

MEMO

To: County Commission

From: Charlie Ewert

Date: June 8, 2023

RE: June 13, 2023 Commission Item: First Amendment to Nordic Valley Agreement

A development agreement was executed between Weber County and Nordic Village Venture, LLC on March 14 of this year. This development agreement was approved by the County Commission in January of this year. The agreement relates to the development of the Nordic Valley Village area, and is tied to a rezone of the property to the Form-Based Zone.

On May 16 of this year the Commission amended the Form-Based Zone in a manner that is inconsistent with Nordic Valley Venture's approved agreement and development plans. At the time of the agreement's approval, both Nordic Valley Venture and the County were under the impression that it would vest Nordic Valley Venture into the ordinance in place on that date. On closer examination of the agreement, Nordic Valley Venture is concerned that it may not do so as clearly as they would like.

At this time, Nordic Valley Ventures is requesting a simple amendment to their agreement (first amendment) to make it clear that they are vested in the Form-Based Code that existed at the time the agreement was originally approved.

The attached contract will memorialize this understanding. Attached to the contract is the Form-Based Zone as it existed at the time the agreement was approved.



WHEN RECORDED, RETURN TO:

**FIRST AMENDMENT TO ZONING DEVELOPMENT AGREEMENT
FOR THE
NORDIC VALLEY VILLAGE (FORM-BASED REZONE)**

This FIRST AMENDMENT TO ZONING DEVELOPMENT AGREEMENT FOR THE NORDIC VALLEY VILLAGE (FORM-BASED REZONE) (“Amendment”) is made and entered into as of _____, 2023 (the “Effective Date”) by and between **WEBER COUNTY**, a political subdivision of the State of Utah (“County”) and **NORDIC VILLAGE VENTURE, LLC**, a Utah limited liability company (“Master Developer”). County and Master Developer are collectively referred to herein as the “Parties,” and individually as a “Party.”

WHEREAS, County and Master Developer are parties to that certain Zoning Development Agreement for the Nordic Valley Village (Form-Based Rezone) dated as of March 14, 2023 (the “Agreement”), pursuant to which County granted Master Developer the right to develop approximately 510 acres of real property located in Weber County, Utah as a mixed-use development to be known as Nordic Valley Village (the “Project”); and

WHEREAS, the parties desire to modify and amend the Agreement as set forth herein;

NOW, THEREFORE, in consideration of the mutual promises herein set forth and other good and valuable consideration, the Parties agree as follows:

1. The Agreement is hereby amended to clarify and confirm that, notwithstanding anything to the contrary set forth in the Agreement, all references therein to the FB Zone shall mean the Form-Based Zone as described in Ordinance 2022-04 adopted by the Board of Commissioners of Weber County (the “Board”) on January 18, 2022 and amended by Ordinance 2022-20 adopted by the Board on August 16, 2022, a copy of which is attached hereto as Exhibit B (collectively, the “Applicable FB Zone Ordinance”), without regard to any subsequent modifications or amendments thereto.
2. Except as expressly set forth in this Amendment, all other terms and conditions of the Agreement shall remain in full force and effect.
3. Any capitalized term used herein, but not defined, shall have the meaning ascribed to such term in the Agreement. Each of the Parties executing this Amendment hereby covenants and warrants that such party has full right and authority to enter into this Amendment, and that each person signing on behalf of such party is authorized to do so. This Amendment may be executed in any number of counterparts (including by facsimile or by electronic copy or transmission), each of which shall be deemed an original.

IN WITNESS WHEREOF, the Parties execute this Amendment as of the Effective Date set forth above.

COUNTY:

WEBER COUNTY BOARD OF COMMISSIONERS

By: _____
Name: _____
Title: _____

Attest:

By: _____
Name: _____
Title: _____

Approved as to Form:

By: _____
Name: _____
Title: _____

MASTER DEVELOPER:

NORDIC VILLAGE VENTURE, LLC

By: GWC Management, LLC
Its: Manager

By: _____
Name: _____
Title: _____

Master Developer Acknowledgement

STATE OF UTAH)
) ss
COUNTY OF _____)

On the ____ day of _____, 2023, personally appeared before me _____ who being duly sworn, did say that he is the _____ of GWC Management, LLC, the Manager of Nordic Village Venture, LLC, a Utah limited liability company, and that the foregoing instrument was duly authorized by the company by authority of its operating agreement and signed on behalf of said company.

NOTARY PUBLIC

EXHIBIT A

(Legal Description of Property)

[see attached]

EXHIBIT "A" LEGAL DESCRIPTION OF THE PROPERTY

PARCEL 1

THE BASIS OF BEARING FOR THIS SURVEY IS N 0°02'56" EAST 5318.64 FEET, MEASURED BETWEEN THE FOUND SOUTHEAST CORNER AND THE FOUND NORTHEAST CORNER OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 1 WEST, SLB&M.

