounding land uses.
 - (6) The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands, etc.).
 - (7) Existing and proposed infrastructure.
 - (8) Project density and mass/scale in comparison to the existing developed area adjacent to the proposed rezone.
 - (9) Legal description of the property being proposed for rezone.

- (b) The applicant/owner, and any assignee or successor in interest, is required to develop only in accordance with the proposals outlined in the plan. Any materially different concept, use, building arrangement, etc., will not be approved nor will building permits be issued by the county until such plan is amended by the county commission after recommendation of the planning commission. Minor changes may be approved by the planning director. If the county denies such changes or amendments and/or the concept plan is abandoned, the county may institute steps to revert the zoning to its former or other appropriate zone. The information shown on the concept plan may vary in detail depending on the size of projects.

Sec 102-5-6 Rezone Procedure

- (a) **Preapplication meeting; concept plan requirement.** Prior to submittal of a rezone application, the applicant shall attend a pre-application meeting in which the proposal is discussed with County planning staff. After the pre-application meeting, the Planning Director or designee may require a concept development plan to be submitted with the application. After application submittal, if no concept plan was previously required, the Planning Director or designee, the Planning Commission, or the County Commission may require a concept development plan or any other information to address emerging impacts.

- (b) **Application process.** ~~When a~~ rezoning application ~~is not entitled to be reviewed until it~~ meets the requirements outlined in Section 102-5-4 of this Chapter, and ~~after when~~ the application is deemed complete by the Planning Director or designee, Once complete, the application ~~is entitled to~~ will be processed in the following manner:

- (1) **Planning Commission review and recommendation.** Upon receiving a recommendation from staff regarding ~~an amendment to the zoning map~~ a rezone application, and after holding a public hearing pursuant to State Code, the Planning Commission shall review the ~~application-amendment~~ and prepare its recommendation. The Planning Commission may recommend approval, approval with modifications, or denial of the proposed amendment, ~~and shall~~ The Planning Commission's

Commented [E7]: Rezone to FBZ does not require a concept plan

- 166 [recommendation shall then be](#) submitted to ~~its recommendation~~ to the County
167 Commission for review and decision.
- 168 (2) **County Commission review and decision.** Upon receiving a recommendation from the
169 Planning Commission regarding ~~an amendment to the zoning map~~ [a rezone application](#),
170 the County Commission shall schedule and hold a public hearing to review and make a
171 decision on the application. Following the public hearing the County Commission may
172 approve, approve with modifications, or deny the proposed amendment. Prior to making
173 a decision that goes contrary to the Planning Commission's recommendation, the County
174 Commission may, but is not obligated to, remand the ~~amendment application~~ to the
175 Planning Commission with a request for another recommendation with additional or
176 specific considerations.
- 177 (3) **Decision criteria.** A decision to amend the zoning map is a matter committed to the
178 legislative discretion of the County Commission and is not controlled by any one standard.
179 However, in making an amendment, the County Commission and Planning Commission
180 are encouraged to consider the following factors, among other factors they deem relevant:
- 181 a. Whether the proposed amendment is consistent with goals, objectives, and policies of
182 the County's general plan.
- 183 b. Whether the proposed amendment is compatible with the overall character of existing
184 development in the vicinity of the subject property, ~~and if not, consideration of the~~
185 [specific incompatibilities within the context of the general plan](#).
- 186 c. The extent to which the proposed amendment may adversely affect adjacent property.
- 187 d. The adequacy of facilities and services intended to serve the subject property,
188 including, but not limited to, roadways, parks and recreation facilities, police and fire
189 protection, ~~schools~~, stormwater drainage systems, water supplies, wastewater, and
190 refuse collection.
- 191 e. Whether the proposed rezone can be developed in a manner that will not substantially
192 degrade natural/ecological resources or sensitive lands.
- 193 f. Whether proposed traffic mitigation plans will prevent transportation corridors from
194 diminishing below an acceptable level of service.
- 195 (4) **Supplementary approval considerations for a destination and recreation resort**
196 **zone.** The Planning Commission and County Commission are also encouraged to
197 consider the following factors, among other factors they deem relevant, when making an
198 amendment to the DRR-1 zone:
- 199 a. Whether a professional and empirical study has provided substantial evidence
200 determining that the proposed resort is viable and contributes to the surrounding
201 community's economic well-being.
- 202 b. Whether the natural and developed recreational amenities, provided by the resort, will
203 constitute a primary attraction and provide an exceptional recreational experience by
204 enhancing public recreational opportunities.
- 205 c. Whether the proposed resort's seasonal workforce housing plan will provide a socially,
206 economically, and environmentally responsible development.
- 207 (5) **One-year period before reapplication if denied.** Where a rezoning application has been
208 denied, the County shall not accept a substantially similar zoning amendment application
209 within one (1) year of a denial unless there is a substantial change of conditions since the
210 earlier application. A new application, with the applicable fee, shall be required and
211 processed in accordance with the procedure outlined in this section.

- 212 (c) **Application expiration.** Rezoning applications shall expire 18 months after submittal, if not
- 213 acted upon. The Planning Director may extend the expiration date for six months for just
- 214 cause.
- 215 (d) **Notice.** The first public hearing regarding the rezone shall be noticed as required by State
- 216 Code, and mailed to the owner of record of each parcel within 500 feet of the boundary of the
- 217 area proposed to be rezoned. The mailed notice shall be postmarked at least 10 calendar
- 218 days prior to the first public hearing.

219 **Sec 102-5-7 Approved Development Proposals**

220 After rezoning is granted, applications for development within the rezoned area shall be reviewed
221 as required by the Land Use Code. ~~The development~~An application for development plans shall
222 be consistent with the approved concept development plan and ~~or~~ development agreement, if
223 applicable.

224 **Sec 102-5-8 Development Agreement**

225 The county commission may require an applicant, at the time of zoning approval, to enter into a
226 zoning development agreement as outlined in Chapter 102-6. Any rezone that is conditioned on
227 a concept development plan requires a development agreement in order for the concept
228 development plan to govern the development.

229 **Sec 102-5-9 Rezone Expiration And Reversion**

- 230 (a) Unless authorized otherwise in an adopted development agreement, a rezone that is
- 231 approved based on a concept development plan, as provided in Section 102-5-5, shall by
- 232 default expire after three years of no substantial construction action toward installing the
- 233 improvements depicted in the development plan. For the purpose of this section, "substantial
- 234 construction action" shall mean the actual installation, inspection, and acceptance by the
- 235 County Engineer of a subdivision or development improvement, as provided in Title 106,
- 236 Chapter 4.
- 237 (b) A request for an extension, if applicable, shall be submitted to the Planning Division in writing
- 238 with a new rezone fee. After receiving recommendation from the Planning Commission, the
- 239 County Commission may extend the rezone expiration timeframe if the County Commission
- 240 determines that nothing has substantially changed since the original approval that would alter
- 241 the outcome of a resubmittal of the same rezone application and concept development plan.
- 242 (c) Unless authorized otherwise in an adopted development agreement, ~~U~~pon expiration, the
- 243 zone shall immediately and automatically revert back to the zone or zones that existed prior
- 244 to the rezone approval.

245 ~~(d) The concept plan, and the expiration and zone reversion, shall be specified in the ordinance~~
246 ~~that adopts the rezone, and the ordinance shall be recorded to the title of the property.~~

247 ~~(e)~~(d) Nothing in this part shall be construed to limit the County Commission's legislative
248 authority to rezone the property in the future.

249 ~~(f) This section shall not affect a rezone that is not conditioned on a concept development plan.~~

250 **Sec 102-5-10 Rezone of Property Disconnecting From Incorporated Cities**

251 Properties that disconnect from incorporated cities shall submit a rezone application and fees to
252 the county planning division. Prior to any disconnection, the subject property needs to comply
253 with its current city zoning and approved site plan.

254 ...

255

256 **TITLE 104 ZONES**

Commented [E8]: The development agreement covers this.

Commented [E9]: This is redundant.

DRAFT – Last edited 3/27/2023

257 **Sec 104-1-1 Establishment Of Zones**

258 For the purpose of this title, the Territory of Weber County to which this title applies is divided into
259 classes of zones as follows:

ZONE DISTRICTS	ZONE NAME
Residential Estates Zone	RE-15
Residential Estates Zone	RE-20
Gravel Zone	G
Agricultural Zone	A-1
Agricultural Zone	A-2
Agricultural Zone	A-3
Agricultural Valley Zone	AV-3
Forestry Zone	F-5
Forestry Zone	F-10
Forestry Zone	F-40
Forest Valley Zone	FV-3
Shoreline Zone	S-1
Commercial Valley Resort Recreation Zone	CVR-1
Flexible Residential Zone	R15 - Flex
Flexible Residential Zone	R-4-12 - Flex
Flexible Residential Zone	R-4-10 - Flex
Forest Residential Zone	FR-1
Residential Zone	R-2
Residential Zone	R-3

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Forest Residential Zone	FR-3
Residential Mobile/Manufactured Home Park Zone	RMHP
Residential Manufactured Home Zone	RMH-1-6
Commercial Zone, Neighborhood	C-1
Commercial Zone, Community	C-2
Commercial Zone, Regional	C-3
Commercial Valley Zone, Neighborhood	CV-1
Commercial Valley Zone, Community	CV-2
Manufacturing Zone, Light	M-1
Manufacturing Zone, Medium	M-2
Manufacturing Zone, Heavy	M-3
Manufacturing Zone, Valley	MV-1
Form-Based Zone	FB
Open Space Zone	O-1
Master Planned Development Overlay Zone	MPDOZ
Ogden Valley Sensitive Lands Overlay Zone	SLOZ
Ogden Valley Destination and Recreation Resort Zone	DRR-1
Large Solar Energy System Overlay Zone	SOZ

260 ...

261 **Chapter 104-12 Flexible Single-Family Residential Zones ~~R-1-12, R-1-10~~ R15 – Flex, R12 –**
262 **Flex, and R10 – Flex.**

263

264 **Sec 104-12-1 Purpose And Intent**

265 The purpose of the R-1-15 Zone, R-1-12 Zone, and R-1-10 Zone~~classification~~ is to provide
266 regulated areas for single-family residential use at ~~two~~ three different low-density levels.

Sec 104-12-2 Permitted Uses

The following are permitted uses in the Single Family Residential Zones R-1-12, R-1-10:

1. ~~Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.~~
2. ~~Accessory dwelling unit, in compliance with Chapter 108-19.~~
3. ~~Agriculture.~~
4. ~~Church, synagogue or similar building used for regular religious worship.~~
5. ~~Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code.~~
6. ~~Educational institution.~~
7. ~~Golf course, except miniature golf course.~~
8. ~~Greenhouse, for private use only.~~
9. ~~Home occupations.~~
10. ~~Household pets, which do not constitute a kennel.~~
11. ~~Parking lot accessory to uses permitted in this zone.~~
12. ~~Public building, public park, recreation grounds and associated buildings.~~
13. ~~Single-family dwelling.~~
14. ~~Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.~~
15. ~~Residential facilities for persons with a disability meeting the requirements of section 108-7-13.~~

Sec 104-12-3 Conditional Uses

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

1. ~~Educational/institutional identification sign.~~
2. ~~Private park, playground or recreation area, but not including privately owned commercial amusement business.~~
3. ~~Public utility substations.~~
4. ~~Residential facility for elderly persons meeting the requirements of section 108-7-15.~~
5. ~~Water storage reservoir developed by a public agency and meeting requirements of title 108, chapter 10 of this Land Use Code.~~

Sec 104-12-2 (Reserved)

Commented [E10]: Deleting in favor of a Land Use Table (below)

Sec 104-12-3 Land Use Table

The following tables display the uses permitted, conditionally permitted, or not permitted in the Single-Family Residential Zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

(a) **Accessory uses.** An accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.

<u>USES</u>	<u>R-1-15- R15 - FLEX</u>	<u>R-1-12- R12 - FLEX</u>	<u>R-1-10- R10 - FLEX</u>	<u>SPECIAL REGULATIONS</u>
<u>Accessory building, when accessory and incidental to the use of a main building.</u>	P	P	P	
<u>Accessory dwelling unit</u>	P	P	P	<u>See Chapter 108-19.</u>
<u>Accessory use</u>	P	P	P	
<u>Home occupation, when accessory to a residential use.</u>	P	P	P	<u>See Chapter 108-13.</u>
<u>Household pets, when accessory to a residential use.</u>	P	P	P	
<u>Main building, designed or used to accommodate the main use.</u>	P	P	P	
<u>Parking lot, when accessory to a main use allowed in the zone.</u>	P	P	P	
<u>Temporary building or use, accessory and incidental to onsite construction work.</u>	P	P	P	

(b) **Agricultural uses, non-animal**

<u>USES</u>	<u>R-1-15</u>	<u>R-1-12-</u>	<u>R-1-10</u>	<u>SPECIAL REGULATIONS</u>
<u>Agriculture, limited.</u>	P	P	P	<u>Limited to noncommercial crop production in private or</u>

Commented [E11]: Reformatting list of uses into a table of uses.

community gardens no
greater than one ~~five~~ acres.

309

310 (c) (Reserved)

311

312 (d) Commercial uses. The following are uses that typically generate customer-oriented traffic to
 313 the lot or parcel.

USES	R-1-15	R-1-12-	R-1-10	SPECIAL REGULATIONS
<u>Child day care.</u>	C	C	C	

Commented [E12]: New zone.

314 (e) Institutional or governmental uses.

USES	R-1-15	R-1-12-	R-1-10	SPECIAL REGULATIONS
<u>Cemetery</u>	P	P	P	
<u>Church, synagogue, or similar building used for regular religious worship.</u>	P	P	P	
<u>Private park, playground or recreation area. Fees collected, if any, shall be devoted to operations and maintenance of the park. No commercial venture allowed.</u>	C	C	C	<u>A private park and related infrastructure approved as part of a subdivision or development agreement shall be a permitted use provided compliance with the standards of Chapter 108-4.</u>
<u>Public building.</u>	P	P	P	
<u>Public park, recreation grounds and associated buildings.</u>	P	P	P	
<u>Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.</u>	P	P	P	

Commented [E13]: New zone.

315 (f) Residential uses.

USES	R-1-15	R-1-12-	R-1-10	SPECIAL REGULATIONS
<u>Residential facility for elderly persons.</u>	P	P	P	<u>See Section 108-7-15.</u>
<u>Residential facility for handicapped persons.</u>	P	P	P	<u>See Section 108-7-13.</u>

Commented [E14]: New zone.

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Residential facility for troubled youth.	P	P	P	See Section 108-7-14.
Single-family dwelling.	P	P	P	

316

317 (a) Utility uses.

USES	R-1-15	R-1-12-	R-1-10	SPECIAL REGULATIONS
Public utility substations.	C	C	C	
Water storage reservoir, when developed by a public utility service provider.	C	C	C	See Chapter 108-10.

Commented [E15]: New zone.

318
319 Sec 104-12-4 (Reserved)

320
321 **Sec 104-12-4.5 Site Development Standards**

322 The following site development standards apply to the Single-Family Residential Zones, unless
323 specified otherwise in this Land Use Code ~~R-1-12, R-1-10:~~

324 (a) Lot area:

	R-1-15	R-1-12-	R-1-10	SPECIAL REGULATIONS
Minimum Lot area:	15,000 square feet	12,000 square feet	10,000 square feet	<p>In a subdivision, the actual allowed minimum lot area may be reduced to no less than 6,000 square feet if in compliance with the following:</p> <ol style="list-style-type: none"> The total number of lots allowed in the subdivision shall be no greater than the gross developable area divided by the minimum Lot area specified in the cells to the left. Each lot adjacent to a lot in another subdivision, including across a street, shall be no smaller than the lesser of: <ol style="list-style-type: none"> 80 percent of the minimum Lot area provided in the cells to the left; or the actual Lot area of the Lot or Lots to which it is adjacent.

Commented [E16]: New zone.

325 (c) Lot width:

	R-1-15	R-1-12	R-1-10	SPECIAL REGULATIONS
<u>Minimum Lot width:</u>	60 feet			Unless located at least 30 feet behind the front most part of the dwelling, a front-facing garage door shall have a width that is no greater than 15 percent of the width of the Lot

Commented [E17]: A 60 foot wide lot can have no greater than a 9-foot wide front-facing garage door.

(d) Yard setback:

(1) Front yard setback:

	R-1-15	R-1-12	R-1-10
<u>Minimum front yard:</u>	20 feet, except if a vehicle's sole access to the lot is provided over the rear Lot line by means of an alley, then the front setback is 15 feet.		

Commented [E18]: Need to find other sections of code that only allow access across the front lot line.

(2) Side yard setback:

	R-1-15	R-1-12	R-1-10	SPECIAL REGULATIONS
<u>Minimum for dwelling:</u>	5 feet on one side, 10 feet on the other.			If a vehicle's sole access to the lot is provided over the rear Lot line by means of an alley, this shall be 5 feet.
<u>Minimum for other main building:</u>	20 feet			
<u>Minimum for side facing street on corner lot:</u>	15 feet			
<u>Minimum for accessory building:</u>	Same as main building, except 1 foot if located at least 6 feet in rear of main building.			See Section 108-7-16 for an accessory buildings over 1,000 sq. ft.

Commented [E19]: 10 on one side and 5 on the other Except 5 on each if each lot is alley-loaded in the rear of the lot.

Commented [E20]: Perhaps define rear-loaded lot?

Commented [E21]: Or average of the block

Commented [E22]: Check reference

(3) Rear yard setback:

	R-1-15	R-1-12	R-1-10
<u>Minimum for main building:</u>	30 feet		

Minimum for accessory building:	1 foot, except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot.
---	--

- Commented [E23]:** Rear-loaded rear-facing garage shall have a rear setback no less than 15.
- Commented [E24]:** Need to create alley standards for rear load lots.
- Commented [E25]:** Make this only applicable to the side adjacent to the street.

(4) [Building height:](#)

	R-1-15	R-1-12	R-1-10	SPECIAL REGULATIONS
Minimum building height for main building:	1 story			
Maximum building height for main building	35 feet			
Maximum imum building height for accessory building:	25 feet			See Section 108-7-16 for an accessory buildings over 1,000 sq. ft.

- Commented [E26]:** Check reference

Residential Zones	R-1-15	R-1-12	R-1-10
Minimum lot areas (in square feet)	15,000	42,000	40,000
Minimum lot width	60 feet	90 60 feet	80 60 feet
Minimum yard setbacks (in feet)			
Front	30 feet	30 feet	20 feet
Side			
Dwelling with total width not less than		40 feet	40 feet
		24 feet	24 feet
Other main bldg. each side		20 feet	20 feet
Accessory bldg.		10 feet	10 feet
Exception: Where located at least 6 feet from rear of main building or 60 feet back from the front lot lines, 4 feet, but not closer than 10 feet to dwellings on adjacent lots.			
Side facing street on corner lot		20 feet	20 feet

Exception: Average of existing buildings where 50 percent frontage is developed but not less than 15 feet			
Rear			
Main building		30 feet	20 feet
Accessory building		40 feet	40 feet
Main building height			
Minimum		Same for all zones:	1 story
Maximum			35 feet
Accessory building height		25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings.	

332 ~~**Sec 104-12-5 Sign Regulations**~~

333 ~~The height, size and location of the following permitted signs shall be in accordance with the~~
 334 ~~regulations set forth in this Land Use Code:~~

- 335 ~~1. Business sign for legal nonconforming commercial and industrial uses.~~
- 336 ~~2. Identification and information.~~
- 337 ~~3. Nameplate.~~
- 338 ~~4. Property.~~
- 339 ~~5. Service.~~

340 ...

341

342 **TITLE 106 SUBDIVISIONS**

343 ...