BEGINNING AT A POINT WHICH IS ON THE ON THE WESTERN RIGHT-OF-WAY LINE OF 3500 EAST, SAID POINT BEING N 87°58'12" W 2632.23 FEET ALONG THE NORTH SECTION LINE OF SECTION 32, TO THE NORTH QUARTER OF SAID SECTION, THENCE N 0°24'08" EAST 100.38 FEET ALONG THE SECTION LINE, AND N 89°35'52" W 74.05 FEET FROM THE FOUND MONUMENT AT THE NORTHEAST CORNER OF SAID SECTION 32; THENCE N 89° 42' 02" W 282.10 FEET; THENCE N 40° 49' 15" W 190.57 FEET; THENCE N 07° 58' 23" W 288.47 FEET; THENCE N 02° 50' 24" E 371.18 FEET; THENCE N 66° 37' 10" E 299.68 FEET; THENCE N 02° 58' 07" W 95.99 FEET; THENCE S 75° 14' 48" W 1832.05 FEET; THENCE N 00° 38' 43" E 635.03 FEET; THENCE N 89° 33' 56" E 535.62 FEET; THENCE S 04° 33' 34" W 11.11 FEET; THENCE S 89° 31' 36" E 1124.87 FEET; THENCE S 89° 41' 49" E 290.39 FEET TOP THE WESTERN ROW LINE OF SAID 3500 WEST; THENCE ALONG SAID SECTION LINE S 01° 20' 16" W 1167.80 FEET, TO THE POINT OF BEGINNING.

LOCATED IN THE SOUTH HALF OF SECTION 29 AND THE NORTH HALF OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

CONTAINING 1,118,930 S.F. OR 25.687 ACRES

AFFECTING A PORTION WEBER CO. OF PARCELS: 22-023-0045, 22-023-0020, 22-023-0086.

PARCEL 2

THE BASIS OF BEARING FOR THIS SURVEY IS N 0°02'56" EAST 5318.64 FEET, MEASURED BETWEEN THE FOUND SOUTHEAST CORNER AND THE FOUND NORTHEAST CORNER OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 1 WEST, SLB&M.

BEGINNING AT A POINT WHICH IS ON THE ON THE EASTERLY RIGHT-OF-WAY LINE OF 3500 EAST, SAID POINT BEING N 87°58'12" W 2632.23 FEET ALONG THE NORTH SECTION LINE OF SECTION 32, TO THE NORTH QUARTER OF SAID SECTION, THENCE N 0°24'08" EAST 80.50 FEET ALONG THE SECTION LINE, AND N 89°35'52" W 8.36 FEET FROM THE FOUND MONUMENT AT THE NORTHEAST CORNER OF SAID SECTION 32; AND RUNNING THENCE N 01° 20' 16" E 468.20 FEET; THENCE S 52° 07' 34" E 455.97 FEET;

THENCE S 13° 54' 26" W 292.09 FEET; THENCE S 73° 24' 26" W 256.31 FEET TO THE EASTERN ROW LINE OF NORDIC VALLEY WAY; THENCE ALONG SAID ROW FOLLOWING 4 COURSES, 1) THENCE N 57° 37' 39" W 3.91 FEET, 2) THENCE ALONG NON TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 125.00 FEET, (LONG CHORD BEARS N 29° 11' 31" W 123.07 FEET), THROUGH A CENTRAL ANGLE OF 58° 58' 57", FOR AN ARC DISTANCE OF 128.68 FEET, 3) THENCE N 00° 18' 02" E 59.09 FEET, 4) THENCE S 89° 42' 02" E 8.00 FEET, TO THE POINT OF BEGINNING. LOCATED IN THE SOUTH HALF OF SECTION 29 AND THE NORTH HALF OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

CONTAINING 158,480 S.F. OR 3.628 ACRES

AFFECTING WEBER CO. PARCEL 22-023-0060

PARCEL 3

THE BASIS OF BEARING FOR THIS SURVEY IS N 0°02'56" EAST 5318.64 FEET, MEASURED BETWEEN THE FOUND SOUTHEAST CORNER AND THE FOUND NORTHEAST CORNER OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 1 WEST, SLB&M.

BEGINNING AT A POINT BEING THE WESTERN CORNER FOR LOT 94 OF THE SILVER BELL ESTATES NO. 2 SUBDIVISION, SAID POINT BEING S 0°02'56" W 1102.90 FEET ALONG THE SECTION LINE OF SECTION 32, THENCE N 89°57'04" W 3367.49 FEET, FROM THE FOUND MONUMENT AT THE NORTHEAST CORNER OF SAID SECTION 32; AND RUNNING ALONG SAID SILVER BELL ESTATES NO. 2 SUBDIVISION BOUNDARY

FOLLOWING SEVEN (7) COURSES: 1) THENCE S 34° 42' 02" E 1736.47 FEET; 2) THENCE S 55° 52' 02" E 1014.59 FEET; 3) THENCE S 71° 29' 02" E 531.56 FEET; 4) THENCE S 78° 42' 02" E 50.00 FEET; 5) THENCE S 11° 17' 58" W 121.53 FEET; 6) THENCE S 13° 34' 21" W 49.93 FEET; 7) THENCE S 73° 59' 14" E 237.98 FEET TO THE WESTERN LINE OF THE SILVER BELL ESTATES NO. 1 SUBDIVISION; THENCE ALONG SAID WESTERN LINE OF SILVER BELL ESTATES NO. 2 SUBDIVISION FOLLOWING SEVENTEEN (17) COURSES, 1) THENCE S 20° 30' 14" W 70.78 FEET; 2) THENCE S 01° 30' 14" W 140.39 FEET; 3) THENCE S 16° 30' 14" W 134.78 FEET; 4) THENCE S 28° 29' 46" E 132.50 FEET; 5) THENCE S 19° 30' 14" W 96.54 FEET; 6) THENCE S 09° 30' 14" W 253.28 FEET; 7) THENCE S 45° 30' 14" W 140.34 FEET; 8) THENCE S 09° 14' 14" W 190.45 FEET 9) THENCE S 18° 30' 14" W 119.54 FEET; 10) THENCE N 73° 14' 16" W 205.08 FEET; 11) THENCE S 29° 45' 14" W 140.00 FEET; 12) THENCE S 38° 29' 04" W 254.04 FEET; 13) THENCE S 09° 12' 14" W 60.00 FEET; 14) THENCE N 84° 26' 14" E 45.91 FEET; 15) THENCE S 05° 33' 43" E 50.00 FEET; 16) THENCE S 84° 26' 14" W 220.00 FEET; 17) THENCE S 29° 36' 05" W 302.02 FEET TO THE SOUTHERN SECTION LINE OF SAIS SECTION 32; THENCE ALONG SAID SECTION LINE S 88° 56' 52" W 479.17 FEET; THENCE N 01° 22' 58" E 299.76 FEET; THENCE N 05° 00' 31" W 153.57 FEET; THENCE N 55° 47' 19" W 246.88 FEET; THENCE N 12° 37' 21" W 201.78 FEET; THENCE N 89° 39' 32" E 622.78 FEET; THENCE N 16° 51' 53" W 95.44 FEET; THENCE N 71° 30' 54" W 99.97 FEET; THENCE N 57° 03' 53" W 115.12 FEET; THENCE N 30° 25' 49" W 126.89 FEET; THENCE N 53° 03' 59" E 210.78 FEET; THENCE N 28° 57' 01" E 106.54 FEET; THENCE N 02° 10' 20" E 115.87 FEET; THENCE N 42° 07' 29" W 107.05 FEET; THENCE N 10° 43' 14" W 92.15 FEET; THENCE N 15° 16' 49" W 162.30 FEET; THENCE N 69° 58' 40" W 62.78 FEET; THENCE S 76° 49' 00" W 131.14 FEET; THENCE N 84° 11' 27" W 117.52 FEET; THENCE N 50° 49' 22" W 118.93 FEET; THENCE N 09° 10' 35" W 167.27 FEET; THENCE N 56° 03' 43" W 262.60 FEET; THENCE N 35° 50' 36" W 210.42 FEET; THENCE N 05° 28' 14" W 189.57 FEET; THENCE N 04° 22' 42" E 169.37 FEET; THENCE N 10° 53' 45" W 129.95 FEET; THENCE N 02° 16' 56" E 165.23 FEET; THENCE N 28° 14' 47" W 159.93 FEET; THENCE N 61° 05' 39" W 135.04 FEET; THENCE S 82° 43' 51" W 160.50 FEET; THENCE N 66° 06' 31" W 102.75 FEET; THENCE N 15° 41' 13" W 682.00 FEET; THENCE N 18° 53' 23" E 439.33 FEET, TO THE POINT OF BEGINNING, LOCATED IN T SECTION 32, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

CONTAINING 3,752,282 S.F. 86.141 ACRES

AFFECTING A PORTION OF WEBER CO. PARCEL 22-029-0010

PARCEL 4

THE BASIS OF BEARING FOR THIS SURVEY IS N 0°02'56" EAST 5318.64 FEET, MEASURED BETWEEN THE FOUND SOUTHEAST CORNER AND THE FOUND NORTHEAST CORNER OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 1 WEST, SLB&M.