344 **Chapter 106-1 General Provisions**

345 ...

346 **Sec 106-1-8 Final Plat Requirements and Approval Procedure**

347 ...

348 **Sec 106-1-8.2 Final Plat Requirements**

349 The following are requirements for final plat consideration:

350 ...

351 **Plat notes required.** The following plat notes shall be placed on every page of the final plat,
 352 when applicable:

- 353 (a) **Boundary and corners note.** A note on the plat shall indicate the subdivision boundary and
 354 the lot corners are set as required by state code and county ordinances.

- 355 (b) **Hillside development plat note.** Pursuant to [Section 106-2-4](#), a lot that has an average
356 percent of slope that is greater than 25-percent shall provide the following on the final plat:
- 357 (1) **Buildable area.** If the lot provides a [buildable area](#), the buildable area shall be delineated
358 on the final plat by short dashed lines. The area shall be labeled as "Buildable area. See
359 note [enter note number here]." The note shall read as follows: "A lot with a delineated
360 "buildable area" shall only allow buildings within the designated buildable area."
- 361 (2) **Restricted lot.** If a lot is a [restricted lot](#), the letter "R" shall be placed immediately to the
362 right of the lot number. The lot shall be labeled as "Restricted lot. See note [enter note
363 number here]." The note shall read as follows: "A lot labeled with the letter "R" after the lot
364 number is a restricted lot because it has an average percent of slope greater than 25-
365 percent. Development thereon is subject to a hillside development review pursuant to the
366 provisions of Title 108, Chapter 14."
- 367 (c) **Agricultural uses plat note.** A subdivision located in an Agriculture A-1, A-2, A-3, or AV-3
368 Zone shall have the following plat note: "Agriculture is the preferred use in the agricultural
369 zones. Agricultural operations as specified in the Land Use Code for a particular zone are
370 permitted at any time including the operation of farm machinery and no allowed agricultural
371 use shall be subject to restriction on the basis that it interferes with activities of future residents
372 of this subdivision."
- 373 (d) **Lot-averaged subdivision plat note.** A lot-averaged subdivision shall have the following plat
374 note: "For each zone in this subdivision, the average area and average width of lots within the
375 zone equal or exceed the minimum area and minimum width allowed in the zone. A
376 subdivision amendment within any part of the overall subdivision boundary shall comply with
377 [Section 106-2-4.2](#) of the Weber County Code."
- 378 (e) **Connectivity-incentivized subdivision plat note.** A connectivity-incentivized subdivision
379 shall have the following plat note: "This subdivision was allowed flexible lot area and width in
380 exchange for superior street connectivity. A subdivision amendment within any part of the
381 overall subdivision boundary shall comply with [Section 106-2-4.3](#) of the Weber County Code."
- 382 (f) **Moderate income housing plat note.** Pursuant to [Section 104-27-6](#) or [Section 104-22-12](#), a
383 lot or unit set aside for moderate-income housing shall have a plat note explaining the nature
384 of the housing restriction and the method by which occupancy and moderate-income
385 affordability will be regulated.
- 386 (g) **Privately operated and maintained street or shared private lane plat note.**
- 387 (1) **Private street.** A parcel dedicated to the county but intended for a privately operated and
388 maintained street, pursuant to [Section 106-2-2.1\(b\)](#), shall be labeled as "Privately
389 operated and maintained street. See note [enter note number here]." The note shall read
390 as follows: "Use of a street labeled as "Privately operated and maintained street" is
391 reserved for the exclusive and private use of the adjoining lot owners until and unless the
392 governing body assumes public responsibility for the street."
- 393 (+) (2) **Shared private lane.** A shared private lane, pursuant to [Section 106-2-2.1\(c\)](#), shall
394 be labeled as "Shared private lane." If the shared private lane is temporarily in lieu of a
395 street, then it shall be labeled as "Shared private lane. See note [enter note number here]."
396 The note shall read as follows: "The shared private lane is also an easement held in favor
397 of the County for possible conversion to a public street at a time the County deems it
398 appropriate, if ever."
- 399 (g)(h) **Landscaping and watering restrictions plat note.** Pursuant to [Section 106-4-2.1](#), a lot
400 that will have landscaping and watering restrictions shall have a note placed on the final
401 recorded plat that generally explains the landscaping and watering restrictions per lot, and

Commented [E27]: Check reference

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402 references the recorded covenant or, if applicable, covenants, and specifies the automatic
403 watering system requirements of Section 106-4-2.1, if applicable.

404 ~~(h)~~(i) **Substitute monuments plat note.** Pursuant to Section 106-4-2.11, substitute
405 monuments, when used, shall be noted on the subdivision plat and must be durably and visibly
406 marked or tagged with the registered business name or the letters "P.L.S." followed by the
407 registration number of the surveyor in charge.

408 ~~(j)~~(i) **Outdoor lighting in a cluster subdivision plat note.** Pursuant to Section 108-3-8, a cluster
409 subdivision plat shall contain a note stating that all lots in the subdivision are required to
410 comply with the outdoor lighting requirements of Title 108 Chapter 16.

411 ~~(k)~~(k) **Natural hazard report disclosure plat note.** If any lot in the subdivision is in a natural
412 hazard study area, a note shall be placed on the subdivision plat as provided in Section 108-
413 22-4.

414 ...

415 **Chapter 106-2 Subdivision Standards**

416 ...

417 **Sec 106-2-2 Street Standards**

418 **Sec 106-2-2.010 ~~Streets Generally~~ Public Street Requirement**

419 ~~Public street requirement.~~ The standard method of ensuring ease of access, efficient mobility,
420 reduced response time for first responders, effective emergency management, strong
421 neighborhood relationships through interconnectivity, and a more equitable means of access to
422 community opportunities, is by requiring public streets and public street connectivity at the time
423 new development is proposed. As such, the default requirement for each subdivision lot is to
424 provide lot frontage on a street dedicated to the County as a public right-of-way and thoroughfare.

425 (a) **Public street dedication.** Each street in a subdivision shall be dedicated to the county as a
426 public street, except when a private street is allowed or required as provided in this section.

427 (b) **Standard street cross-sections.** All proposed public streets shall conform to the county
428 street cross-section standards, unless explicitly specified otherwise.

429 **Sec 106-2-2.020 Ogden Valley Private Street Option**

430 ~~Private street option.~~ The provisions of Section 106-2-2.010 notwithstanding. In the Ogden
431 Valley Planning Area, the County, and in some cases the applicant, may find benefit from a street
432 being temporarily or permanently private. In those cases, the Land Use Authority may require or
433 an applicant may volunteer a proposed street to be privately owned or privately operated and
434 maintained. Development of or along a private street shall comply with the following:

435 (a) **No entitlement.** An applicant is not entitled to make a street private. The Land Use Authority
436 has full discretion, subject to the regulations herein, to allow or require a street to be private.

437 (b) **Prohibition.** A private street shall not be allowed if:

438 (1) It creates a hardship for other landowners in the area to access and develop their land, or

439 (2) A public street is needed in the location of the private street, as determined by the Land
440 Use Authority.

441 (c) **Responsibility for construction.** The applicant shall pay for and construct the private street.

442 (d) **Ownership.** The final plat shall dedicate the land under the private street to the County for
443 the purpose of future conversion to a public street at a time the governing body determines a
444 public street is necessary, if ever.

Commented [E28]: Need to add
-Limited access to arterials and collectors
-Driveway apron and ROW approach for smaller lots

- 445 (1) **Street-parcel dedication waiver.** The Land Use Authority may waive this requirement if
446 development or further development on adjacent lots or parcels to which the street could
447 be extended is extremely unlikely, or to which future public access offers very little public
448 benefit, as determined by the Land Use Authority.
- 449 a. **No street-block waiver.** A street needed to satisfy the street-block requirements of
450 Section 106-2-3 is not eligible for this waiver unless there is no way in which that street
451 can be configured in the subdivision to support the creation of the street-block.
- 452 b. **Pathway in lieu waiver.** In circumstances where current or future public access by
453 vehicle is unwarranted, the Land Use Authority may grant a waiver and in lieu require
454 the dedication and installation of a 12-foot wide public easement and pathway or trail
455 connection. The minimum pathway or trail design shall provide for either a 10-foot wide
456 hard-surface pathway with a maximum average grade of 10 percent, or a single-track
457 dirt trail with a maximum average grade of 18 percent.
- 458 c. **Waiver requires joint ownership.** If a waiver is granted, the street parcel shall be
459 held in joint ownership of the owners of all lots that gain access from it.
- 460 (2) **Street-parcel configuration.** The parcel being dedicated to the county shall be the length
461 of the private street and extend to adjacent developable land or another street regardless
462 of whether the private street infrastructure does. The parcel shall be the same width
463 required for a public street right-of-way, and be configured at a grade that will not create
464 an unreasonable burden for future street-building and connectivity given typical grading
465 and construction methods.
- 466 (3) **Transfer of street-parcel.** If adjacent parcels to which the private street could connect
467 reach full build-out or otherwise change in a manner that renders a future public street
468 connection extremely unlikely, or if future public access to those parcels offers very little
469 public benefit, the county, at its sole option, may transfer the land, in accordance with all
470 legal requirements, to the joint ownership of the owners of all lots that gain access from it.
- 471 (e) **Operation, maintenance, and use.** Except after the county assumes responsibility for the
472 street, if ever, the operations and maintenance of the installed private street improvements
473 shall be the sole responsibility of the owners of each lot gaining access from the private street.
474 The Land Use Authority may allow these owners to restrict access to the street by the general
475 public, except county officials conducting official county business on a county-owned street-
476 parcel.
- 477 (f) **Building setback standards.** The minimum building setbacks shall be measured from the
478 boundary of the county-owned street-parcel.
- 479 (g) **Private street required.** Unless the County Engineer or the Land Use Authority authorizes
480 otherwise based on the public benefit outweighing the long term operations and maintenance
481 expense, a public street is not allowed in the following circumstances:
- 482 (1) **Permanent terminal street.** A non-temporary terminal street;
- 483 (2) **Geologic hazards.** A street that traverses a geologic hazards study area shall be a private
484 street, unless the hazards study, as required by Chapter 108-22, provides compelling
485 evidence that demonstrates the hazard risk to a public street is low.
- 486 (h) **Construction standards.** Unless otherwise required by the local Fire Authority or County
487 Engineer, a private street shall be constructed to public street standards.
- 488 (i) **Plat notes.** On the final plat, the county-owned street-parcel, where applicable, shall be
489 labeled and noted as required by Section 106-1-8.2.
- 490 (j) **Recording requirements.** At the time of final plat recording, the applicant shall record a
491 covenant to run with the land that provides that:

Commented [E29]: Maybe allowing private street if on a cul-de-sac in Western Weber.

- 492 (1) The owners of all lots that gain access from the private street are solely and equally
- 493 responsible for operations and maintenance of the street.
- 494 (2) If applicable, that by purchasing a lot that gains access from a private street, the owner
- 495 acknowledges that the street-parcel is owned in fee by the governing body for possible
- 496 future public street purposes, but that the governing body assumes no responsibility or
- 497 liability for the street or for the uses thereof or thereon until and unless, if applicable, the
- 498 governing body assumes responsibility for it.
- 499 (3) The owner is responsible for disclosing the nature of the street to prospective purchasers,
- 500 renters, or lessees.
- 501 (4) The landowner of record or authorized representative agree to pay a proportionate amount
- 502 of the costs associated with improving or restoring the street to operational public street
- 503 standards at the time the governing body assumes responsibility for it; and agrees to not
- 504 protest the creation of a special assessment area or other similar revenue generating
- 505 mechanism the governing body deems necessary to bring the private street to operational
- 506 public street standards.

Sec 106-2-2.030 Shared Private Lane

Shared private lane. Unless specified otherwise in this Section 106-2-2.1(c), a shared private lane is only allowed in locations where a street or street connection is not otherwise required or planned as provided in the applicable general plan, and where its placement will not violate the applicable street-block requirement of Section 106-2-3. Construction of a shared private lane is a subdivision improvement requirement and shall comply with the relevant sections of Section 106-4 of this Land Use Code.

Commented [E30]: Update with new reference

(a) Shared private lane design, configuration, and construction requirements. A shared private lane shall be:

Commented [E31]: Check reference- update to include the 8x min lot width allowance

(1) Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum improved surface width of 20 feet. A greater right-of-way width may be required by the County Engineer for a cross-slope easement.

(2) Configured and constructed so that any curve will safely facilitate the turning radius and weight of the Fire Authority's largest fire apparatus.

Commented [E32]:

(3) Constructed of all-weather material, have a grade of no greater than ten percent, a clearance no less than 14 and a half feet, and if terminal and longer than 200 feet in length, a fire truck turnaround at the end.

Commented [E33R32]: Make clear this is for switchbacks

(4) Be on a parcel that is held in common ownership by a homeowner's association that governs the Lots that gain access therefrom, or be an easement recorded in favor of the owners of all Lots that gain access therefrom.

Commented [E34]: In a zone that allows greater density than one unit per acre this needs to be hard-surfaced

(5) If terminal, no longer than 600 feet, and provide access to no more than 15 residences.

Commented [E35]: Redundant

(6) If terminal and longer than 200 feet in length, designed with a fire apparatus turn-around approved by the local fire authority at the end.

Commented [E36]: In western weber, no longer than 200 feet and no more than seven total lots.

(b) Shared private lane temporarily in lieu of street. As long as development on other properties in the general area to which a street could extend is not imminent, a private lane may be installed in place of a required public or private street, or it may be greater than 600 feet in length, under the following circumstances:

Commented [E37]: And?

(1) No interruption of street connectivity. Doing so shall not disrupt the orderly build-out or inhibit the future street connectivity of the area.

(2) Compliance with general plan. It shall not be contrary to the General Plan's recommendations that are specifically applicable to the area.

538 (3) **Easement required.** The final plat shall convey an easement over the shared
539 private lane to Weber County for the purpose of reserving a future public street right-of-
540 way at a time the governing body determines a public street is necessary, if ever.

Commented [E38]: Need legal to review.

541 a. The easement being dedicated to the county shall be the length of the private street
542 and extend to adjacent developable land or another street regardless of whether the
543 private street infrastructure does.

544 b. The easement shall be the same width required for a public street right-of-way, and
545 be configured at a grade that will not create an unreasonable burden for future street-
546 building and connectivity given typical grading and construction methods.

547 (4) **Operation, maintenance, and use.** The operations and maintenance of the shared
548 private lane shall be the sole responsibility of the owners of each lot gaining access from
549 it.

550 (5) **Building setback standards.** The minimum front building setback shall be 33 feet greater
551 than otherwise required, and shall be measured from the centerline of the shared private
552 lane.

553 (6) **Plat note.** On the final plat, the county-owned easement shall be labeled and noted as
554 required by Section 106-1-8.2.

Commented [E39]: Verify consistency

555 (7) **Recording requirements.** At the time of final plat recording, the applicant shall record a
556 covenant to run with the land that provides that:

557 a. The owners of all lots that gain access from the shared private lane are solely and
558 equally responsible for operations and maintenance of the lane.

559 b. If applicable, that by purchasing a lot that gains access from a shared private street,
560 the owner acknowledges that the lane easement is owned in fee by the governing
561 body for possible future public street purposes, but that the governing body assumes
562 no responsibility or liability for the lane or for the uses thereof or thereon until and
563 unless, if applicable, the governing body assumes responsibility for it.

564 c. The owner is responsible for disclosing the nature of the lane to prospective
565 purchasers, renters, or lessees.

566 e.d. The landowner of record or authorized representative agree to pay a proportionate
567 amount of the costs associated with improving or restoring the street to operational
568 public street standards at the time the governing body assumes responsibility for it;
569 and agrees to not protest the creation of a special assessment area or other similar
570 revenue generating mechanism the governing body deems necessary to bring the
571 shared private lane to operational public street standards.

572 ...

573 **Sec 106-2-2.2050 Arterial And Collector Streets**

574 Unless specified otherwise in this Land Use Code, an arterial or collector street shall be dedicated
575 to conform to the right-of-way width designated ~~on~~ in the general plan, master street plan, capital
576 improvement or facilities plan, impact fee facilities plan, development agreement, or similar
577 adopted planning or street design document. Setback from an arterial and collector street shall
578 be in compliance with Section 108-7-2.010.

Commented [E40]: Check reference

579 ...

580 **Sec 106-2-2.8 Street Cross Sections and Design**

581 (a) **Street cross section design.** A proposed new street or street extension shall comply with
582 the standards and specifications provided in Section 106-4-5 of this Land Use Code, as shall

583 half of an existing street adjacent to the lots in the subdivision, if applicable. The County
584 Engineer is authorized to require the applicant to make offsite improvements on streets in the
585 area if the impact of the subdivision on those streets necessitates the improvements. In the
586 FB Zone, street design shall comply with the specific standards therein.

587 ~~(b)–**Development on a substandard street.** Development on a substandard street shall comply
588 with the provisions of Section 108-7-19. When an applicant is proposing a lot or lots that will
589 gain access from a substandard street, or from a terminal street or terminal street route that
590 is substandard at any point leading to the lot or lots, the applicant can either choose to bring
591 the street to the applicable standard or the following provisions shall apply:~~

592 ~~(1)–**Paying proportionate share.** As part of a "project improvement," as defined in UCA 11-
593 36a-102, the applicant shall pay the cost of a proportionate share of street design, street
594 improvements, and, if applicable, street right of way acquisition to bring that street into or
595 closer to compliance with County standards. The cost of the proportionate share shall be
596 determined _____ as _____ follows:~~

597
598 a. ~~**Engineer's cost estimate.** Estimate the cost to improve the street to County
599 standards from the point it becomes substandard to the furthest extent of the
600 applicant's subdivision along the street, in compliance with the following:~~

601 1. ~~This shall be furnished by the applicant in the form of an engineer's cost estimate.
602 The estimate shall use up-to-date market costs for engineering and design,
603 surveying, construction material, labor, and any other expense necessary to
604 improve the street to County standards. The added expense of an intersection or
605 other street component that is not related to providing a standard street to the
606 applicant's subdivision shall be excluded from the calculation;~~

607 2. ~~The County Engineer may require the applicant to furnish engineered drawings of
608 the street and an itemized cost estimate in order to substantiate the estimated
609 cost;~~

610 3. ~~The County Engineer has the discretion to adjust the cost estimate for inflation or
611 market fluctuations during the duration of construction of the applicant's
612 obligations; and~~

613 4. ~~A subdivision improvement that is required of the applicant by the Land Use Code
614 regardless of the condition of the street shall not be included in this calculation,
615 and shall be provided as otherwise required by this Title.~~

616 b. ~~**Determine street's buildout potential.** Find the sum of the estimated number of lots
617 expected along the street at buildout, plus the applicant's proposed number of lots, as
618 follows:~~

619 1. ~~Measure the length of the substandard street or street route from the point it
620 becomes substandard to the furthest extent of the applicant's subdivision along
621 the substandard street or street route;~~

622 2. ~~Determine the estimated number of lots expected along the street at buildout by
623 dividing the length of the street, the result of Subsection (b)(1)b.1., by the standard
624 minimum lot width of the zone, as found in Title 104 of this Land Use Code. Do not
625 use alternative lot widths, such as those allowed in a cluster subdivision or a lot-
626 averaged subdivision, even if the applicant's subdivision has them; then~~

627 3. ~~Combine the estimated number of lots expected along the street at buildout, the
628 results of Subsection (b)(1)b.2. with the applicant's proposed number of
629 subdivision lots.~~

Commented [E41]: Check reference.
Check also references to this section throughout and update.