BEGINNING AT A POINT BEING THE WESTERN CORNER FOR LOT 94 OF THE SILVER BELL ESTATES NO. 2 SUBDIVISION, SAID POINT BEING S 0°02'56" W 1102.90 FEET ALONG THE SECTION LINE OF SECTION 32, THENCE N 89°57'04" W 3367.49 FEET, FROM THE FOUND MONUMENT AT THE NORTHEAST CORNER OF SAID SECTION 32; THENCE S 18° 53' 23" W 439.33 FEET; THENCE S 15° 41' 13" E 682.00 FEET; THENCE S 66° 06' 31" E 102.75 FEET; THENCE N 82° 43' 51" E 160.50 FEET; THENCE S 61° 05' 39" E 135.04 FEET; THENCE S 28° 14' 47" E 159.93 FEET; THENCE S 02° 16' 56" W 165.23 FEET; THENCE S 10° 53' 45" E 129.95 FEET; THENCE S 04° 22' 42" W 169.37 FEET; THENCE S 05° 28' 14" E 189.57 FEET; THENCE S 35° 50' 36" E 210.42 FEET; THENCE S 56° 03' 43" E 262.60 FEET; THENCE S 09° 10' 35" E 167.27 FEET; THENCE S 50° 49' 22" E 118.93 FEET; THENCE S 84° 11' 27" E 117.52 FEET; THENCE N 76° 49' 00" E 131.14 FEET; THENCE S 69° 58' 40" E 62.78 FEET; THENCE S 15° 16' 49" E 162.30 FEET; THENCE S 10° 43' 14" E 92.15 FEET; THENCE S 42° 07' 29" E 107.05 FEET; THENCE S 02° 10' 20" W 115.87 FEET; THENCE S 28° 57' 01" W 106.54 FEET; THENCE S 53° 03' 59" W 210.78 FEET; THENCE S 30° 25' 49" E 126.89 FEET; THENCE S 57° 03' 53" E 115.12 FEET; THENCE S 71° 30' 54" E 99.97 FEET; THENCE S 16° 51' 53" E 95.44 FEET; THENCE S 89° 39' 32" W 622.78 FEET; THENCE S 12° 37' 21" E 201.78 FEET; THENCE S 55° 47' 19" E 246.88 FEET; THENCE S 05° 00' 31" E 153.57 FEET; THENCE S 01° 22' 58" W 299.76 FEET TO THE SOUTHERN LINE OF SAID SECTION 32; THENCE ALONG SAID SECTION LINE S 88° 56' 52" W 413.58 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 32; THENCE ALONG SAID SECTION S 88° 58' 48" W 2679.23 FEET TO THE SOUTHWEST CORNER OF SAID SECTION; THENCE ALONG SAID SECTION LINE N 00° 31' 29" E 2715.63 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 32; THENCE ALONG SAID SECTION LINE N 00° 32' 20" E 2716.68 FEET TO THE NORTHWEST CORNER OF SAID SECTION 32; THENCE N 88°21'41" E 670.66 FEET; THENCE N 0°38'43" E 708.80 FEET; THENCE N 75°14'48" E 1832.05 FEET; THENCE S 2°58'07" E 95.99 FEET; THENCE S 66°37'10" W 299.68 FEET; THENCE S 2°50'24" W 371.18 FEET; THENCE S 7°58'23" E 288.47 FEET; THENCE S 40°49'15" E 190.57 FEET; THENCE S 62°03'22" W 517.63 FEET; THENCE S 34°41'57" E 80.00 FEET TO THE WESTERN BOUNDARY LINE OF SAID SILVER BELL ESTATES NO. 2 SUBDIVISION; THENCE ALONG SAID WESTERN LINE S 1°42'02" E 987.73 FEET, TO THE POINT OF BEGINNING. LOCATED IN T SECTION 32, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN.

CONTAINING 14,946,157 S.F. 343.117 ACRES

AFFECTING WEBER CO. PARCELS: 22-029-0008, 22-023-0019, AND A PORTION OF PARCELS: 22-029-0010, 22-023-0045, 22-023-0020, 22-023-0086.

PARCEL 5

PART OF THE SOUTH 1/2 OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY; MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 29 WHICH IS NORTH 3D50'56" EAST 201.47 FEET FROM THE MOST WESTERLY CORNER OF LOT 12, NORDIC VALLEY ESTATES NO. 1, WEBER COUNTY, UTAH; AND RUNNING THENCE NORTH 88D13' WEST ALONG THE SOUTH LINE OF SAID SECTION 29852.61 FEET; THENCE NORTH 40D00' EAST 253.74 FEET; THENCE NORTH 59D30' WEST 220 FEET; THENCE SOUTH 13D35' WEST 28

FEET;THENCE NORTH 52D27' WEST 464.33 FEET (SHOULD BE 455.58 FEET)TO THE EAST LINE OF NORDIC VALLEY ROAD; THENCE NORTH 0D57'41"EAST 274.84 FEET (SHOULD BE 398.33 FEET) ALONG SAID EAST LINE;THENCE SOUTH 89D19'51" EAST 60.42 FEET ALONG THE SOUTH LINEOF NORDIC VALLEY ROAD; THENCE SOUTH 0D57'41" WEST 260 FEET;THENCE SOUTH 89D19'51" EAST 14.41 FEET; THENCE SOUTH 0D57'41"WEST 40 FEET; THENCE SOUTH 89D19'51" EAST 1207 FEET; THENCESOUTH 5D20'58" EAST 67.82 FEET; THENCE SOUTH 3D50'56" WEST601.75 FEET TO THE POINT OF BEGINNING.

PARCEL 6

PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH,RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY:BEGINNING AT A POINT ON THE EAST LINE OF 3500 EAST STREET(NORDIC VALLEY WAY) WHICH IS NORTH 81D00' EAST 50.00 FEET ANDNORTH 9D00' WEST 274.44 FEET FROM THE MOST EASTERLY CORNER OFLOT 103, SILVER BELL ESTATES NO. 2, WEBER COUNTY, UTAH;RUNNING THENCE NORTH 9D00' WEST 37.67 FEET, AND NORTHWESTERLYALONG THE ARC OF A 106.24 FOOT RADIUS CURVE TO THE LEFT 88.17FEET ALONG SAID EAST LINE OF 3500 EAST STREET, THENCE NORTH73D05' EAST 256.02 FEET, THENCE NORTH 13D35' EAST 4.20 FEET TOTHE TRUE POINT OF BEGINNING, RUNNING THENCE NORTH 13D35' EAST311.80 FEET, THENCE SOUTH 59D30' EAST 220 FEET, THENCE SOUTH40D00' WEST 253.74 FEET, THENCE NORTH 88D13' WEST 99.68 FEETTO THE POINT OF BEGINNING.

PARCEL 7

PART OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 7 NORTH,RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY:BEGINNING AT A POINT ON THE EAST LINE OF 3500 EAST STREET(NORDIC VALLEY WAY) WHICH IS NORTH 81D00' EAST 50.00 FEET ANDNORTH 9D00' WEST 274.44 FEET FROM THE MOST EASTERLY CORNER OFLOT 103, SILVER BELL ESTATES NO. 2, WEBER COUNTY, UTAH;RUNNING THENCE NORTH 9D00' WEST 37.67 FEET, AND NORTHWESTERLYALONG THE ARC OF A 106.24 FOOT RADIUS CURVE TO THE LEFT 88.17FEET ALONG SAID EAST LINE OF 3500 EAST STREET, THENCE NORTH73D05' EAST 256.02 FEET, THENCE NORTH 13D35' EAST 4.20 FEET;THENCE SOUTH 88D13' EAST 99.68 FEET;. THENCE SOUTH 40D WEST56.26 FEET; THENCE SOUTH 29D30' WEST 230 FEET; THENCE NORTH67D30'43" WEST 150 FEET TO POINT OF BEGINNING.

PARCEL 8

PART OF LOT 33, SILVER BELL ESTATES NO. 1, AND PART OF THENORTHEAST QUARTER OF SECTION 32, TOWNSHIP 7 NORTH, RANGE 1EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY: MOREPARTICULARLY DESCRIBED AS BEGINNING 25.00 FEET NORTH60D00'00" WEST FROM THE MOST EASTERLY CORNER OF LOT 33,SILVER BELL ESTATES NO. 1, WEBER COUNTY, UTAH; AND RUNNINGTHENCE SOUTH 30D00' WEST 300.00 FEET TO THE EAST LINEOF 3500 EAST STREET; THENCE 6 COURSES ALONG SAID EAST LINEAS FOLLOWS: NORTH 60D00' WEST 200.02 FEET, NORTHERLYALONG THE ARC OF A 542.12 FOOT RADIUS CURVE TO THE RIGHT189.24 FEET, NORTH 40D00' WEST 233.42 FEET, NORTHERLY ALONGTHE ARC OF A 302.09 FOOT RADIUS CURVE TO THE RIGHT 179.26FEET, NORTH 6D00' WEST 252.68 FEET, AND NORTHERLY ALONGTHEARC OF A 525.00 FOOT RADIUS CURVE TO THE LEFT 202.24 FEET;THENCE NORTH 17D00' EAST 545.66 FEET; THENCE NORTH 67D30'43"WEST 450.00 FEET; THENCE NORTH 29D30' EAST