630 e. ~~Final proportionate share calculation.~~ Divide the cost to improve the street or street-
631 route to County standards, the result of Subsection (b)(1)a. by the sum of the
632 estimated number of lots expected along the street at buildout plus the applicant's
633 proposed number of lots, the results of Subsection (b)(1)b.

634 (2) ~~Required improvements, escrow, and allowed deferral.~~ The County Engineer shall:

635 a. ~~Required improvements.~~ Require the applicant to make improvements to the
636 substandard street or street route in an amount up to but not exceeding the applicant's
637 cost of the proportionate share, as determined herein. The County Engineer has full
638 authority and discretion to determine what improvements are required of the applicant;

639 b. ~~Escrow.~~ Require this cost to be deposited with the County for the County to add a
640 street's needed improvements into scheduled road maintenance and improvements;
641 or

642 c. ~~Deferral.~~ If the County Engineer determines that the funds that would be made
643 available are insufficient to provide meaningful project improvements along the
644 substandard street or street route, he may allow a substandard road agreement in lieu
645 of the project improvements required in this section. In this case, all owners having
646 interest in the new subdivision shall execute a substandard road agreement and notice
647 to new owners. The content of the substandard road agreement and notice shall be
648 as specified by the county. At a minimum, it shall:

649 1. Explain that the new subdivision has only a single street access connecting it to
650 the greater interconnected public street network, and the single street access is
651 not built to the minimum design and safety standards adopted by the County;

652 2. Require a deferral agreement that specifies that the owners or successors and
653 heirs are responsible, at a time the governing authority deems it necessary, to pay
654 for their proportionate share of improving the parts of the single-access street route
655 that do not conform to County standards;

656 3. Allow the governing authority, at its option, to withhold any written protest filed by
657 the owners or their successors or heirs under the State Code's Assessment Area
658 Act, Provisions For Local Districts, or any similar government revenue generation
659 mechanism, from the final tally of collected protests, provided that the revenue
660 generated by the mechanism is used to improve access to the subdivision; and

661 4. Be recorded to the property at the time of subdivision recordation or sooner.

662 ...

663 **Sec 106-2-5 Parks, School Sites And Other Public Places**

664 (a) In all subdivisions other than summer home subdivisions and subdivisions where there are no
665 public streets, the planning commission may require the dedication to the county of not **more**
666 **than three percent of the gross area of the subdivision for parks,** open spaces or other public
667 uses in such location as approved by the planning commission as indicated on the approved
668 preliminary plan, ~~unless the subdivision is approved as part of a cluster subdivision.~~

669 (b) Where it is determined that a greater amount of land is required for parks and open spaces to
670 meet the general plan requirements for that area of the county, or a school site is required,
671 the planning commission after so apprising the appropriate agency, shall so indicate the open
672 space or school site requirements to the subdivider on the approved preliminary plan.

673 (c) The subdivider, at the time of filing the final plat with the planning commission, must offer to
674 sell at a fair market price to the county or other appropriate public agency, within one year
675 immediately following the recording of the final plat, any land so designated for school sites

Commented [E42]: Update park requirements and research whether schools need to be removed from this section.

Commented [E43]: Review literature

<https://www.planning.org/pas/reports/report194.htm>

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676 or any land designated for park or open space in excess of the three percent of land area
677 required to be dedicated in accordance with subsection (a) of this section.

678 (d) If any such proposed public areas or school sites have not been purchased by the appropriate
679 public agency within one year after the recording of the final plat, such areas may be
680 subdivided into lots and blocks in accordance with the requirements of this chapter.

681 ...

682

683 TITLE 108 STANDARDS

684

685 *Chapter 108-7 Supplementary And Qualifying Regulations*

686 **Sec 108-7-1 Purpose And Intent**

687 The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be,
688 the zoning regulations appearing elsewhere in this title.

689 ...

690 **Sec 108-7-7 ~~Clear View of Intersecting Streets~~ Supplemental Street, Access, And Right-of-** 691 **Way Standards**

692 **Sec 108-7-7.010 Obstructions in Right-of-Way**

693 To ensure deposited items or materials do not interfere with pedestrian or vehicular traffic or in
694 any way be dangerous to the health, safety, and welfare of the people of the county, it is unlawful
695 for any person to place or deposit in or upon any public street, right-of-way, or other public
696 property in unincorporated areas of the county any garbage, inoperable or abandoned vehicles,
697 junk, weeds, or any other vegetation, if the deposited items or materials may interfere with
698 pedestrian or vehicular traffic or may in any way be dangerous to the health, safety, and welfare
699 of the people of the county.

700 **Sec 108-7-7.020 Vegetation and Snow Removal – Pedestrian Rights-of-Way**

701 (a) It is the responsibility of owners or occupants of land adjoining a public right-of-way,
702 pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

703 (b) In addition to the requirements of Section 32-8-2 of the Weber County Code, owners or
704 occupants of a platted building lot, or a lot of record with an existing residential, commercial,
705 or manufacturing use, that adjoins a paved pedestrian pathway and is less than five acres
706 shall also be required to ensure continual removal of snow from the pathway.

707 **Sec 108-7-7.030 Clear View of Intersecting Streets.**

708 When an alley or access way intersects with a public right-of-way, or when the subject property
709 abuts the intersection of two or more public rights-of-way, the triangular areas described below
710 shall provide unobstructed cross-visibility at a level between two and eight feet in height. Trees
711 may be planted inside the triangular areas, but shall be trimmed such that no limbs or foliage
712 extend into the cross-visibility zone, and placed so as not to create a traffic hazard. Plant
713 materials, excepting turf grass, shall not be located closer than three feet from the edge of any
714 access way pavement. No other obstruction to view in excess of three feet in height shall be
715 allowed. The triangular areas referred to above are defined as follows:

716 (1) The area of property on either side of an access way formed by the intersection of each
717 side of the access way and the public right-of-way line. The two sides of the triangle shall
718 be ten feet in length measured from the point of intersection and the third side
719 (hypotenuse) being a line connecting the ends of these two sides.

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720 (2) The area of property located at a corner formed by the intersection of two or more public
721 rights-of-way. The two sides of the triangle shall be formed by the street rights-of-way lines
722 for a length of 40 feet back from their intersection and the third side being a line connecting
723 the ends of these two sides.

724 ...

725 **Sec 108-7-10 Required Building Setback From Designated Collector Or Arterial Streets**

726 Where a street is designated on the master street plan of the county as a collector or arterial
727 ~~(major)~~ street and where the existing street right-of-way requires widening to meet the right-of-
728 way standards of such collector or arterial ~~(major)~~ street, the minimum front and side yard setback
729 for all buildings shall be based upon the future designated right-of-way width as shown on the
730 county master plan and shall be measured from the future ~~lot-right-of-way~~ line of the collector or
731 arterial ~~(major)~~ street ~~designated right-of-way~~ instead of the existing lot line of the present street
732 right-of-way.

733 ...

734 **Sec 108-7-19 Development on a Substandard Street or Public by Right-of-Use**
735 **Road Building On Dedicated Substandard Streets Or Public By Right Of Use Roads**

736 (a) Development on a substandard street is not permitted unless in compliance with this Section
737 108-7-19. New or improved agricultural accesses are exempt from these requirements.

738 (b) For the purpose of this section, a substandard street means any of the following, from the
739 point it becomes substandard, or from the nearest intersection with a non-terminal street or
740 street-route, whichever is closer, to the furthest extent of the applicant's proposed
741 development adjacent to the street:

742 (1) a substandard street;

743 (2) a road that is public by right-of-use that does not meet minimum public street standards;
744 and

745 (3) a terminal street-route or public by right-of-use road-route that at any point leading to the
746 development does not meet minimum public street standards.

747 (c) An application for a permit, subdivision, or any other approval authorized by this Land Use
748 Code that proposes to provide, add, or increase the intensity of access to a Lot or Lots from
749 a substandard street shall not be approved unless the substandard nature of the street or
750 street-route is cured. However, if curing the substandard nature of the street or street route is
751 not roughly proportionate to the increased impact of the proposal, then the following provisions
752 shall apply.

753 (1) Right-of-way dedication or conveyance. In all cases, the applicant shall dedicate, by
754 subdivision plat or deed conveyance, to the County the minimum street right-of-way width
755 of the applicant's entire street frontage.

756 (2) Street frontage improvements. In all cases, the applicant shall be financially responsible
757 for the improvement of the applicant's street frontage for up to, but not to exceed, three
758 times the applicable minimum lot width allowed, except, however, if the development is of
759 the nature that makes the future development of any remaining portion of the lot width
760 unlikely, the applicant shall bear the burden of the full lot width. The County Engineer has
761 full authority and discretion to determine the specific improvements required to be installed
762 by the applicant prior to or as condition of approval, and whether any remaining
763 improvements may be deferred to a later time, as otherwise provided in this Section.

764 (3) Paying proportionate share. As part of a "project improvement," as defined in UCA 11-
765 36a-102, the applicant shall pay the cost of a proportionate share of street design, street

Commented [E44]: What other uses should be exempt from street improvements?

766 improvements, and, if applicable, street right-of-way acquisition to bring that street into or
767 closer to compliance with County standards. The cost of the proportionate share shall be
768 determined as follows:

769 a. **Engineer's cost estimate.** Estimate the cost to improve the substandard street or
770 street-route to County standards from the point it becomes substandard, or from the
771 nearest intersection with a non-terminal street or street-route, whichever is closer, to
772 the furthest extent of the applicant's proposed development adjacent to the street.

773 1. This shall be furnished by the applicant in the form of an engineer's cost estimate.
774 The estimate shall use up-to-date market costs for engineering and design,
775 surveying, construction material, labor, and any other expense necessary to
776 improve the street to County standards. The added expense of an intersection or
777 other street component that is not related to providing a standard street to the
778 applicant's subdivision shall be excluded from the calculation;

779 2. The County Engineer may require the applicant to furnish engineered drawings of
780 the street and an itemized cost-estimate in order to substantiate the estimated
781 cost;

782 3. The County Engineer has the discretion to adjust the cost-estimate for inflation or
783 market fluctuations during the duration of construction of the applicant's
784 obligations; and

785 4. A subdivision improvement that is required of the applicant by the Land Use Code
786 regardless of the condition of the street shall not be included in this calculation,
787 and shall be provided as otherwise required by this Title.

788 b. **Determine street's buildout potential.** Find the sum of the estimated number of lots
789 expected along the street at buildout, plus the applicant's proposed number of lots, as
790 follows:

791 1. Measure the length of the substandard street or street-route from the point is
792 becomes substandard to the furthest extent of the applicant's subdivision along
793 the substandard street or street-route;

794 2. Determine the estimated number of lots expected along the street at buildout by
795 dividing the length of the street, the result of Subsection (b)(1)b.1., by the standard
796 minimum lot width of the zone, as found in Title 104 of this Land Use Code. Do not
797 use alternative lot widths, such as those allowed in a cluster subdivision or a lot-
798 averaged subdivision, even if the applicant's subdivision has them; then

799 3. Combine the estimated number of lots expected along the street at buildout, the
800 results of Subsection (b)(1)b.2. with the applicant's proposed number of
801 subdivision lots.

802 c. **Final proportionate share calculation.** Divide the cost to improve the street or street-
803 route to County standards, the result of Subsection (b)(1)a. by the sum of the
804 estimated number of lots expected along the street at buildout plus the applicant's
805 proposed number of lots, the results of Subsection (b)(1)b.

806 (4) **Required improvements, escrow, and allowed deferral.** The County Engineer shall:

807 a. **Required improvements.** Require the applicant to make improvements to the
808 substandard street or street-route in an amount up to but not exceeding the applicant's
809 cost of the proportionate share, as determined herein. The County Engineer has full
810 authority and discretion to determine the specific improvements required of the
811 applicant;

b. Escrow. Require this cost to be deposited with the County for the County to add a street's needed improvements into scheduled road maintenance and improvements;
or

c. Deferral. If the County Engineer determines that the funds that would be made available are insufficient to provide meaningful project improvements along the substandard street or street-route, a substandard road agreement may be allowed in lieu of the project improvements required in this section. In this case, the applicant, and all owners having interest in the subject Lot or Lots shall execute a substandard road agreement and notice to new owners. The content of the substandard road agreement and notice shall be as specified by the County, but at a minimum it shall:

1. For a terminal substandard street or street route, explain that the subject Lot or Lots has or have only a single street access connecting it to the greater interconnected public street network, and the single street access is not built to the adopted minimum design and safety standards;

2. Require a deferral agreement that specifies that the owners or successors and heirs are responsible, at a time the governing authority deems it necessary, to pay for their proportionate share of curing the substandard nature of the street or street-route;

3. Allow the governing authority, at its option to withhold any written protest filed by the owners or their successors or heirs under the State Code's Assessment Area Act, Provisions For Local Districts, or any similar government revenue generation mechanism, from the final tally of collected protests, provided, however, that the revenue generated by the mechanism is used to improve access to the Lot or Lots; and

4. Be recorded to the property at the time of subdivision recordation or sooner for subdivision approval, or prior to the issuance of a land use permit or final approval for other types of approvals.

~~(a) An applicant for a land use and building permit for property which abuts and has access from a substandard dedicated street or public by right of use road, shall, as a condition of issuance of such permits, be required:~~

~~(1) To sign a substandard road agreement provided by the county.~~

~~(2) To dedicate, if the road is substandard in width, sufficient road right-of-way widening to meet county road standards or as recommended by the county engineer in situations that warrant an alternative width such as unusual topographic or boundary conditions.~~

~~(b) Where a dedicated street or public by right of use road is determined to be of less right-of-way width than the county standard, the minimum front and corner (facing street) side yard setbacks for all buildings and structures shall be measured from the future county standard street right-of-way line location, rather than from the present right-of-way line.~~

...

Sec 108-7-23 River And Stream Corridor Setbacks - (Western Weber County)

(a) No structure, accessory structure, road, or parking area shall be built within the required setback from a river or stream as measured from the high water mark of the river or stream. The high water mark shall be determined by the county engineer. The areas within the setback shall be maintained in a manner that protects the quality of water in the river or stream and the habitat of native vegetation and wildlife along the river or stream.

(1) Structures, accessory structures, roads, or parking areas shall not be developed or located within ~~400~~300 feet on both sides of the Weber River from the high water mark of the river.

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- 859 (2) Structures, accessory structures, roads, or parking areas shall not be developed or located
860 within 75 feet on both sides of year round streams, as determined from the high water
861 mark of the stream.
- 862 (3) Structures, accessory structures, roads, or parking areas shall not be developed or located
863 within 50 feet from the high water mark of the natural ephemeral stream.
- 864 (b) Exceptions.
- 865 (1) Bridges and the public streets that lead to them, or stream alterations approved by the
866 Army Corps of Engineers and Utah Department of Water Resources, Division of Water
867 Quality.
- 868 (2) Trails.
- 869 (3) The Ogden River below Pineview Reservoir to its confluence with the Weber River.
- 870 (c) Streams are those areas where surface waters flow sufficiently to produce a defined channel
871 or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal
872 of vegetation littler or loosely rooted vegetation by action of moving water. The channel or bed
873 need not contain water year round. This definition is not meant to include stormwater runoff
874 devices or entirely artificial watercourse unless they are used to store or convey pass-through
875 stream flows naturally occurring prior to construction of such devices. Stream watercourses
876 where the definition may apply are those that appear on the U.S.G.S. Quad maps.
- 877 (d) See title 104, chapter 28 (Ogden Valley Sensitive Lands Overlay Districts) for Ogden Valley
878 River and Stream Corridor Setbacks.

879 **Sec 108-7-24 Supplemental Energy Generation Standards ~~Wind Energy Conversion~~**
880 **Systems (Small Wind Energy Systems)**

- 881 (a) Small Wind Energy System. The intent of this section is to regulate the placement and
882 installation of small wind energy conversion systems in the county while providing for the safe,
883 effective, and efficient use of such systems. These systems will be used primarily to produce
884 clean energy and reduce on-site consumption of utility power for individual properties. The
885 following regulations shall apply to all small wind energy conversion systems:
- 886 (1) The minimum lot size required for a small wind energy system shall be 20,000 square feet.
- 887 (2) Small wind energy systems shall be set back a distance equal to 110 percent of the tower
888 height plus the turbine blade length from all property lines and a distance equal to 150
889 percent of the tower height plus the turbine blade length from any dwelling on adjacent
890 property. Small wind energy systems shall not be located within the minimum front yard
891 setback of any lot, nor within the minimum side yard setback facing a street on a corner
892 lot, nor on the roof of a residential structure.
- 893 (3) The maximum height of a small wind energy system (including tower and blades) shall not
894 exceed 70 feet. Small wind energy systems proposed to be over 70 feet will require
895 approval from the planning commission as part of the conditional use permit. The minimum
896 distance between the ground and any protruding blades utilized on a small wind energy
897 system shall be 15 feet as measured at the lowest point of the arc of the blades.
- 898 (4) Small wind energy systems must comply with applicable Federal Aviation Administration
899 (FAA) regulations, including any necessary approvals for installations close to airports.
- 900 (5) Small wind energy system towers shall maintain either a galvanized steel finish or a finish
901 in a color approved by the planning commission as part of the conditional use, and shall
902 not be artificially lighted unless required by the FAA.

903 (6) Small wind energy systems shall not exceed 60 decibels as measured at the closest
904 property line except during short term severe wind events. A manufacturer's sound report
905 shall be required with an application for a small wind energy system.

906 (7) Manufacturer specifications for components and installation shall be required with an
907 application for a small wind energy system.

908 **(b) Solar energy systems**

909 (1) Small solar energy system. A small solar energy system, as defined in ~~s~~Section 101-4-
910 72, is allowed in any zone, and shall meet the setback and height requirements for an
911 accessory building in the zone in which the system is located. Setbacks shall be measured
912 to the outermost edge of the system nearest the property line. Solar energy systems which
913 are attached to a building shall meet the same setbacks that are required for the building.

914 (2) Large solar energy system. A large solar energy system, as defined in ~~s~~Section 101-4-
915 72, is regulated by ~~§~~Title 104, ~~e~~Chapter 30, of this Land Use Code.

Commented [E45]: Check for misreferences to this paragraph.

917 ~~The intent of this section is to regulate the placement and installation of small wind energy~~
918 ~~conversion systems in the county while providing for the safe, effective, and efficient use of such~~
919 ~~systems. These systems will be used primarily to produce clean energy and reduce on-site~~
920 ~~consumption of utility power for individual properties. The following regulations shall apply to all~~
921 ~~small wind energy conversion systems:~~

- 922 (a) ~~The minimum lot size required for a small wind energy system shall be 20,000 square feet.~~
- 923 (b) ~~Small wind energy systems shall be set back a distance equal to 110 percent of the tower~~
924 ~~height plus the turbine blade length from all property lines and a distance equal to 150 percent~~
925 ~~of the tower height plus the turbine blade length from any dwelling on adjacent property. Small~~
926 ~~wind energy systems shall not be located within the minimum front yard setback of any lot,~~
927 ~~nor within the minimum side yard setback facing a street on a corner lot, nor on the roof of a~~
928 ~~residential structure.~~
- 929 (c) ~~The maximum height of a small wind energy system (including tower and blades) shall not~~
930 ~~exceed 70 feet. Small wind energy systems proposed to be over 70 feet will require approval~~
931 ~~from the planning commission as part of the conditional use permit. The minimum distance~~
932 ~~between the ground and any protruding blades utilized on a small wind energy system shall~~
933 ~~be 15 feet as measured at the lowest point of the arc of the blades.~~
- 934 (d) ~~Small wind energy systems must comply with applicable Federal Aviation Administration~~
935 ~~(FAA) regulations, including any necessary approvals for installations close to airports.~~
- 936 (e) ~~Small wind energy system towers shall maintain either a galvanized steel finish or a finish in~~
937 ~~a color approved by the planning commission as part of the conditional use, and shall not be~~
938 ~~artificially lighted unless required by the FAA.~~
- 939 (f) ~~Small wind energy systems shall not exceed 60 decibels as measured at the closest property~~
940 ~~line except during short term severe wind events. A manufacturer's sound report shall be~~
941 ~~required with an application for a small wind energy system.~~
- 942 (g) ~~(c) Manufacturer specifications for components and installation shall be required with an~~
943 ~~application for a small wind energy system.~~

944 ...