230 FEET; THENCE NORTH 40° EAST 56.26 FEET TO THE NORTH LINE OF SAID SECTION 32; THENCE SOUTH 88°13' EAST ALONG SAID NORTH LINE 852.61 FEET TO A POINT NORTH 35°56' EAST 201.47 FEET FROM THE MOST WESTERLY CORNER OF LOT 12, NORDIC VALLEY ESTATES NO. 1; THENCE SOUTH 35°56' WEST 201.47 FEET TO THE WEST LINE OF NORDIC VALLEY ESTATES NO. 1, WEBER COUNTY, UTAH; THENCE 4 COURSES ALONG SAID WEST LINE AS FOLLOWS: SOUTH 33° EAST 410.00 FEET, SOUTH 19°50'07" WEST 442.42 FEET, SOUTH 41°52' WEST 516.27 FEET AND SOUTH 60° EAST 210.65 FEET TO THE POINT OF BEGINNING.

PARCEL 9

PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT ON THE SOUTH LINE OF NORDIC VALLEY ROAD, WHICH IS 58.01 FEET EAST, 857.18 FEET NORTH 057°41' EAST ALONG THE EAST RIGHT-OF-WAY LINE OF 3500 EAST STREET AND 60.42 FEET SOUTH 89°19'51" EAST ALONG SAID SOUTH LINE OF NORDIC VALLEY ROAD FROM THE NORTHEAST CORNER OF LOT 102, SILVER BELL ESTATES NO. 2, WEBER COUNTY, UTAH; RUNNING THENCE SOUTH 89°19'51" EAST 167.54 FEET ALONG SAID SOUTH LINE, THENCE SOUTH 057°41' WEST 260.00 FEET; THENCE NORTH 89°19'51" WEST 167.54 FEET; THENCE NORTH 057°41' EAST 260.00 FEET TO THE POINT OF BEGINNING.

PARCEL 10

PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT ON THE SOUTH LINE OF NORDIC VALLEY ROAD, WHICH IS 58.01 FEET EAST, 857.18 FEET NORTH 057°41' EAST ALONG THE EAST RIGHT-OF-WAY LINE OF 3500 EAST STREET AND 227.96 FEET SOUTH 89°19'51" EAST ALONG SAID SOUTH LINE OF NORDIC VALLEY ROAD FROM THE NORTHEAST CORNER OF LOT 102, SILVER BELL ESTATES NO. 2, WEBER COUNTY, UTAH; RUNNING THENCE SOUTH 89°19'51" EAST 167.54 FEET ALONG SAID SOUTH LINE; THENCE SOUTH 057°41' WEST 260.00 FEET; THENCE NORTH 89°19'51" WEST 167.54 FEET; THENCE NORTH 057°41' EAST 260.00 FEET TO THE POINT OF BEGINNING.

PARCEL 11

PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT ON THE SOUTH LINE OF NORDIC VALLEY ROAD, WHICH IS 58.01 FEET EAST, 857.18 FEET NORTH 057°41' EAST ALONG THE EAST RIGHT-OF-WAY LINE OF 3500 EAST STREET AND 395.50 FEET SOUTH 89°19'51" EAST ALONG SAID SOUTH LINE OF NORDIC VALLEY ROAD FROM THE NORTHEAST CORNER OF LOT 102, SILVER BELL ESTATES NO. 2, WEBER COUNTY, UTAH; RUNNING THENCE SOUTH 89°19'51" EAST 167.54 FEET ALONG SAID SOUTH LINE; THENCE SOUTH 057°41' WEST 260.00 FEET; THENCE NORTH 89°19'51" WEST 167.54 FEET; THENCE NORTH 057°41' EAST 260.00 FEET TO THE POINT OF BEGINNING.

PARCEL 12

PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT ON THE SOUTH LINE OF NORDIC VALLEY ROAD, WHICH IS 58.01 FEET EAST 857.18 FEET NORTH 0D57'41" EAST ALONG THE EAST RIGHT OF WAY LINE OF 3500 EAST STREET AND 563.04 FEET SOUTH 89D19'51" EAST ALONG SAID SOUTH LINE OF NORDIC VALLEY ROAD FROM THE NORTHEAST CORNER OF LOT 102 SILVER BELL ESTATES NO. 2, WEBER COUNTY, UTAH, RUNNING THENCE SOUTH 89D19'51" EAST 167.54 FEET ALONG SAID SOUTH LINE, THENCE SOUTH 0D57'41" WEST 260.00 FEET, THENCE NORTH 89D19'51" WEST 167.54 FEET, THENCE NORTH 0D57'41" EAST 260.00 FEET TO THE POINT OF BEGINNING. CONTAINS 1.000 ACRE.