945 **Sec 108-7-27 (Reserved) Solar Energy Systems**

946 (a) Small solar energy system. A small solar energy system, as defined in section 101-1-7, is
947 allowed in any zone, and shall meet the setback and height requirements for an accessory

Commented [E46]: Consolidated into energy regulations 108-7-24

948 ~~building in the zone in which the system is located. Setbacks shall be measured to the~~
949 ~~outermost edge of the system nearest the property line. Solar energy systems which are~~
950 ~~attached to a building shall meet the same setbacks that are required for the building.~~

951 ~~(b) **Large solar energy system.** A large solar energy system, as defined in section 101-1-7, is~~
952 ~~regulated by title 104, chapter 30, of this Land Use Code.~~

953 ...

954 **Sec 108-7-29 Flag Lots and Land Locked Residential Lot or Parcel Access Strip, Private**
955 **Right Of Way, And Access Easement Standards**

956 ~~In order to provide for safe and consistent access to lots/parcels using flag lot access strips,~~
957 ~~private rights-of-way, or access easements as the primary means of ingress and egress to a~~
958 ~~dwelling unit, the following standards shall be met, in addition to the individual requirements of~~
959 ~~sections 108-7-30—108-7-32. These standards shall not apply to bona-fide agricultural parcels~~
960 ~~that are actively devoted to an agricultural use(s) that is the main use.~~

Commented [E47]: No need to say this. This section is for residential lots or parcels.

961 (a) **Design standards, Access.** Unless otherwise allowed in this Land Use Code, a flag lot shall
962 not be allowed if it avoids the installation of a street contemplated by this Land Use Code, an
963 adopted general plan, master transportation plan, development agreement, or other adopted
964 document intended to govern the placement, connectivity, or creation of a street or street
965 block. Otherwise, a Flag Lot or a land-locked Lot or Parcel intended for residential use shall
966 have an access road or driveway that extends from a public right-of-way to the area of the Lot
967 that will be developed.

Commented [E48]: Defined?

- 968 (1) The access road or driveway shall be:
 - 969 a. Designed and constructed to have a minimum right-of-way width of 24 feet, with a
970 minimum improved surface width of 20 feet. A greater right-of-way width may be
971 required by the County Engineer for a cross-slope easement.
 - 972 b. Configured and constructed so that curves can safely facilitate the turning radius and
973 weight of the Fire Authority's largest fire apparatus.
 - 974 c. Constructed of all-weather material, have a grade of no greater than ten percent, a
975 clearance no less than 14 and a half feet, and if terminal and longer than 200 feet in
976 length, a fire truck turnaround at the end.
 - 977 d. Be on a parcel that is held in common ownership by a homeowner's association that
978 governs the Lots that gain access therefrom, or be an easement recorded in favor of
979 the owners of all Lots that gain access therefrom.
 - 980 e. If terminal, no longer than 600 feet.
 - 981 f. If terminal and longer than 200 feet in length, designed with a fire apparatus turn-
982 around approved by the local fire authority at the end.

983 (b) **Provisions specific to Flag Lots:**

- 984 (1) The Lot area exclusive of the access strip shall be no less than twice the minimum lot area
985 required by the zone, regardless of any alternative lot-area provision of this Land Use
986 Code.
- 987 (2) Each flag lot shall gain access to a street by means of its own fee title access strip.
988 Successive stacking of lots on the same access strip is not permitted.
- 989 (3) No access strip shall exceed 800 feet in length.
- 990 (4) A maximum of two flag lot access strips may be located adjacent to each other.

991 (c) **Other requirements:**

- 992 (1) The address of the Lot or Parcel shall be displayed in a prominently visible location at the
993 street entrance to the Lot or Parcel's access from a public right-of-way.
- 994 (2) A fire hydrant or other suppression method may be required by the fire district.
- 995 (3) A site plan showing the location of the home, any proposed access roads and driveways,
996 along with the location of and distance to the nearest fire hydrant (if available) shall be
997 submitted to the fire district for review.
- 998 ~~(4)~~ (4) Buildings shall be set back a minimum of 63 feet from the center of the Lot's access
999 right-of-way.
- 1000 ~~(2)~~ (5) Conditions may be imposed by the Land Use Authority to ensure safety,
1001 accessibility, or privacy, or to maintain or improve the general welfare of the immediate
1002 area.
- 1003
- 1004
- 1005 ~~(3) The improved travel surface of the flag lot access strip, private right-of-way, or access~~
1006 ~~easement shall be a minimum of 12 feet wide if the access serves fewer than five~~
1007 ~~dwelling, and a minimum of 20 feet wide if the access serves five or more dwelling.~~
- 1008 ~~(4) The improved road surface of the flag lot access strip, private right-of-way, or access~~
1009 ~~easement shall be capable of supporting a minimum weight of 75,000 pounds.~~
- 1010 ~~(5) A turnout measuring at least ten feet by 40 feet shall be provided adjacent to the traveled~~
1011 ~~surface of the a flag lot access strip, private right-of-way, or access easement (private~~
1012 ~~access) if the private access is greater than 200 feet in length. The turnout shall be located~~
1013 ~~at the approximate midpoint of the private access if its length is between 200 and 800 feet.~~
1014 ~~If the private access length is greater than 800 feet, turnouts shall be provided at least~~
1015 ~~every 400 feet thereafter. These standards may be modified by the Weber Fire District in~~
1016 ~~conjunction with the county engineer on a case-by-case basis.~~
- 1017 ~~(6) The flag lot access strip, private right-of-way, or access easement shall have a maximum~~
1018 ~~grade of ten percent. This standard may be modified by the Weber Fire District in~~
1019 ~~conjunction with the county engineer on a case-by-case basis; however, the maximum~~
1020 ~~grade shall not exceed 15 percent.~~
- 1021 ~~(7) The flag lot access strip, private right-of-way, or access easement shall have a minimum~~
1022 ~~vertical clearance of 14.5 feet.~~
- 1023 ~~(8) No buildings, structures, or parking areas are allowed within the flag lot access strip,~~
1024 ~~private right-of-way, or access easement.~~
- 1025 ~~(9) New bridges, including decking and culverts shall be capable of supporting a minimum~~
1026 ~~weight of 75,000 pounds. For existing bridges, a current certified engineer statement of~~
1027 ~~load bearing capabilities must be submitted to the county engineer and the Weber Fire~~
1028 ~~District for review.~~
- 1029 ~~(10) The flag lot access strip, private right-of-way, or access easement shall have a minimum~~
1030 ~~inside travel way radius of 26 feet, outside travel way radius of 45 feet, and outside clear~~
1031 ~~zone radius of 50 feet on all curves, particularly switchbacks. The width of the access may~~
1032 ~~need to be increased to accommodate these standards.~~
- 1033 ~~Water and sewer lines located within the flag lot access strip, private right-of-way, or~~
1034 ~~access easement require written notification from the agencies providing such serv~~
- 1035 A fire hydrant or other suppression method may be required by the fire district.
1036 A site plan showing the location of the home, any proposed access roads and driveways, along
1037 with the location of and distance to the nearest fire hydrant (if available) shall be submitted to

~~the fire district for review.
Conditions may be imposed by the land use authority to ensure safety, accessibility, privacy,
etc., to maintain or improve the general welfare of the immediate area.~~

~~The lot/parcel shall meet the minimum lot width requirement for the zone in which the lot is
located at the end of the access strip.~~

~~The lot/parcel shall have a flag lot access strip, private right-of-way, or access easement
constructed in conformance with subsections (1), (2), and (3) of this section prior to the
issuance of land use permits or building permits.~~

~~**Expiration.** Flag lot access strips, private rights of way, and access easements which have
been approved by the land use authority are valid for 18 months from the date of approval.~~

Sec 108-7-30 Flag Lots

~~(a) The land use authority shall determine whether or not it is feasible or desirable to extend a
street to serve a lot(s)/parcel(s) or lots at the current time, rather than approving a flag lot.
Criteria to be used in determining feasibility or desirability of extending a street shall include,
but not be limited to topography, boundaries, and whether or not extending a road would open
an area of five acres or more in Western Weber County and ten acres or more in the Ogden
Valley for development.~~

~~(b) No flag lot shall be allowed which proposes to re-subdivide or include within it (including the
access strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be
vacated, re-subdivided, or changed in order to meet the requirements of this section.~~

**Sec 108-7-31 (Reserved) Access To A Lot/Parcel Using A Private Right Of Way Or Access
Easement**

~~Lots/parcels which do not have frontage on a street, but which have access by a private
right-of-way or access easement may, under certain circumstances, use a private right-of-
way or access easement as the primary access. Approval is subject to the applicant
demonstrating compliance with the following criteria and conditions:~~

~~(a) **Criteria.**~~

~~(1) The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural
use that is the main use; or~~

~~(2) The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural
use that is the main use and is the subject parcel of an approved agri-tourism operation;
or~~

~~(3) Based on substantial evidence, it shall be shown that it is unfeasible or impractical to
extend a street to serve such lot/parcel. Financial adversity shall not be considered;
however, circumstances that may support an approval of a private right-of-way/access
easement as access to a lot/parcel may include but not be limited to unusual soil,
topographic, or property boundary conditions.~~

~~(b) **Conditions.**~~

~~(1) It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and
legal access due to historic use, court decree, or the execution of an easement, right-of-
way, or other instrument capable of conveying or granting such right; and~~

~~The landowner of record or authorized representative shall agree to pay a proportionate
amount of the costs associated with developing a street if, at any time in the future, the
county deems it necessary to have the landowner replace the private right-of-
way/easement with a street that would serve as a required access to additional lots. The
agreement shall be in the form considered appropriate and acceptable to the office of the~~

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1085 ~~Weber County Recorder and shall recite and explain all matters of fact, including a~~
1086 ~~lot/parcel boundary description, which are necessary to make the agreement intelligible~~
1087 ~~and show its successive nature.~~

1088 **Sec 108-7-32 Access To A Lot/Parcel At A Location Other Than Across The Front Lot**
1089 **Line**

1090 Access to lots/parcels at a location other than across the front lot line is not allowed unless
1091 otherwise specifically provided elsewhere in this Land Use Code or if the applicant can
1092 demonstrate that~~may be approved as the primary access, subject to the following criteria:~~

1093 (a) ~~The applicant demonstrates that~~Special or unique boundary, topographic, or other physical
1094 conditions exist which would cause an undesirable or dangerous condition to be created for
1095 property access across the front lot line.

1096 (b) ~~It shall be demonstrated that a~~Appropriate and legal alternative access exists due to historic
1097 use, court decree, or the execution of an easement, right-of-way, or other instrument capable
1098 of conveying or granting such right.

1099 ...

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**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 101-2-19 R Definitions**

8 **Ridge line area.** The term "ridge line area" means the top, ridge or crest of a hill or slope, plus the land
9 located within 100 feet on both sides of the top, ridge, or crest.

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

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

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12 ...

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

14 ...

15 **Transfer company.** The term "transfer company" means a company established to provide expert
16 shipping services that include the shipping, receiving, inspection and temporary warehousing of
17 commercial or household goods.

18 Transfer of development rights. The term "transfer of development rights," means the removal of a
19 residential development right from one lot or parcel which is then transferred to a different lot or parcel.

20 Transferable development right. The term "transferable development right" also known herein as a
21 "TDR," means the removal-transfer of the a development right to develop property from one Llot or Pparcel
22 to another, that is then transferred to a different lot or parcel.

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

27 ...

28 **Title 104 Zones**

29 ...

30 **Chapter 104-22 Form-Based Zone FB**

31 **Sec 104-22-1 Purposes And Intent**

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

36 (a) **Implements the general plan.** The Form-Based Zone regulations are intended to carry out the
37 objectives of the 2016 Ogden Valley General Plan through the implementation of form- based small area
38 zoning and transferable development rights.

39 (b) **Creates street regulating plans.** Each area affected by the Form-Based Zone shall be governed by a
40 Street Regulating Plan. The purpose of the Street Regulating Plan is to address specific design and
41 functionality of streets and building facades along these streets. The intent is to stimulate the creation of
42 buildings and streets that frame the public rights-of-way with architectural and design elements that are
43 unified under a common design theme whilst enabling unique building facades.

44

45 **Sec 104-22-2 Applicability**

46 (a) **New development to comply.** The principles, standards and guidelines of this chapter apply to
47 proposals for new development, changes in land uses, and site improvements to existing buildings,
48 Llots, or Pparcels that are in the Form-Based Zone. Exterior modifications to existing development shall
49 comply if the exterior modification exceeds either 25 percent of the street-facing facade of the building,
50 or 25 percent of the Llot's street frontage.

51 (b) **Other regulations apply.** In the Form-Based Zone, except when more specific regulations
52 are provided in this chapter, the design review regulations and architectural, landscape, screening,
53 and design standards of Title 108 Chapter 1 and Title 108 Chapter 2 apply to all Llots, except a Llot
54 with only one single-family dwelling.

55 (c) **Street regulating plan.** The applicable regulations herein are specific to the street type, as designated
56 by the applicable street regulating plan. New development within the Form-Based Zone shall comply
57 with the applicable street regulating plan. Development of any property along a street or that gains
58 primary access from that street shall comply with the street design requirements, as provided in Section
59 104-22-7, and the building design standards in Section 104-22-6, for the specific type of street. A list
60 and explanation of each street type is provided in Section 104-22-7.

Commented [E1]: May need to take the time to clean up the DRR-1 code related to TDRs so this term can be applied to bonus density for transfers in the Western Weber Planning Area.

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

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

64 (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-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.

65 (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.

66 (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.

67 (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.

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

69 Each street type may have an associated mid-block alley, where shown on the
70 applicable street regulating plan. As development occurs, sufficient area shall be
71 preserved and constructed to provide the mid-block alley to provide access to parking
72 areas, garages, and other uses or buildings that are located in the middle of the block.
73 The location of an alley shall be in the locations depicted by the applicable street
74 regulating plan, and designed at a minimum in accordance with the standards herein, and
75 at a maximum to the standards applicable for a public street. Some mid-block alleys
76 connect to adjoining residential streets. Where they connect, the applicable standards
77 shall change to residential street standards. Snow removal for an alley is the
78 responsibility of all landowners, collectively, or an HOA, that have a parking area that has
79 an access from the alley.

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

Commented [E2]: 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.

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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.

81 (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.

82 (8) **Medium-larbge-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.

83 (9) **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.

84 (10) **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.

85 (11) **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.

86 (12) **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.

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

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

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

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

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

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	
Accessory dwelling unit. A dwelling unit that is accessory to a	N	N	N	N	P	P	P	P	P	N	See Chapter 108-19.

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single-family dwelling residential use.														
Accessory use. A use that is accessory and incidental to the main use.	P	P	P	P	P	P	<u>P</u>	P	P	P	P			
Agricultural hobby farm	P	P	P	P	P	P	<u>P</u>	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	<u>N</u>	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	<u>P</u>	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	<u>P</u>	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	<u>P</u>	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	<u>P</u>	P	P	P	P	See Section 104-22-9.		
Produce stand, for produce grown on the premises only.	P	P	P	P	P	P	<u>P</u>	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	<u>P</u>	P	P	P	P	See Section 104-22-4.		

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98

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

G & I	V O C	M U C	M F R	S L R	M L R	L L R	L R R	E L R	O S	SPECIAL REGULATIONS
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Agriculture , as a main use of the property	N	N	N	N	N	N	N	P	P	P	P	
Agricultural experiment station.	P	N	N	N	N	N	N	N	P	P	P	
Agri-tourism.	N	N	N	N	N	N	N	N	P	P	P	See Title 108, Chapter 21.
Aquaculture.	N	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	P	
Fruit and vegetable storage and packing plant , for produce grown on premises.	N	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	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	N	P	P	P	P	
Manure spreading, drying and sales.	N	N	N	N	N	N	N	N	N	P	P	
Wildlife sanctuaries. A wildlife sanctuary.	N	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot Lot or Parcel area required.

100

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

102 The following are animal-related uses that do not and shall not typically generate customer-oriented traffic
103 to the ~~lot~~ Lot or ~~parcel~~ Parcel.

G & I	V O C	M U C	M F R	S L R	M L R	L L R	L R R	E L R	O S	SPECIAL REGULATIONS
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Animal grazing. Animal grazing, as defined in Title 101 Chapter 2.	N	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	P	
Aquaculture, animal related. The raising and potential harvesting of water animals or water plants.	N	N	N	N	N	N	N	N	P	P	P	
Aviary. The raising of birds.	N	N	N	N	N	P	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	N	P	P	P	P	See Section 104-22-4.

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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	N	P	P	P	P	10-acre minimum lot Lot or Parcel area required.
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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 & I	V O I	M U C	M F R	S L R	M L R	M L R	L L R	L L R	E L R	O L S	SPECIAL REGULATIONS
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	G & I	V O I	M U C	M F R	S L R	M L R	M L R	L L R	L L R	E L R	O L 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	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	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	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	N	
Amusement park. Amusement park.	C	C	N	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	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	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	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	N	N	P	P	10-acre minimum Lot or Parcel lot or parcel area required.
Golf course. Golf course.	N	N	N	N	N	N	N	N	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	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	P	
Recreation lodge. A recreation lodge, as defined in Title 101, Chapter 2.	P	P	P	P	P	N	N	N	N	C	N	

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Recreational resort. A recreational resort, as defined in Title 101, Chapter 2.	P	P	P	N	N	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	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	P		
Trails. Trails for skiing, equestrian uses, hiking, biking, and similar.	P	P	P	P	P	P	P	P	P	P	P		
Zoo.	P	P	N	N	N	N	N	N	N	N	P		10-acre minimum Lot or Parcel lot or parcel area required.

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

G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L L R	R R R	E L R	O S	SPECIAL REGULATIONS
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Animal grooming, small animal. Grooming for small animals.	P	P	P	P	N	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	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	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	N	C	C		
Stable for horses, noncommercial. Horses shall be for noncommercial use only.	N	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	N		
Veterinary facility. Veterinary facility.	P	P	P	C	N	N	N	N	N	C	C		If located completely indoors, and inaudible from an adjoining Lot or Parcel lot or parcel ,

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Drugstore or pharmacy.	P	P	P	P	N	N	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	N	N	
Produce stand, commercial. A commercial produce stand intended for the sales of agricultural products.	P	P	P	P	N	N	N	N	P	P	P	P	

111
112

Sec 104-22-3.070 Government and Institutional Uses.

G & I	V O C	M U C	M F R	S L R	M L R	L L R	L L R	R R R	E L R	O S	SPECIAL REGULATIONS
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Cemetery.	P	N	N	N	N	N	N	N	P	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	N	N	
Child daycare. A daycare center operating in compliance with State regulation.	P	P	P	P	P	N	N	N	N	N	N	N	
Fire station. Fire and emergency medical service station.	P	P	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	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	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	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	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	N	N	
Post office. A post office.	P	P	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	P	P	N	
Public library. A library owned and operated by a governmental entity.	P	P	P	P	P	P	P	P	P	P	P	N	

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Public park. A public park and related recreation grounds and associated buildings and structures.	P	P	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	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	P	P	N	
Public storage facilities. Storage facilities used by a governmental entity.	P	C	N	N	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	N	N	
Worship facility. A church, synagogue or similar building used for regular religious worship.	P	P	P	P	P	P	P	P	P	P	P	N	

113

114 Sec 104-22-3.080 Office uses.

G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L R R	E L R	S O S	SPECIAL REGULATIONS
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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	N	N	
Bank or financial institution. A bank or other financial institution.	P	P	P	N	N	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	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	N	N	

115

116 [Sec 104-22-3.090 Residential Uses.](#)

G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L R	R R	E L R	O S	SPECIAL REGULATIONS
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Dwelling, single-family. A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	P	P	P	N	See Section 104-22-4, and TDR requirements of 104-22-11
Dwelling, two-family. A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
Dwelling, three-family. A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
Dwelling, four-family. A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	N	
Dwelling, multi-family. A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	N	N	N	N	N	
Dwelling unit. A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building.	P	P	P	P	N	N	N	N	N	N	N	
Hotel, motel, lodginghouse, condominium rental apartment (condo-tel) or timeshare condominium. A hotel, motel, lodginghouse, condominium rental apartment (condo-tel), or timeshare condominium. This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.	P	P	P	P	N	N	N	N	N	N	N	
Residential facility for elderly persons.	P	P	P	P	P	P	P	P	P	P	N	See requirements of Section 104-22-4, and TDR requirements of 104-22-11
Residential facility for handicapped persons.	P	P	P	P	P	P	P	P	P	P	N	See requirements of Section 104-22-4, and TDR requirements of 104-22-11
Residential facility for troubled youth.	P	P	P	P	P	P	P	P	P	P	N	See requirements of Section 104-22-4, and TDR requirements of 104-22-11
Short-term rental - OVPA. A short-term rental in the Ogden Valley Planning Area.	P	P	P	P	P	N	N	N	N	N	N	See Title 108, Chapter 11
Short-term rental - WWPA. A short-term rental in the Western Weber Planning Area.	P	P	P	N	N	N	N	N	N	N	N	See Title 108, Chapter 11
Short-term rental, owner occupied -OVPA. A short-term rental that is	P	P	P	P	P	P	P	P	P	P	N	See Title 108, Chapter 11, and requirements of Section 104-22-4.

- Commented [E3]: New STR ordinance makes turns this to a P
- Commented [E4]: Adding this line item. Sufficient solution to the differences of the planning areas?
- Commented [E5]: New STR ordinance makes turns this to a P

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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	N	C	See Section 108-13-3 and Section 104-22-4.
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121

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123

Sec 104-22-3.110 Services.

Commented [E6]: Western Weber ended review here.

G & I	V O C	M U C	M F R	S L R	M L R	L L R	L L R	R R R	E L R	O S	SPECIAL REGULATIONS
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Dry cleaning, laundry, or linen cleaning establishment. The professional cleaning of laundry and linens.	P	P	P	P	N	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	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	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	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	N	
Laundromat. A facility that provides washers and dryers for self-serve laundry service.	P	P	P	P	N	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	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	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	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	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	N	

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Taxidermist. Taxidermy services.	P	C	N	N	N	N	N	N	N	N	N	N	N	N
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124

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Sec 104-22-3.120 Storage.

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

Commented [E7]: Sticking point for WWPC. May need to find reasonable areas this can occur when well screened.

Topics:

- Unsightyness
- Setback from a street 60 feet. Entrance from street, through gate, landscaped in front...
- 8' masonry or stamped concrete fence – tan tinted.
- Self-storage buildings, or other buildings, including 10' wall can buffer (screen) the exterior perimeter of an inner outdoor storage area.

126

127

Sec 104-22-3.130 Utility uses.

G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L L R	E L R	O S	SPECIAL REGULATIONS
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Public utility substations.	P	P	P	P	P	P	P	P	P	P	P	P	P	C
Wastewater treatment or disposal facilities.	P	P	P	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	P	P	P	C
Small wind energy system.	P	N	N	N	N	N	N	N	N	P	P	P	P	C
Solar energy system.	P	P	P	P	P	P	P	P	P	P	P	P	P	C

See Title 108, Chapter 10.

See Section 108-7-24

See Section 108-7-27

128

129

Sec 104-22-3.140 Vehicle-oriented uses.

G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L L R	E L R	O S	SPECIAL REGULATIONS
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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	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	P	C	N	N	N	N	N	N	N	N	N	N	N	See Section 104-22-4.

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- 153 (2) place responsibility on the building owner for prompt repairs and maintenance of the side or rear of
154 the building;
- 155 (3) require allowances of access to the property for repairs and maintenance purposes;
- 156 (4) be signed by the owner of the building and the adjacent property owner and be recorded on the title
157 of both properties.

158

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

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

- 164 (1) No vehicle awaiting service shall be stored outside for more than one day.
- 165 (2) Sufficient parking for all employee or customer uses, including the temporary parking of vehicles
166 awaiting pickup from owners, shall be provided on the [Lot or Parcel](#).
- 167 (3) No vehicles associated with the use shall be parked on the street. However, up to 20 vehicles may
168 be temporarily parked in a parking lot meeting all applicable parking standards of this land use code
169 if the vehicles are available for immediate purchase, lease, or rent, and as long as all other standards
170 of this Land Use Code are met.

171 (b) **Automobile repair of any kind.** Refer to paragraph (b₃) of this section.

172 (c) **Automobile sales, rentals, or service.** Refer to paragraph (b₄) of this section.

173 (d) **Boat sales or service.** Refer to paragraph (b₅) of this section.

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

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

- 180 (1) Operation hours are only allowed between 6:00 a.m. and 10:00 p.m.
- 181 (2) There shall not be more than four washing bays for a manual spray car wash.
- 182 (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet, reserving street
183 frontage for buildings that provide street-facing commercial facades.
- 184 (4) The off-street vehicle spaces or queues required shall be as follows:
- 185 a. One bay car wash, four spaces in the approach lane;
- 186 b. Two bay car wash, three spaces in the approach lane for each wash bay;
- 187 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

188 (g) **Corral or stable.** This use shall be located no less than 100 feet from a public street and not less than
189 25 feet from any side or rear lot line

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

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

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

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- 198 a. Above or behind any street-level commercial space; or
199 b. Behind a building that provides street-level commercial space, or if no such building exists at
200 the time of application, behind the area reserved for street-level commercial space as otherwise
201 required herein. The location shall provide for the existing and future planned street layout of
202 the area, including the future street-level commercial space that will face future streets, and
203 internal block alleyways.
- 204 (3) **Two, three, four, and multi-family residential:** Unless one of the units is owner occupied, a two,
205 three, four, or multi-family residential building shall be operated and maintained by a professional
206 management company that specializes in multi-family residential property management.
- 207 (4) **Density allowance and transferable development rights.** No dwelling units in excess of the base
208 density, as defined by Title 101, Chapter 2, and as provided in Section 104-22-11, are allowed in
209 the Form-Based Zone except when in compliance with the transferable development rights
210 requirements of Section 104-22-11.
- 211 (i) **Family food production.**
- 212 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
213 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys,
214 five ducks, five geese, or five pigeons.
- 215 a. No more than four sets of Group B animals or fowl may be kept on a [Lot or Parcel](#)~~lot or parcel~~
216 that is less than 40,000 square feet.
- 217 b. No more than six combined sets of Group A animals and Group B animals or fowl may be kept
218 on a [Lot or Parcel](#)~~lot or parcel~~ that is less than two acres. The same applies to a [Lot or Parcel](#)~~lot~~
219 ~~or parcel~~ greater than two acres, except that an additional six combined sets of Group A and
220 Group B animals or fowl may be kept per each additional acre greater than two.
- 221 (j) **Gas or fuel station.** A gas or fuel canopy shall not be located closer to a public street right-of-way,
222 excluding a mid-block alley, than 60 feet. The canopy shall be located to the rear of the convenience
223 store associated with the canopy.
- 224 (k) **General retail sales, small items.** This use is any store that primarily retails or rents items to be
225 physically taken by the customer from the store, when those items weigh less than 80 lbs, including
226 product packaging, or that are small enough to fit in a typical passenger vehicle. The use is limited to
227 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of items intended to be
228 explosive or hazardous to human health, safety, or welfare is permitted.
- 229 (l) **General retail sales, large items.** This use is any store that primarily retails or rents items to be
230 physically taken by the customer from the store, when those items weigh more than 80 lbs, including
231 product packaging, or that are too large to fit in a typical passenger vehicle. This use may include an
232 outdoor sales yard of no greater than 6,000 square feet as long as it is completely surrounded by an
233 opaque wall. No sales of items intended to be explosive or hazardous to human health, safety, or welfare
234 is permitted.
- 235 (m) **Office uses.** A use listed in the "office uses" table may only be located above or behind first-floor street-
236 level commercial space, reserving the street frontage for first-floor street-level commercial space. A local
237 recreation and tourism office devoted to providing services, information, and events primarily for visitors
238 to the Ogden Valley is exempt from this requirement provided that it is open and accessible to all
239 members of the public.
- 240 (n) **Shooting range or training course, indoor or outdoor.** The facility shall provide designated shooting
241 positions for which ballistic backstops are designed. No shooting is allowed except in these designated
242 shooting positions. All sides down range of a shooting position shall have a non-ricochet ballistic
243 backstop, including overhead and on the ground or floor, capable of containing all errant bullets. For an
244 outdoor range, the overhead backstop may be a series of baffles. Approval shall be subject to the
245 requirements and conditions of the local fire authority. The range operator shall be onsite at all times
246 shooting is occurring.
- 247 (o) **Short-term rental, owner occupied.** [In order to qualify as an owner occupied short-term rental,](#) ~~T~~
248 the residence shall be the owner's primary residence, be taxed as such, and the owner shall have owned
249 the residence for at least two years prior to submitting a Land Use Permit for the owner-occupied short-

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- 250 term rental. Additionally, the owner must be present at all times in which the property is being rented on
251 a short-term basis. [Compliance with Title 108, Chapter 11 is required.](#)
- 252 (p) **Self-storage.** Self-storage is only allowed if located on the same [Lot or Parcel](#) ~~lot or parcel~~ with a building
253 that has street-facing commercial space. The use shall comply with the following:
- 254 (1) Storage units shall be located behind or above building area that provides a first-~~story~~-[floor](#) street-
255 facing commercial façade and related commercial space. The building providing street-facing
256 commercial space shall appear from the exterior as if office or residential space is offered in the
257 area housing the storage units.
- 258 (2) If located in a separate onsite building than the building providing first-~~story~~-[floor](#) street-facing
259 commercial space specified herein, the separate building shall be located behind the building with
260 first-~~story~~-[floor](#) street-level commercial space, and shall be no wider than the building providing first-
261 ~~story~~-[floor](#) street-level commercial space.
- 262 (3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property
263 line, and shall be completely obscured from view from any public right-of-way.
- 264 (q) **Ski area.** This use may include ancillary equipment and structures such as snow making equipment,
265 snow grooming equipment, maintenance facilities, trail and wayfinding signage, ski lifts, ski fences, ticket
266 booths, concession stands, restroom facilities, food and beverage sales, ski patrol facilities, emergency
267 response facilities, and similar uses commonly found in ski areas. Outdoor storage and maintenance of
268 ski related equipment is allowed provided that it is screened from view of the general public. Ski area
269 trail wayfinding signage are exempt from other signage requirements of this Land Use Code. Any lighting
270 associated with said signage is subject to the requirements of Section 108-16.
- 271 (r) **Temporary building or use.** The building or use shall be removed upon completion or abandonment
272 of the construction work.
- 273 (s) **Tire shop.** Refer to paragraph (b) ~~a~~ of this section.
- 274 (t) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it be
275 stationary for more than four days at a time.
- 276

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

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

282 (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
Medium-Large Lot Residential (MLLR)	12,500 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

Commented [E10]: This a quarter-acre(ish)

283

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

285 (1) Unless allowed otherwise by this Land Use Code, each Lot shall have frontage on the type of street
286 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
Medium-Large Lot Residential (MLLR)	60 feet
Large Lot Residential (LLR)	100 feet

Commented [E11]: Change color on maps

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Rural Residential (RR)	150 feet
Estate Lot Residential	
Open Space (OS)	No minimum

287 ¹ Unless located at least 30 feet behind the frontmost part of the dwelling, a front-facing garage door
288 shall have a width that is no greater than 15 percent of the width of the Lot.

- 289 (2) **Frontage exception.** Along a SLR, MFR, MUC, VOC, and G/I street, the street frontage requirement
290 is not applicable for a Lot that is platted as part of a larger planned development, provided that:
- 291 a. The development includes or has included the dedication and construction of all required public
292 street and mid-block alley improvements shown on the street regulating plan or as otherwise
293 required in this Land Use Code.
 - 294 b. The associated public street improvements required shall be, at a minimum, for the same length
295 as the Lot is wide.
 - 296 c. Along MUC, VOC, and G/I streets, no parcel shall be configured or developed in a manner that
297 obstructs the ability to develop buildings that contain street-facing first-floor retail operations on
298 the public streetfront. A Lot without street frontage shall not have any Lot line closer to the street
299 right-of-way than 60 feet.

Commented [E12]: A 60 foot wide lot can have no greater than a 9-foot wide front-facing garage door. The will restrict super narrow lots from becoming a row of garage doors along the street.

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301

302

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

STREET TYPE:	FIRST-FLOOR STREET-LEVEL COMMERCIAL BUILDING FAÇADE			ALL OTHER BUILDING FAÇADES		
	MINIMUM FRONT LOT-LINE STREET SETBACK:	MAXIMUM FRONT LOT-LINE STREET SETBACK	MIN FRONT LOT-LINE STREET SETBACK	MINIMUM FRONT LOT-LINE STREET SETBACK:	MAXIMUM FRONT LOT-LINE STREET SETBACK	MIN FRONT LOT-LINE STREET SETBACK
Government and Institutional (G/I)	No minimum	5 feet, or 20 feet if providing public dining or gathering space. ^{1*}	No minimum	40 feet ^{**2}	No maximum	No minimum
Vehicle-Oriented Commercial (VOC)						
Mixed-Use Commercial (MUC)						
Multi-Family Residential (MFR)				5 feet	10 feet ^{*1}	
Small Lot Residential (SLR)	Not Applicable			5 feet	No maximum	5 feet
Medium Lot Residential (SLRMLR)				20 feet [‡]	30 feet	20 feet [‡]
Medium-Large Lot Residential (MLLR)						
Large Lot Residential (LLR)	Not Applicable			30 feet	No maximum	
Rural Residential (RR)						
Estate Lot Residential (ELR)						
Open Space (OS)						

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^{1*}This maximum front yard setback shall be waived if at least 90 percent of the lot's street front is already occupied by a similar building.

^{2**}Except for a public dining or gathering space~~public plaza~~, this setback distance shall remain clear from permanent building improvements or significant financial investments until or unless a first-floor street-level commercial building facade is constructed that meets the five-foot maximum building setback. ~~Any parking provided in this area shall not be included in the overall parking calculations.~~

^{3**}This minimum may be reduced to 15 feet if the lot's vehicle access is over a side or rear lot line that is not adjacent to a public street. No parking area shall be provided within the 15-foot setback.

313

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

STREET TYPE:	MINIMUM SIDE LOT-LINE SETBACK FOR MAIN BUILDING:	MINIMUM SIDE LOT-LINE SETBACK FOR ACCESSORY BUILDING	MAXIMUM SIDE LOT-LINE SETBACK:
Government and Institutional (G/I)			No maximum. ² Any space between buildings.

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Vehicle-Oriented Commercial (VOC)	No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1		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.
Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)			
Small Lot Residential (SLR)			No maximum
Medium Lot Residential (MLR)	5 feet	1 foot	
Medium-Large Lot Residential (MLLR)	10 feet ¹	1 foot	
Large Lot Residential (LLR)	10 feet	1 foot	
Rural Residential (RR)			
Estate Lot Residential (ELR)			
Open Space (OS)			

Commented [E13]: Current version missed reduced setback for accessory buildings that other zones have.

¹ This minimum may be reduced to 5 feet if the lot's vehicle access is over a side or rear lot line that is not adjacent to a public street.

² 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.

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320

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

STREET TYPE:	MINIMUM REAR LOT-LINE SETBACK FOR MAIN BUILDING:	MINIMUM REAR LOT-LINE SETBACK FOR ACCESSORY BUILDING
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	1 foot
Medium Lot Residential (MLR)	20 feet	1 foot
Medium-Large Lot Residential (MLLR)	20 feet	1 foot
Large Lot Residential (LLR)	30 feet	1 foot
Rural Residential (RR)		
Estate Lot Residential		
Open Space (OS)		

322

323 (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)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	9085 percent	4
Medium Lot Residential (MLR)	50 percent	1 ^{1*}
Medium-Large Lot Residential (MLLR)	40 percent	1^{1*}
Large Lot Residential (LLR)	30 percent	1 ^{1*}

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Rural Residential (RR)	25 0 percent	1 ^{1*}
Estate Lot Residential	10 percent	1 ^{1*}
Open Space (OS)	2.5 percent	Not applicable

324 ^{1*}~~Not~~ This does not including include an accessory dwelling unit, as provided in Section 108-19.

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

328 (h) **Building location.** Each building shall be located on a ~~lot~~ Lot in a manner that preserves space for the
329 extension of street and trails or pathways rights-of-way as shown in the street regulating plan, and the
330 Lot's respective setback standard.

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

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

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

337

338 (a) **Height.**

STREET TYPE:	MINIMUM MAIN BUILDING HEIGHT	MAXIMUM MAIN BUILDING HEIGHT	MAXIMUM ACCESSORY BUILDING HEIGHT
Government and Institutional (G&I)	25 feet	50 40 feet	25 feet
Vehicle-Oriented Commercial (VOC)			
Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	One story	35 feet	25 feet
Small Lot Residential (SLR)			
Medium Lot Residential (MLR)			
Medium-Large Lot Residential (MLLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)	No minimum	25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use.	25 feet

Commented [E14]: Reducing building height from 50 to 40 feet.

Commented [E15]: Ask building official when steel is required.

Commented [E16]: Is this the right number? Single family residences in cluster subdivisions are allowed to be up to 40 feet tall. The limit is 35 for residential outside of cluster subs.

339 (b) **Building or use area.**

STREET TYPE:	MAXIMUM BUILDING OR USE FOOTPRINT:
Government and Institutional (G&I)	

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Vehicle-Oriented Commercial (VOC)	<u>In the OVPA: No</u> single commercial use shall occupy a footprint of more than 30,000 square feet ^{1*} <u>In the WWPA: No maximum.</u>
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)	
<u>Medium-Large Lot Residential (MLLR)</u>	
Large Lot Residential (LLR)	
Rural Residential (RR)	
Estate Lot Residential	
Open Space (OS)	

Commented [E17]: Need to discuss this size. It comes straight from the general plan, but we are hearing that a new grocery store may be looking to build a 40-50k sqft building. Should this be increased to allow?

340 ^{1*}Government buildings and schools are exempt from building area maximum.

341

342

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343 (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 that is 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)			
Medium-Large Lot Residential (MLLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

344 [For a sloped sidewalk, the street sidewalk's surface shall be determined as the elevation at the midpoint](#)
 345 [of the building.](#)

346
 347 (d) **Transparent fenestration requirements.**

STREET TYPE:	MINIMUM FENESTRATION FOR THE FIRST STORY FAÇADE OF A BUILDING		MINIMUM FENESTRATION FOR THE SECOND STORY 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		

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Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	70 percent for commercial facade, 30 percent for residential facade.		40 percent
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
Medium Lot Residential (MLR)			
Medium-Large Lot Residential (MLLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

- 348
- 349 (e) **Main-Entrance requirements.** Each building [with building or Lot frontage](#) along a government and
 350 institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family street shall be provided
 351 with a main entrance that faces the street. Except when the building is set back from the street right-of-
 352 way [or any sidewalk, pathway, or pedestrian way](#) at least four feet, ~~the main~~[each](#) entrance shall be
 353 recessed from the building's façade no less than five feet.