PARCEL 13

PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U. S. SURVEY: BEGINNING AT A POINT ON THE SOUTH LINE OF NORDIC VALLEY ROAD, WHICH IS 58.01 FEET EAST, 857.18 FEET NORTH 0D57'41" EAST ALONG THE EAST RIGHT OF WAY LINE OF 3500 EAST STREET AND 730.58 FEET SOUTH 89D19'51" EAST ALONG SAID SOUTH LINE OF NORDIC VALLEY ROAD FROM THE NORTHEAST CORNER OF LOT 102, SILVER BELL ESTATES NO. 2, WEBER COUNTY, UTAH, RUNNING THENCE SOUTH 89D19'51" EAST 167.54 FEET ALONG SAID SOUTH LINE, THENCE SOUTH 0D57'41" WEST 260.00 FEET, THENCE NORTH 89D19'51" WEST 167.54 FEET, THENCE NORTH 0D57'41" EAST 260.00 FEET TO THE POINT OF BEGINNING. CONTAINS 1.00 ACRE.

PARCEL 14

PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE & MERIDIAN, U.S. SURVEY: BEGINNING AT A POINT ON THE SOUTH LINE OF NORDIC VALLEY ROAD, WHICH IS 803.22 FEET NORTH 3D50'56" EAST 189.82 FEET NORTH 5D20'07" WEST 177.57 FEET NORTH 3D50'56" EAST AND NORTH 89D19'51" WEST 168.07 FEET FROM THE MOST WESTERLY CORNER OF LOT 12, NORDIC VALLEY ESTATES NO. 1, WEBER COUNTY, UTAH, RUNNING THENCE SOUTH 41D40' WEST 345.98 FEET, THENCE NORTH 0D57'41" EAST 260.00 FEET, THENCE SOUTH 89D19'51" EAST 226.93 FEET TO THE POINT OF BEGINNING.

PARCEL 15

PART OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 7 NORTH, RANGE 1 EAST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY; BEGINNING AT A POINT ON THE SOUTH LINE OF NORDIC VALLEY ROAD WHICH IS NORTH 3D50'57" EAST 803.22 FEET, NORTH 5D20'07" WEST 189.82 FEET AND NORTH 3D50'56" EAST 177.57 FEET FROM THE MOST WESTERLY CORNER OF LOT 12, NORDIC VALLEY ESTATES NO. 1 WEBER COUNTY, UTAH; RUNNING THENCE NORTH 89D19'51" WEST 168.07 FEET ALONG SAID SOUTH LINE OF NORDIC VALLEY ROAD, THENCE SOUTH 41D57' WEST 345.98 FEET; THENCE NORTH 89D19'51" WEST 790.59 FEET; THENCE SOUTH 0D57'41" WEST 40 FEET; THENCE SOUTH 89D19'51" EAST 1207 FEET, MORE OR LESS, TO A POINT WHICH IS SOUTH 3D50'56" WEST 177.57 FEET AND SOUTH 5D20'07" EAST 122 FEET, MORE OR LESS, FROM THE POINT OF BEGINNING, THENCE NORTH 5D20'07" WEST 122 FEET, THENCE NORTH 5D50'56" EAST 177.57 FEET TO THE POINT OF BEGINNING.

EXHIBIT B

(Applicable FB Zone Ordinance)

[see attached]

EXHIBIT B TO FIRST AMENDMENT

WEBER COUNTY
ORDINANCE NUMBER 2022-20

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY'S LAND USE CODE TO CREATE A NORDIC VALLEY 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 Nordic Valley Area 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 the Nordic Valley Area; and

WHEREAS, on April 26, 2022, 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 July 19, 2022, 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 2016 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
- 2 **Part II Land Use Code**
- 3 ...
- 4 **Title 101 General Provisions**
- 5 ...
- 6 **Sec 101-2-2 A Definitions**
- 7 **Amusement park.** The term "amusement park," also referred herein as a "carnival operations," means a
- 8 facility, primarily located outdoors, that may include structures and buildings where there are various
- 9 devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings
- 10 for shows, entertainment, restaurants, and souvenir or gift sales.
- 11 ...
- 12 **Sec 101-2-5 D Definitions**
- 13 ...
- 14 **Dude ranch.** The term "dude ranch" means a commercial vacation ranch operation that provides
- 15 activities related to a ranch lifestyle, which may include camping, horseback riding, and wrangling, and

16 which may also offer short-term rental accommodations for guests engaged in these activities.

17 ...