354

355 **Sec 104-22-6.2 Building Design Standards By Area**

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

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

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

- 366 (a) **Design theme.** All buildings shall have architectural styling and materials that resemble historic
 367 commercial main-street buildings in the Western United States that were in existence between 1880 and
 368 1910. Each new building shall provide diversity and variety in building design, architectural features,
 369 and building material that set each building apart from adjacent buildings.
- 370 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and cap, each
 371 of varying design features and building material.
- 372 (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12-inch shift between adjacent
 373 rooflines. If the building will have a sloped roof, parapet walls shall be constructed to hide the roof slope.
- 374 (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with

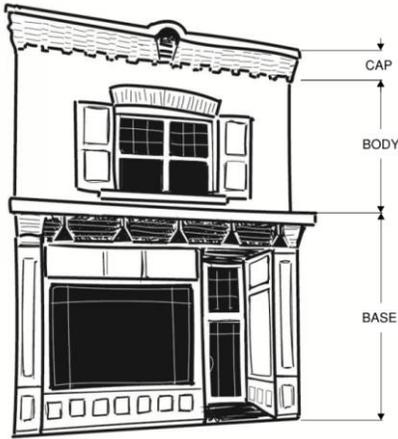
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375 no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed
376 and constructed to have a building base, building body, and varying building roofline, each having
377 varying building materials or design techniques.

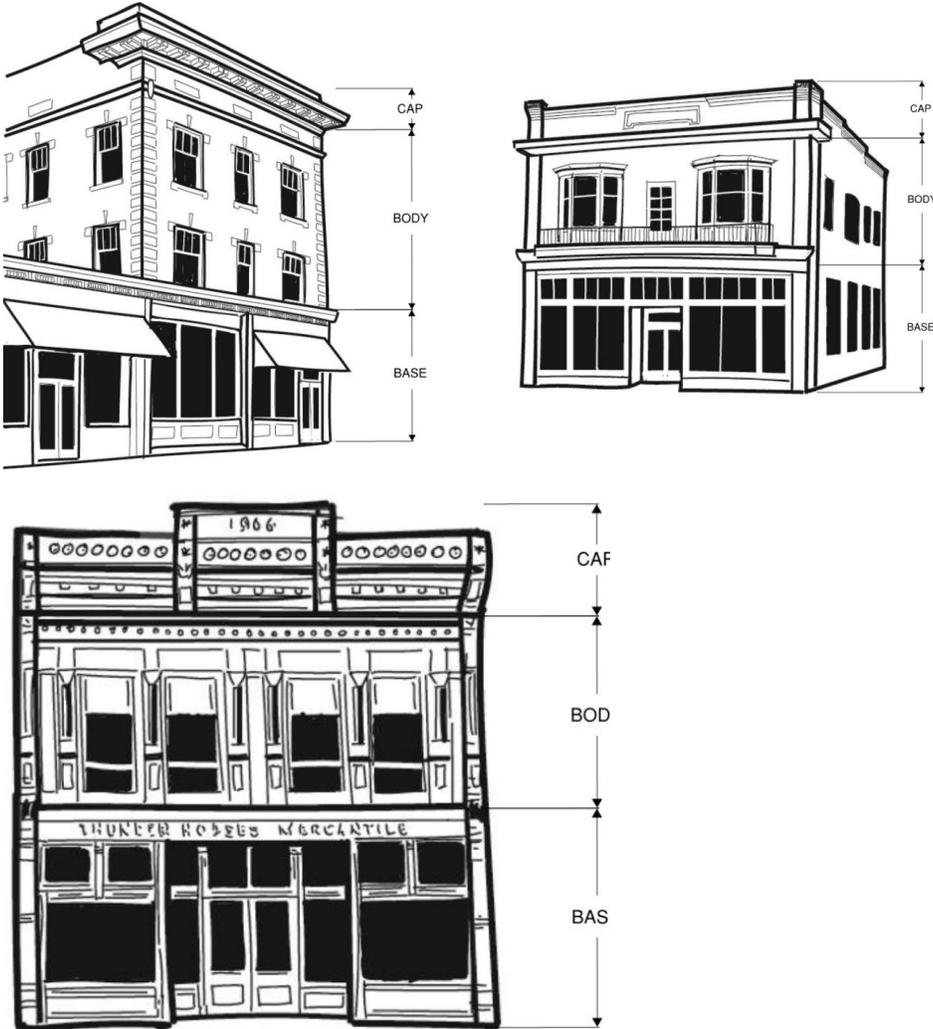
378 (e) **Building material.** Each building facade that faces the street shall consist of brick, or wood, or a faux
379 material that is hard to distinguish from real brick, or wood. Metal may be used for accent material. At
380 least one of the building materials used on the building façade shall also be used on all other sides of
381 the building.

382 (f) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina, are allowed.
383 Other muted earth-tone paints may be used as long as they complement the age period. No more than
384 70 percent of a building's facade shall be white.

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



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389 **Sec 104-22-6.4 New Town Eden Area and West Weber's 4700 Village Building Design Standards**

390 In addition to applicable standards in this chapter, the following standards apply to all buildings in the New
391 Town Eden Area:

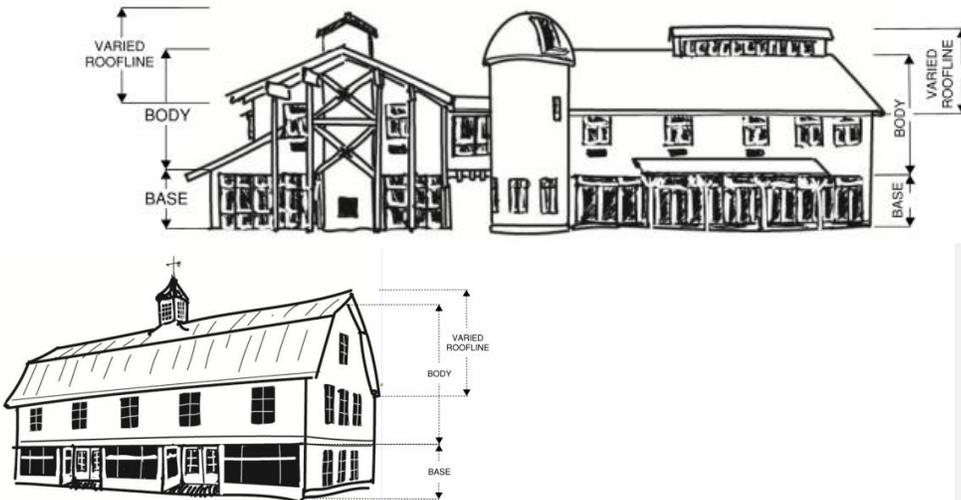
392 (a) **Design theme.** All buildings shall have architectural styling and materials that implement agrarian-style
393 architecture. Agrarian-style architecture shall incorporate at least two of the following four options:

- 394 (1) Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.
395 (2) An attached shed-roof at a 4/12 or greater slope that is not attached to the main roof structure.
396 (3) A clerestory or cupola.

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- 397 (4) Gable-style dormer windows.
- 398 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying
399 roofline, each of varying design features and building material.
- 400 (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent
401 rooflines.
- 402 (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with
403 no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed
404 and constructed to have a building base, building body, and varying building roofline, each having
405 varying building materials or design techniques.
- 406 (e) **Building material.** Building façade walls shall be finished with no less than two diverse types of material.
407 The primary building material shall be wood siding or similar appearing siding. At least one of the
408 building materials used on the building façade shall also be used on all other sides of the building.
- 409 a. Brick or stone may be used in place of wood if approved by the Land Use Authority.
- 410 b. Metal siding may be used on the building's body, as long as the building's base is made of brick or
411 stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and
412 is treated to create a natural-appearing aged patina.
- 413 (f) **Colors.** Muted earth-tone colors are required. **No more than 70 percent of a building's facade shall be**
414 **white.**
- 415 (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following
416 images. Any conflict between details in the images and regulations in this chapter shall be
417 interpreted in favor of the regulations in the chapter.

Commented [E18]: Is there a specific issue with white?



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

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

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

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

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

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

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

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

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

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

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

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

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



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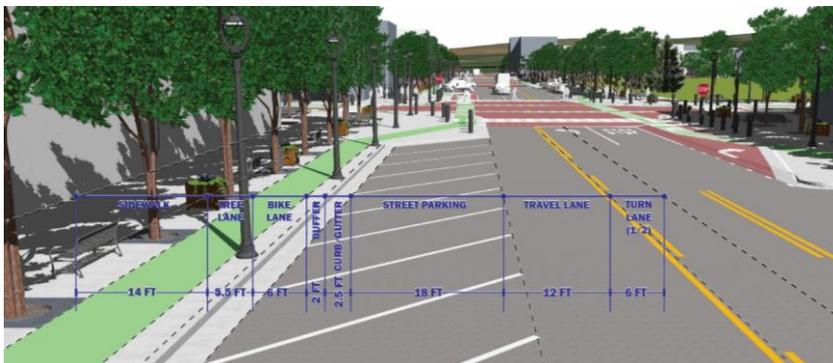


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460 **Sec 104-22-7 Street Types And Street Design Standards**

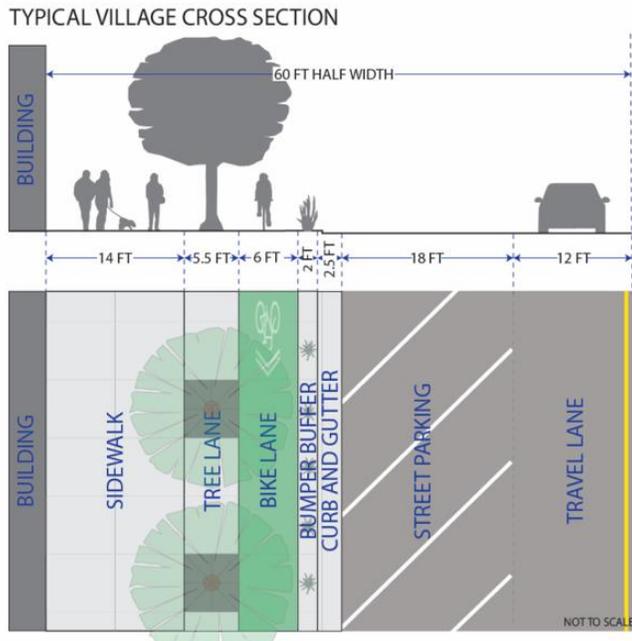
461 **Sec 104-22-7.010 Street Types And Right-Of-Way Cross Sections**

- 462 (a) **Right-of-way dedication.** As development occurs on each Lot or Parcel ~~lot or parcel~~, the owner shall
463 dedicate area for public right-of-way with a width as depicted herein or as otherwise adopted, to form
464 a block pattern as depicted in the applicable street regulating plan.
- 465 (b) **Drawings required.** Each application for development shall provide engineered construction drawings
466 of the street improvements required herein.
- 467 (c) **Street right-of-way design.**
- 468 (1) **Commercial street design.** The dimensions and general design for a governmental and
469 institutional street, vehicle-oriented commercial street, mixed-use commercial street, and multi-
470 family residential street is as follows:
- 471 a. **Typical three-lane village cross section.** A three-lane village street is required for all arterial
472 and collector streets, as designated by the applicable general plan or master street plan. The
473 design dimensions shall be as follows:



- 474 b.
- 475 c. **Typical two-lane village cross section.** A two-lane village street is required for other streets.
476 The design dimensions shall be as follows:

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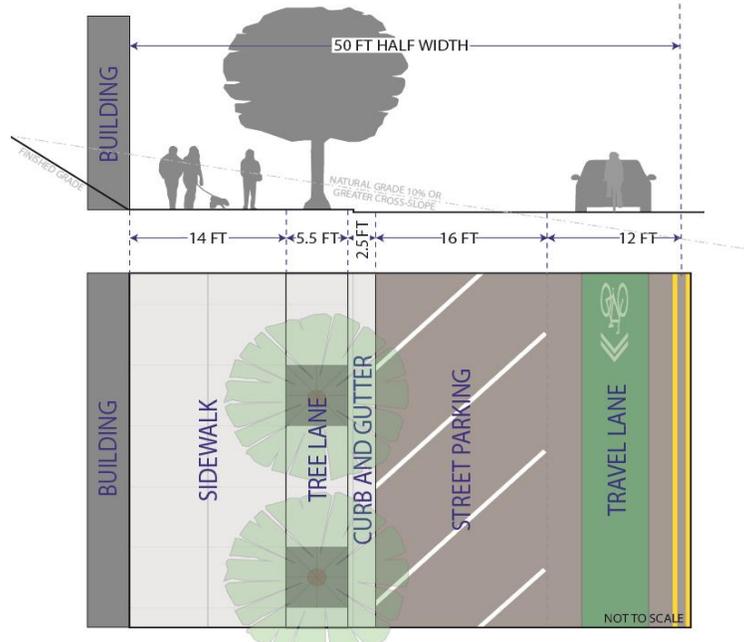


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- (2) **Commercial street design with challenging cross slopes.** Unless otherwise negotiated by development agreement, the design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street and multi-family 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:

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VILLAGE CROSS SECTION - WITH CROSS SLOPE



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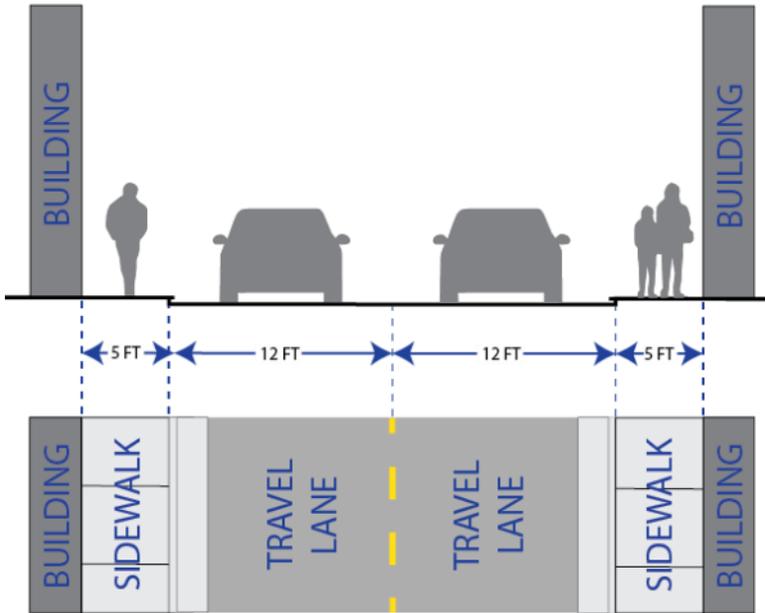
- a. ~~12-foot travel lane with a painted shared bike lane.~~
- b. ~~16-foot 45-degree angled parking.~~
- c. ~~2.5-foot curb and gutter.~~
- d. ~~5.5-foot tree lane.~~
- e. ~~14-foot sidewalk.~~

(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~~

- a. 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.
- b. 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.
- c. The width of the mid-block commercial alley, and multi-family residential alley shall, at a minimum, be designed is as follows:

Commented [E19]: Inserted image makes this unnecessary.

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

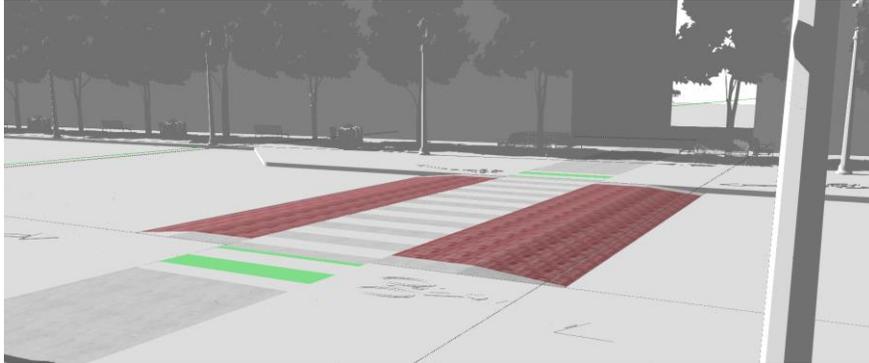
Sec 104-22-7.020 Street Design Standards

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

- (a) **Pedestrian priority design.** The street shall be designed to prioritize pedestrian use. At primary points of conflict between pedestrian uses and vehicle uses, the street facility shall be designed and constructed to promote pedestrian safety, comfort, and efficiency.
- (1) **Raised crosswalks.** Where a pedestrian-way intersects with a vehicle-way, the pedestrian-way shall be raised at least six inches above the grade of the vehicle-way, or to the level of the adjoining pedestrian-ways, whichever is higher. This shall include but is not limited to the installation of crosswalks and intersections that are raised to the same plane as the sidewalk or adjoining pathways. An example of a raised crosswalk is illustrated as follows:

Commented [E20]: GI and VOC may need some exceptions

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- 519
- 520 (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety, street
- 521 improvements at intersections, pedestrian crossings, and mid-block alleys, if different, shall be
- 522 constructed with curb extensions that bulb out directly adjacent to the lane of travel. Bike lane widths
- 523 shall not be obstructed or made narrower at any point along a curb extension bulb-out. Bulb-outs
- 524 shall be designed to the specifications of this ordinance and the County Engineer, or as otherwise
- 525 adopted. Where a bulb-out provides access to a ~~raised~~-pedestrian crosswalk, bollards or other
- 526 permanent features shall be installed along the curve of the bulb-out to keep vehicles from entering
- 527 the pedestrian-way. ~~Examples of bulb-outs are depicted in the images above.~~ An example of a curb
- 528 extension bulb-out is illustrated as follows.;

529



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- 531 (3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective striping,
- 532 crosswalks shall be constructed of stamped and colored concrete to provide clear contrast between
- 533 the street and crosswalk.
- 534 (4) **Mid-block crosswalk.** A block that has a length that is greater than 330 feet, as measured from the
- 535 center of each bounding intersection, shall be provided with a mid-block crosswalk. Solar powered
- 536 user-activated rapid flashing beacons shall be installed on midblock crosswalk signage unless
- 537 jurisdictional power is in the right-of-way.

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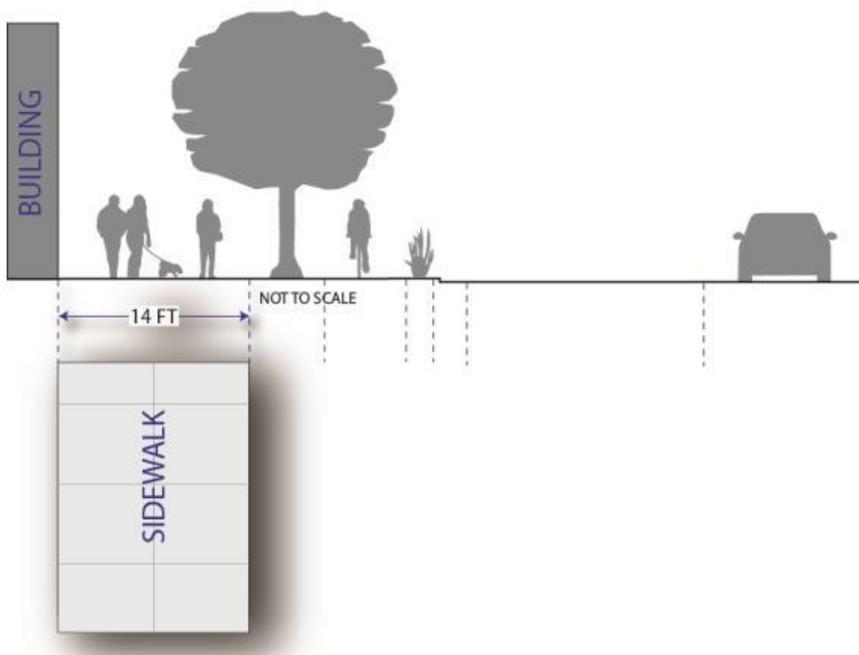
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- (b) **Sidewalk required.** As part of the required street improvements within the FB Zone, a sidewalk shall be installed in the designated sidewalk area, as depicted in Section 104-22-7.010 and as illustrated as follows, on the side of the street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

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550 maintenance contract. The adjoining landowners shall bear full responsibility for the operations
551 and maintenance of the boardwalk. The covered boardwalk shall comply with the overhead
552 projections standards of this chapter.

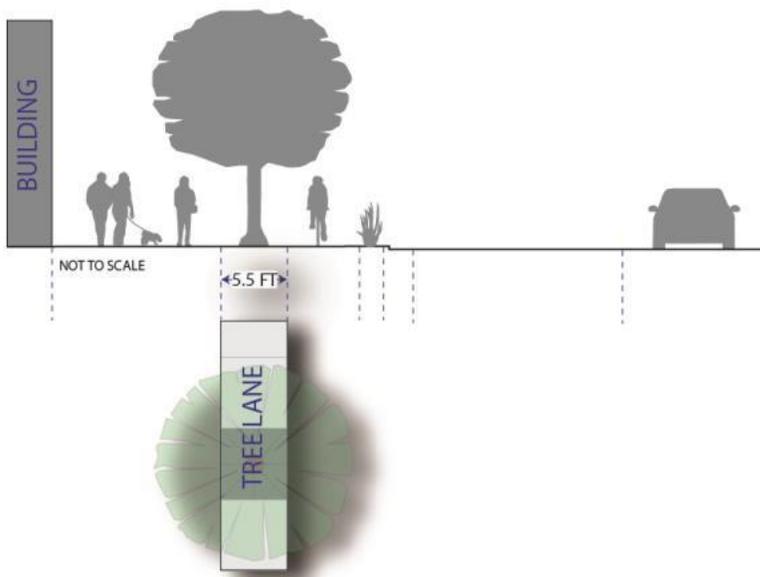


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554 (c) **Street trees required.** As part of the required street improvements within this zone, street trees shall
555 be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the
556 street as the development and for the entire length of the development lot's street frontage. Tree
557 species shall be approved by the Planning Director and County Engineer as part of the review of the
558 development. A street tree plan shall be submitted as part of a development application and shall be
559 accompanied by a letter from a certified arborist or landscape architect, certifying that the proposed tree
560 type is suitable considering site conditions and local climate. The plan shall include planting methods
561 that are specific to the site conditions. Planting methods shall provide means of protecting the longevity

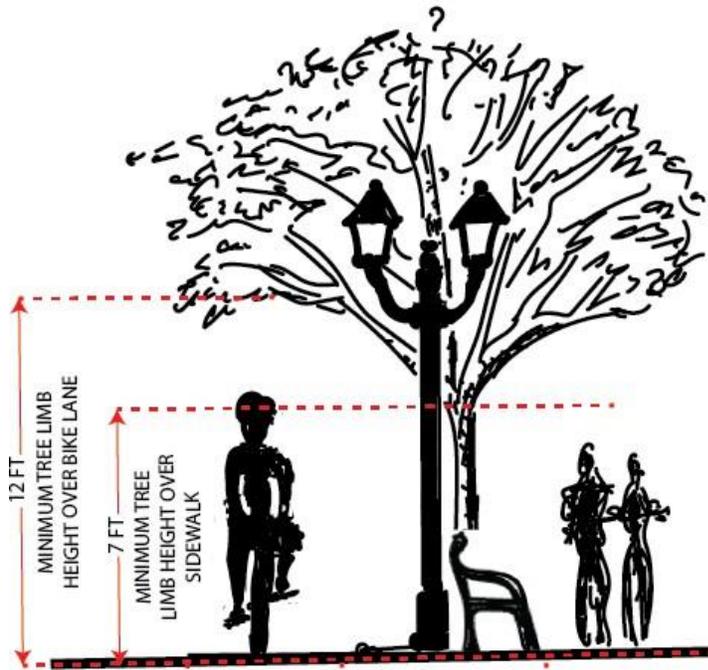
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562 of the tree and the street infrastructure. Street trees shall be provided with a permanent watering
563 method with irrigation infrastructure installed underground.

564 (1) **Tree planting.** No street tree shall be planted within the clear view triangle as provided in Section
565 108-7-7, Section 106-4-5, or the American Association of State Highway and Transportation Officials
566 (AASHTO) standards. To provide continuous shade of the pedestrian areas, spacing between tree
567 trunks shall equal the average diameter of the specific tree species' canopy at maturity. However,
568 in the Nordic Valley Area, each block shall have the same number of trees that is equal to one tree
569 per every 50 linear feet of street on both sides of the street, and the trees may be grouped in clusters
570 of no greater than ten trees, rather than equally spaced along the right of way.

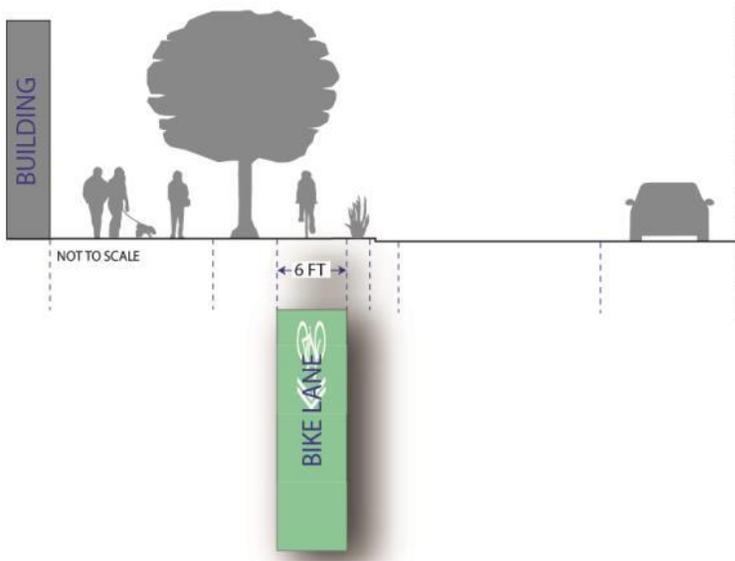


571 (2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance
572 entity is approved by the County to provide tree maintenance, a street tree shall be maintained by
573 the owner or proprietor of the property that is immediately adjacent to the street right-of-way where
574 the tree is located. A tree maintenance plan shall be submitted as part of the development review
575 for new development. Trees shall be pruned in a manner that gives at least a seven foot clearance
576 above the sidewalk and a 12 foot clearance above a bike lane or parking area, as depicted by the
577 following graphic:
578



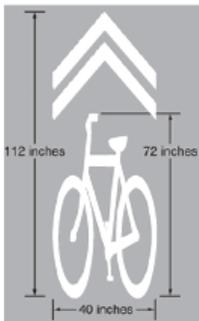
- 579
- 580 (d) **Bike facilities required.**
- 581 (1) **Separated bike lane.** Unless provided otherwise herein, a concrete bike lane that is six feet in width
- 582 shall be installed as part of the required street improvements. The bike lane shall be on the same
- 583 plane as the sidewalk, and shall 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:

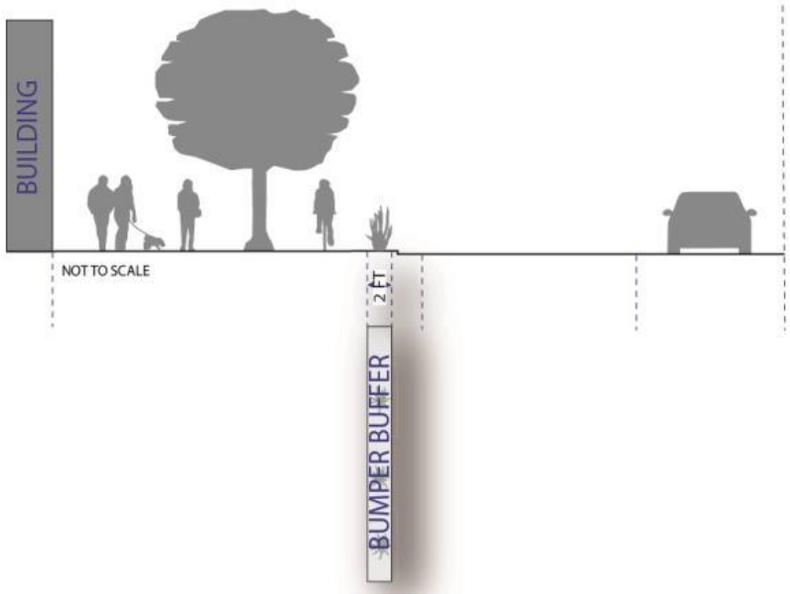


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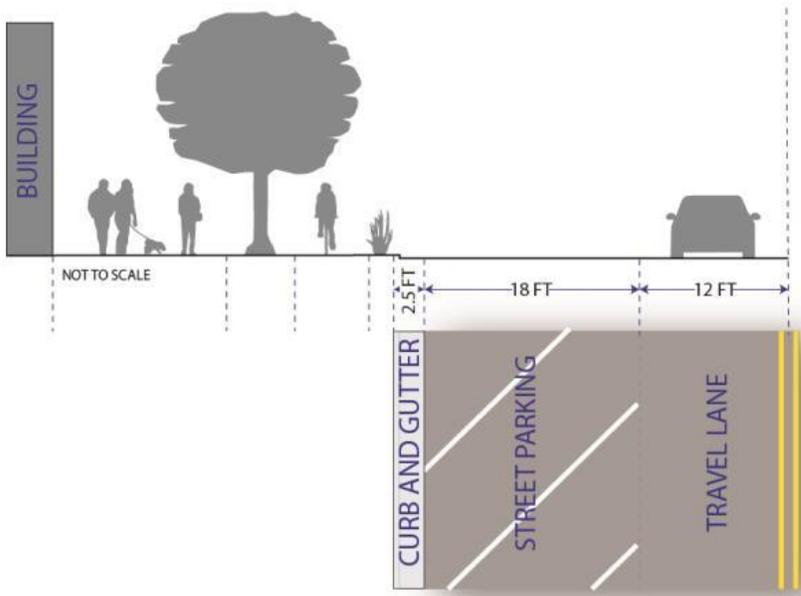
(e) **Street parking required.**

- (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.

Last updated 3/27/2023



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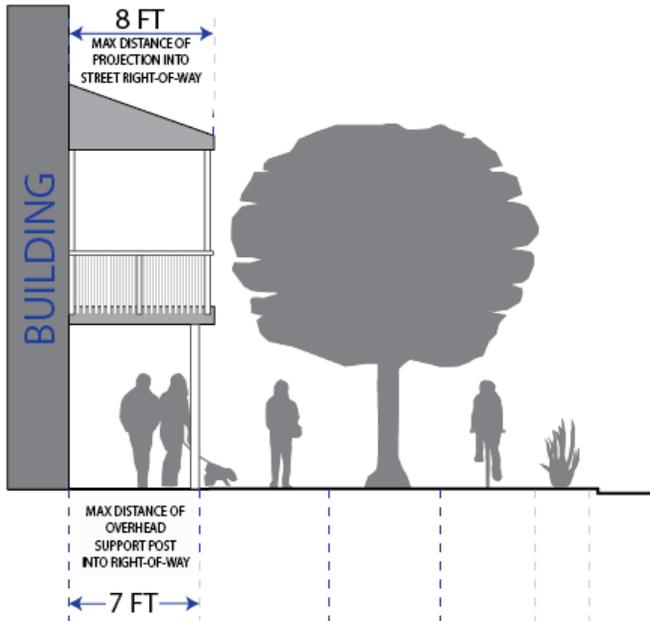
599 (f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each
600 street and internal alleyway in accordance with the County's standard curb and gutter cross sections and

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601 in a manner that accommodates the street designs herein.

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

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



609 (2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside
610 dining, benches, bike racks, planters, and street sales and displays are permitted between street
611 trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and
612 they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.
613

614 (3) **Street Lighting.** Street lighting shall be installed as part of the required street improvements within
615 this zone. Street lighting shall complement the architectural design theme of the area.

616 (4) **Overhead utilities.** All new development shall move all existing overhead utilities underground, and
617 install all new utilities underground as well.

618 (h) **Round-a-bout.** A round circle along any street intersection on the street regulation plan indicates a
619 planned round-a-bout. As development occurs, street right-of-way shall be dedicated to the County to
620 accommodate at least a 110-foot diameter round-a-bout. Round-a-bout improvements shall be installed
621 when required by the County Engineer. Otherwise, all improvements installed shall be installed in a
622 manner that does not create an undue burden on the construction of a future round-a-bout.

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

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

- 625 (1) Each development shall be configured so that the maximum pathway or sidewalk walking-distance
626 between a pathway or sidewalk intersection is 400 feet.
- 627 a. This distance may be increased for a segment of a pathway that travels through a permanently
628 preserved open space area or an area very unlikely to ever develop.
- 629 b. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another
630 pathway, sidewalk, or street.
- 631 (2) Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-
632 motorized modes of transportation.
- 633 (3) Pathways shall connect using shortest distance reasonably possible.
- 634 (4) Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks in
635 the general area, and for future planned pathways, as shown on an adopted pathway plan, general
636 plan, master trails plan, or other applicable adopted planning document.
- 637 (5) A pathway or sidewalk shall connect to any pathway or sidewalk stubbed from adjacent developed
638 property.
- 639 (6) Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a
640 stub to the subdivision boundary.
- 641 (7) Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating
642 convenient and efficient access to nearby parcels that are likely to eventually be developed.

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

- 646 (1) When determining which side of the street the pathway is required, preference shall be given to the
647 side of the street that has optimal sun exposure during winter months.
- 648 (2) The Planning Director may require a pathway be located on the other side of the street to support
649 pathway connectivity based on other factors such as existing or planned future pathways in the
650 vicinity and potential pedestrian conflicts.
- 651 (3) The pathway shall be located within the street right-of-way unless expressly authorized otherwise
652 by the County Engineer. If not located within the street right-of-way, a pathway easement is required.
- 653 (4) Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of at
654 least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with the top
655 of asphalt travel surface. The pathway shall be constructed of three inches of asphalt on eight inches
656 of base-course. Greater thickness may be required where it intersects a vehicle-way.
- 657 (5) Example: *Street-Adjacent Pathway*

Last updated 3/27/2023



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- (c) Non-street-adjacent pathway. Where generally depicted on a map or in the text of an applicable street regulating plan, general plan, master streets plan, or when otherwise required herein or in a development agreement, a 10-foot wide hard-surfaced pathway shall be installed through the development.
- (1) Where a pathway runs between buildings or fenced Lots, a minimum 30-foot pathway public right-of-way is required. The pathway shall run down the center of the 30-foot right-of-way.
- (2) The pathway right-of-way may be reduced to 15 feet if both of the adjoining Lots or parcels are or will be single-family residential, and are deed-restricted to:
- a. Only allow a solid fence that is no greater than four-feet; or
 - b. Only allow a fence that is 30 percent open with the openings evenly distributed.
- (3) The adjoining land owners are responsible for the maintenance and upkeep of vegetation and waste on the half of the pathway right-of-way that is adjacent to their Lot or Parcel.
- (4) Example: Non-Street-Adjacent Pathway

Commented [E21]: Explore options to reduce the right of way width from 30 feet:
-Prohibit opaque fences taller than four feet?
o Deed restriction?
o Land use permit to verify compliance?
o

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

675 (a) The following maps depict the adopted Street Regulating Plans for their respective areas. The plans
676 illustrate the intended street layout of the area and the designated street types. The plan is intended to
677 be a guide for the placement of streets and mid-block alleys, and is not designed to survey-level
678 accuracy. ~~A mid-block alley shall be as close to the middle of the block as is practicable, and the s~~ Street
679 placement shall be within 200 feet of the location depicted on these maps. A land owner proposing
680 development in an area that a street or alley is planned shall be responsible for dedicating the land and
681 constructing the street or alley improvements.

682 (b) The legend for each street regulating plan is as follows:

STREET TYPES AND AMENITIES

-  **General Open Space**
TDR sending.
-  **Estate Lot Residential (ELR)**
Single-family lot as small as 3 acres. *TDR sending.*
-  **Rural Residential (RR)**
Single-family lot as small as 40,000 sq. ft. *TDR sending in WWFA and receiving in OVPA.*
-  **Large Lot Residential (LLR)**
Single-family lot as small as 20,000 sq. ft. *TDR receiving.*
-  **Medium-Large Lot Residential (MLLR)**
Single-family lot as small as 12,500 sq. ft. *TDR receiving.*
-  **Medium Lot Residential (MLR)**
Single-family lot as small as 8,000 sq. ft. *TDR receiving.*
-  **Small Lot Residential (SLR)**
Up to four-family lot as small as 3,000 sq. ft. *TDR receiving.*
-  **Multi-Family Residential (MFR)**
Multi-family lot, height restrictions, no lot minimum. *TDR receiving.*
-  **Mixed-Use Commercial (MUC)**
Commercial at street level, multifamily and other uses above and behind, height restrictions, no lot minimum. *TDR receiving.*
-  **Vehicle Oriented Commercial (VOC)**
Same as MUC with special considerations for vehicle-oriented uses. *TDR receiving.*
-  **Government/Institutional (G/I)**
Same as VOC with special considerations for government and institutional uses. *TDR receiving.*
-  **Limited Access Arterial or Collector Street**
Access to street generally restricted to planned intersections.
-  **Trails**
Required trails.
-  **Roundabout**
Street roundabout.

COMMUNITY FEATURES

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

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Last updated 3/27/2023

684 [Sec 104-22-8.010](#) Old Town Eden Area Street Regulating Plan Map.

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STREET TYPES AND AMENITIES

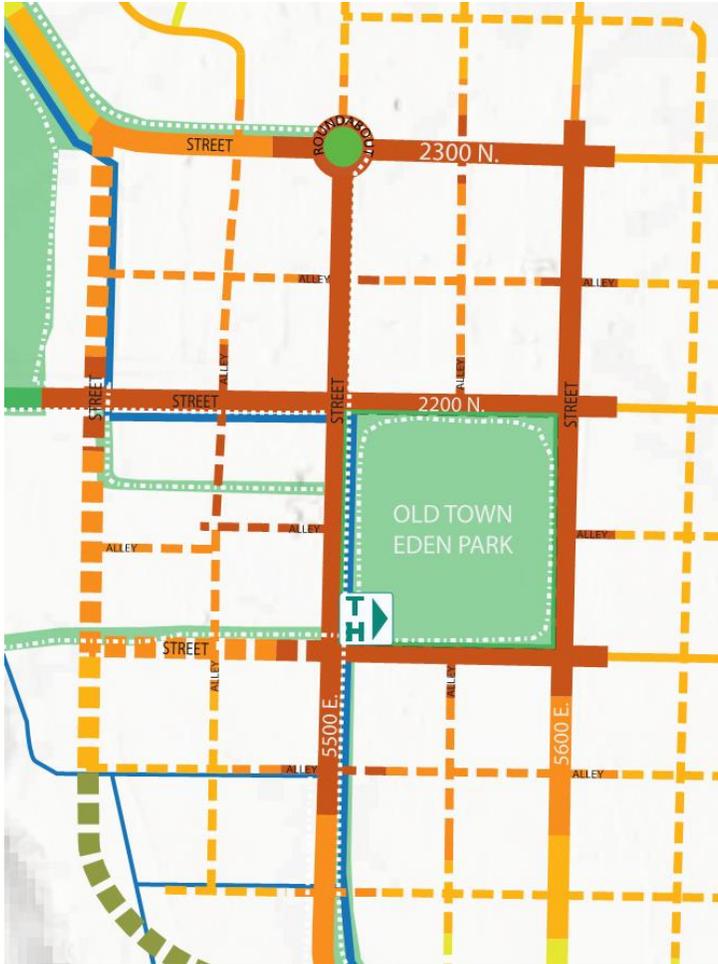
-  General Open Space
TDR sending area.
-  Estate Lot Residential (ELR)
As low as 3 acre single-family lot. TDR sending Area.
-  Rural Residential (RR)
As low as 40,000 sq. ft. single-family lot. TDR sending area.
-  Large Lot Residential (LLR)
As low as 15,000 sq. ft. single-family lot. TDR receiving 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 gov't. TDR receiving area.
-  Trails
Required trails.
-  Roundabout
Street roundabout.

COMMUNITY FEATURES

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

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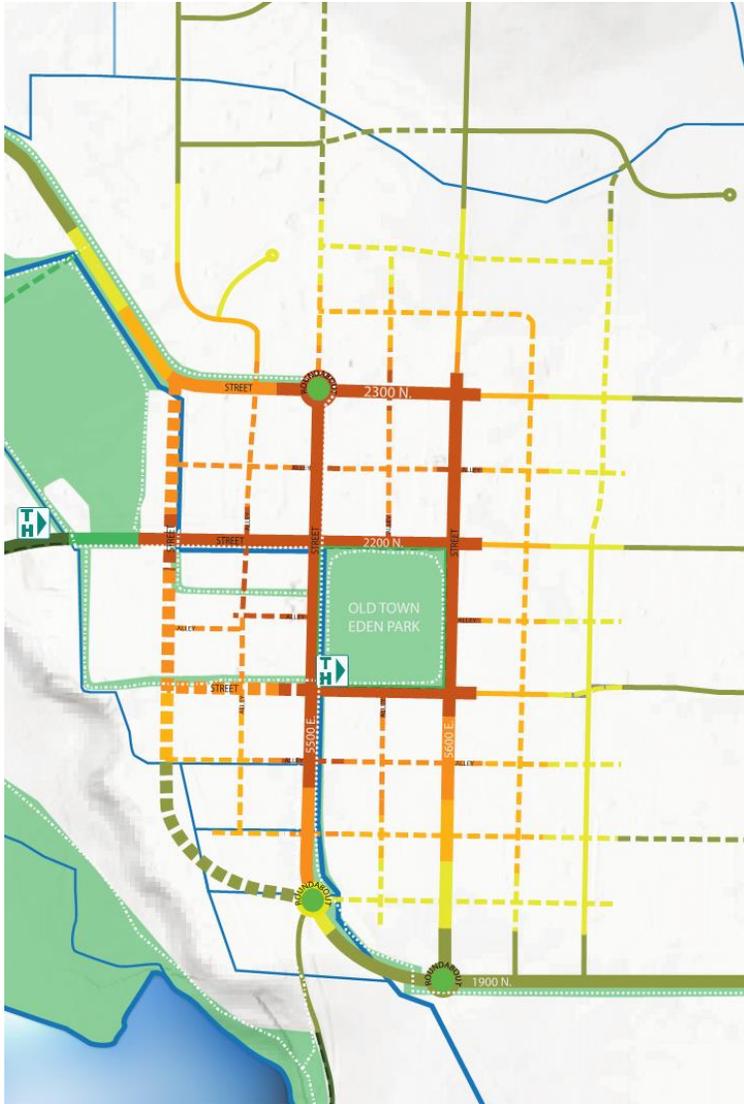


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Sec 104-22-8.020 New Town Eden Area Street Regulating Plan Map.

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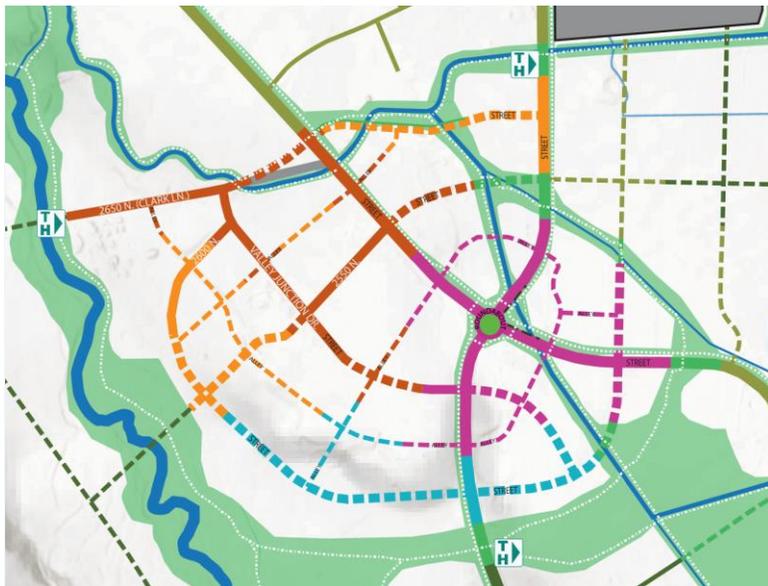
STREET TYPES AND AMENITIES

- 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

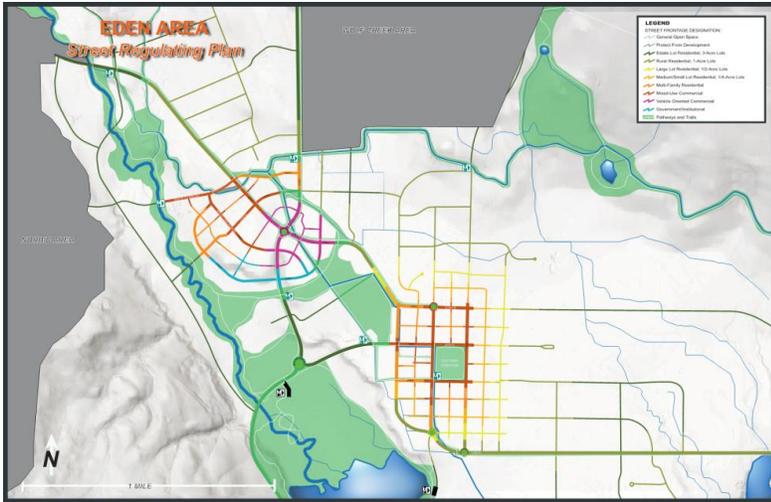
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Sec 104-22-8.030 Nordic Valley Area Street Regulating Plan Map.

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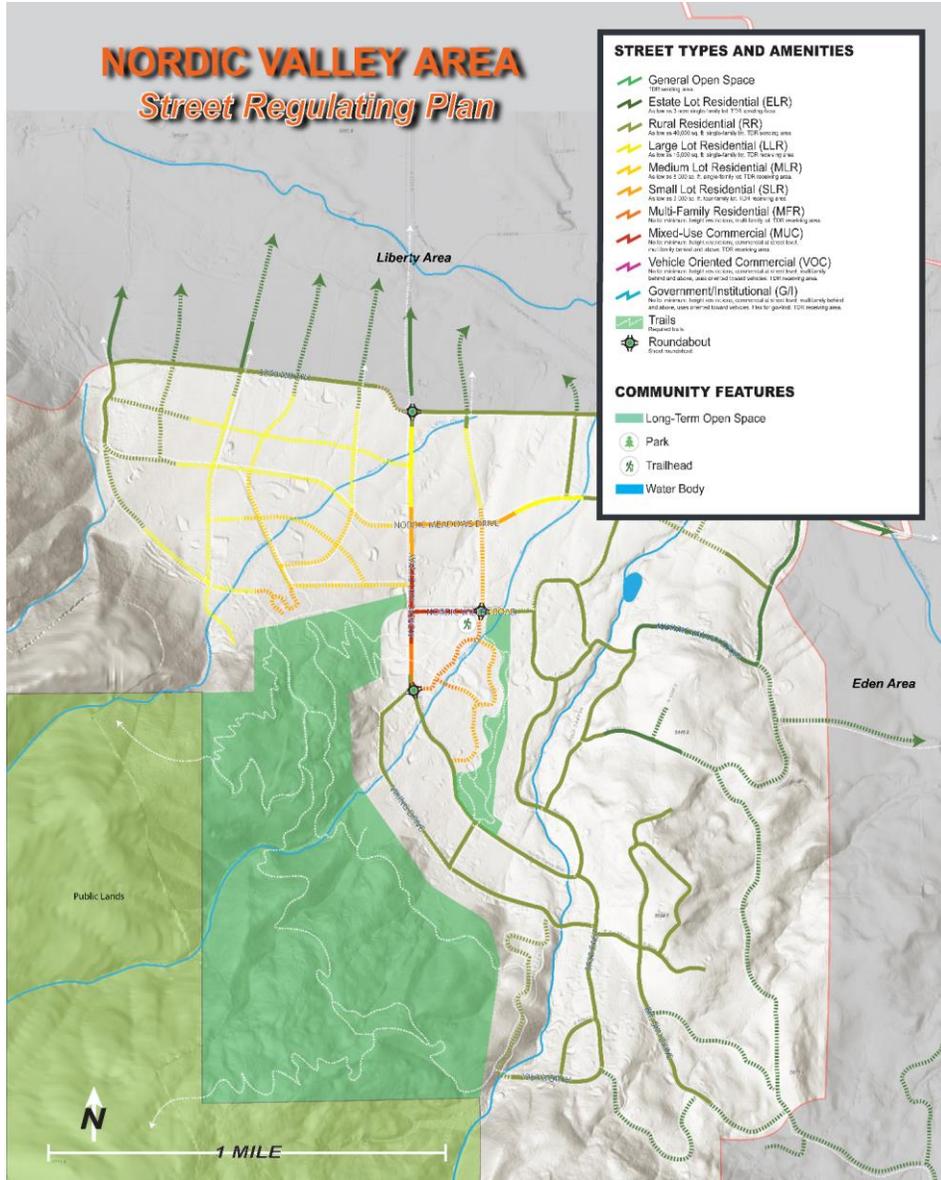
STREET TYPES AND AMENITIES

-  **General Open Space**
TDR sending area.
-  **Estate Lot Residential (ELR)**
As low as 2 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 5,000 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 govern. TDR receiving area.
-  **Trails**
Required trails.
-  **Roundabout**
Street roundabout.

COMMUNITY FEATURES

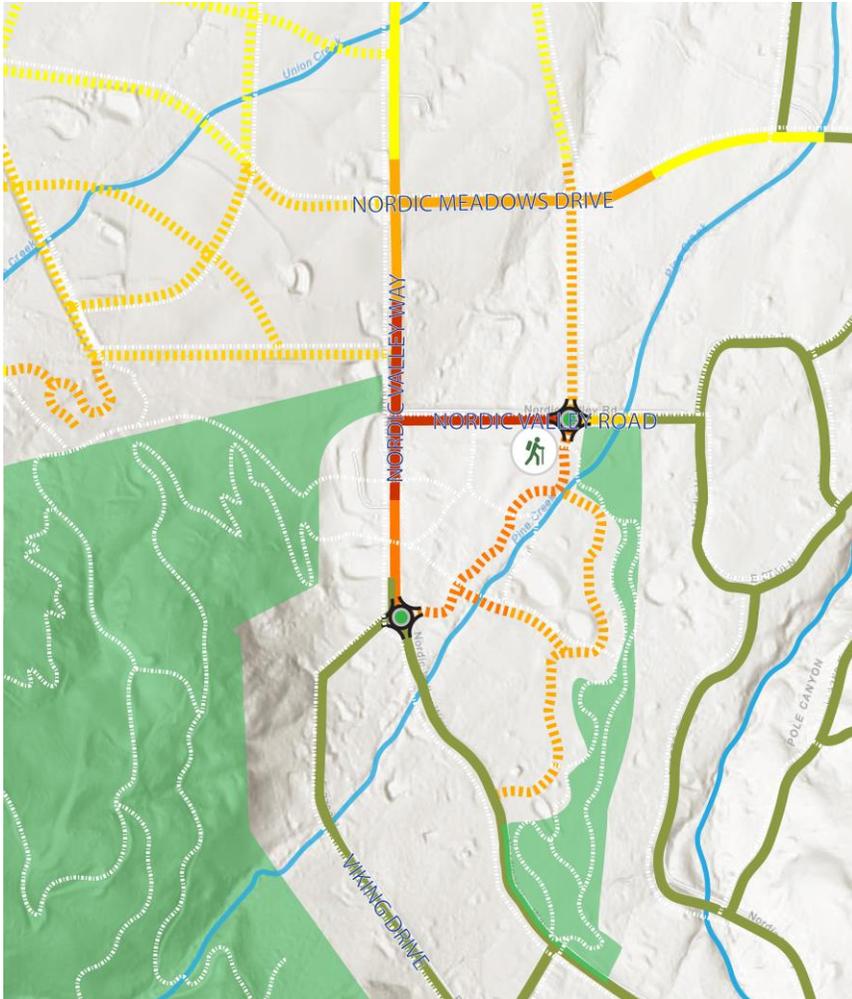
-  Long-Term Open Space
-  Park
-  Trailhead
-  Water Body

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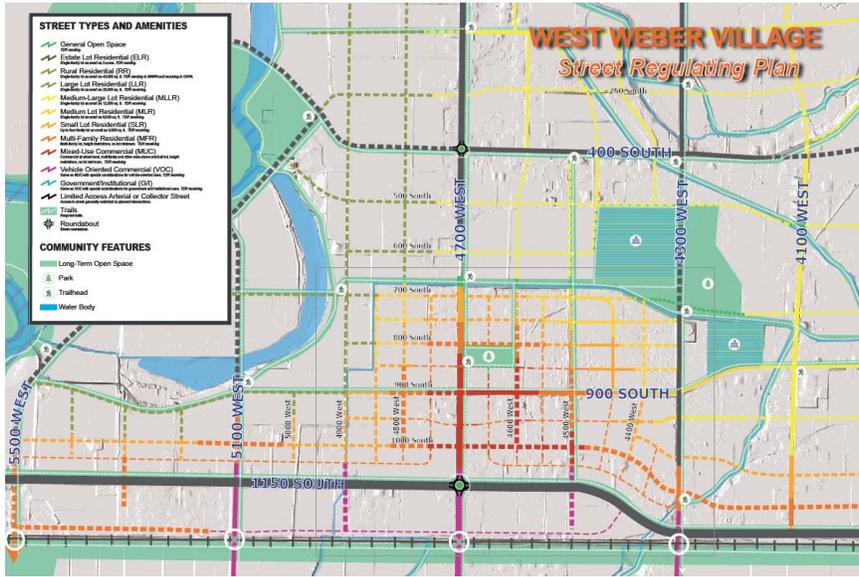
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Last updated 3/27/2023

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

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

- 711 (a) **Parking required.** Each application for development shall include a parking plan that demonstrates
712 that sufficient parking will be provided by the street parking adjacent to the building or an off-street
713 parking lot within 1000 feet of the building. All parking lots shall be hard-surface asphalt or concrete, or
714 other improved surface otherwise approved by the County Engineer and local fire authority. Street
715 parking not adjacent to the ~~lot's~~ Lot's street-frontage shall not be counted in determining that sufficient
716 parking has been provided.
- 717 (b) **Parking flexibility.** Except for residential uses, the Land Use Authority may reduce the minimum
718 parking spaces required if sufficient evidence suggests that the required number of spaces is excessive
719 for the building and proposed use or uses therein.
- 720 (c) **Parking related to a change of use.** If a change of use occurs, more parking may be required if the
721 new use merits it, as determined by the Land Use Authority. The applicant proposing to change the use
722 shall be required to provide the additional off-street parking within 1000 feet of the use.
- 723 (d) **Residential parking.** The minimum required parking for a residential use shall be located off-street
724 within the same block as the residential use.
- 725 (e) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces, and a five-
726 foot wide landscape planting area that runs the depth of the parking row shall be located at each end
727 of a parking row.
- 728 (f) **Parking structure design standards.** When located adjacent to a vehicle-oriented commercial, mixed
729 use commercial, or multi-family residential street, a parking structure shall have first-floor street-level
730 commercial space along the street's frontage. However, for a corner ~~lot~~ Lot, this requirement applies to

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731 the façade that is adjacent to the more prominent street, as determined by the land use authority; the
732 other façade shall have the same for no less than fifty percent of that façade's street frontage. The
733 other fifty percent, and the area of the parking structure above the street level commercial space, shall
734 have a street-facing facade that disguises the parking structure to generally look like other buildings in
735 the area.

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

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

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

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

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

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

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

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

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

776

777 **Sec 104-22-10 Signage**

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

780

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

Last updated 3/27/2023

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

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

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

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

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

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

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

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

814 (1) ~~Transfer allowances and limitations.~~ Residential Development Rights may be transferred to a
815 ~~Lot or Parcel~~ in a FB Zone from any ~~Lot or Parcel~~ in the following zones within the Ogden Valley
816 ~~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.~~

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

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

821 (1) ~~Transfer allowances and limitations.~~ A Residential Development Right may be transferred to a
822 ~~Lot or Parcel~~ in a FB Zone from any ~~Lot or Parcel~~ in the following zones within the West-Central
823 ~~Weber area: A-1, A-2, and A-3. Unless negotiated otherwise in a development agreement, a~~
824 ~~transfer from any Lot or Parcel is prohibited if the Lot or Parcel received a rezone after January 1,~~
825 ~~2023 that increased the Base Density.~~

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

829 (d) ~~Banking of Residential Development Rights.~~ ~~A Lot or Parcel within the Form-Based Zone may be~~
830 ~~used to bank Residential Development Rights. These rights may be held on the Lot or Parcel until they~~
831 ~~are either constructed on the Lot or Parcel, or transferred to another eligible Lot or Parcel. There is no~~
832 ~~limit to the number of Residential Development Rights that can be transferred to a Lot or Parcel in the~~
833 ~~Form-Based Zone. However, the number of Residential Development Rights actually constructed on~~

Commented [E31]: Revised paragraph for clarity as requested by OVPC.

Last updated 3/27/2023

the parcel shall be limited by what can be constructed given compliance with the requirements and standards of this chapter, as well as any other applicable provision of this Land Use Code.

Sec 104-22-12 Workforce Housing

Participation in creating workforce housing is required as follows, except when developing along a Large Lot Residential, Rural Residential, or Estate Lot Residential Street.

(a) **No transfer required.** Workforce housing dwelling units will not be deducted from the lot or parcel's Parcel's development rights and is not required to be established through transferable development rights in an amount up to up to 15 percent of the development's total number of market-rate dwelling units.

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

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

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

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

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

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

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

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

(c) **Workforce housing location.** The required housing units, lots, or floor area provided for workforce housing may be located outside of the proposed development along -but no greater than one-quarter mile from a G&I, VOC, or MUC, MFR, SLR, or MLR street designation in the same planning area, as depicted on the street regulating plan map(s), or within one mile of a commercial or manufacturing CV-1, CV-2, or CVR-1 zone in the same planning area.

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

Commented [E32]: My professional opinion is to not add this exception. I suggest obligating every developer to contribute because every developer is creating more demand for the services that will employ the workers who need to be housed.

Perhaps consider instead obligating all developers to contribute financially or in-kind, but allowing/requiring their contribution to go towards workforce housing that will be outside their development in predefined locations (like along certain street types)? See part c below for how that could possibly be accomplished.

Commented [E33]: Shall?