18 **Dwelling.** The term "dwelling" means a building or portion thereof, which is constructed in compliance
19 with the county's adopted building codes and designed as a place for human habitation. This does not
20 include a hotel or hotel room, condominium rental apartment (condo-tel), boardinghouse, lodginghouse,
21 tourist court or apartment court.

22 **Dwelling, four-family.** The term "four-family dwelling," also referred to as a "quadplex," means a building
23 arranged or designed to contain only four dwelling units with approximately the same floor area, and
24 occupying one lot or parcel.

25 **Dwelling, group.** The term "group dwelling" means two or more dwellings arranged around a court.

26 **Dwelling, multiple-family (multi-family).** The term "multiple-family dwelling," also referred to as a "multi-
27 family dwelling," means a building or portion thereof arranged or designed to contain more than four
28 dwelling units, including an apartment building and condominium building.

29 **Dwelling, single-family.** The term "single-family dwelling" means a building or portion thereof arranged
30 or designed to exclusively contain only one dwelling unit, unless specified otherwise by this Land Use
31 Code, and occupying one lot or parcel.

32 **Dwelling, single-family attached.** The term "single-family attached dwelling" means a building
33 containing two or more dwelling units attached by a common wall or walls, where each dwelling unit is
34 located on a separate lot. This is traditionally known as a townhome or townhouse.

35 **Dwelling, three-family.** The term "three-family dwelling," also referred to as a "triplex," means a building
36 arranged or designed to contain only three dwelling units with approximately the same floor area, and
37 occupying one lot or parcel.

38 **Dwelling, two-family.** The term "two-family dwelling" also referred to as a "duplex," means a building
39 arranged or designed to contain only two dwelling units with approximately the same floor area, and
40 occupying one lot or parcel.

41 **Dwelling unit.** The term "dwelling unit" means any building or portion thereof that contains living
42 facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

43 **Dwelling unit, condominium.** See "condominium dwelling unit."

44 **Dwelling unit, townhome.** See "single-family attached dwelling."

45 ...

46 **Sec 101-2-6 E Definitions**

47 ...

48 **Emergency services plan.** The term "emergency services plan" means a document that describes, in
49 general, the emergency facilities and level of staffing that are part of (or will provide services to) a
50 proposed resort. The plan is supplemental to an overall master plan and consists of but is not limited to
51 the following sections: an executive summary, list of facilities (e.g., fire/sheriff) and phasing schedule
52 describing emergency personnel staffing and anticipated time and general location of facility construction
53 if applicable.

54 **Entertainment facility, indoor.** The term "indoor entertainment facility" means an indoor facility
55 providing entertainment for a fee, including such activities as dance halls, theatrical productions, bands,
56 orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; rinks,
57 and racetracks; mini-golf course; coin or bill operated devices, membership sports and health clubs,
58 swimming pools, riding academies, expositions, and game parlors,

59 **Entertainment facility, outdoor.** The term "outdoor entertainment facility" means an outdoor facility
60 providing entertainment for a fee, including the same or similar activities as an indoor entertainment
61 facility, and also including commercial facilities such as an arena; horse rides; tubing hill, or court or field
62 sport oriented complex.

63 **Estate lot.** The term "estate lot" means a lot within a subdivision, intended for the use of a dwelling unit,

64 that contains at least three acres.

65

66 ...

67 **Sec 101-2-13 Lot Definitions**

68 **Lot.** The term "lot" means a parcel of land capable of being occupied by an allowed use, building or
69 group of buildings (main or accessory), and approved for human occupancy either full- or part-time;
70 together with such yards, open spaces, parking spaces and other areas required by this title and the
71 Land Use Code. Except when allowed otherwise in this Land Use Code, not more than one dwelling
72 structure shall occupy any one lot.

73 ...

74 **Sec 101-2-5 W Definitions**

75 ...

76 **Workforce housing.** The term "workforce housing" means moderate income housing, as defined by
77 UCA 17-27a-103. It shall also mean housing that is:

- 78 (a) Occupied or reserved for occupancy by a household in which at least one member is a
79 governmental agency's full time employee;
- 80 (b) For a household that earns less than 100 percent of the median gross income for
81 households of the same size in the specific planning area; and
- 82 (c) Located within two miles of the primary place of work for the governmental agency's full time
83 employee.

84 ...

85 **Title 104 Zones**

86 ...

87 **Chapter 104-1 In General**

88 ...

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

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

ZONE DISTRICTS	ZONE NAME
----------------	-----------

...

Form-Based Zone	FB
-----------------	----

...

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

93 **Editors note:** Ord 2021-16, adopted May 25, 2021, merged the MV-1, M-1, M-2, and M-3 zones into a
94 single chapter, removing them from Chapters 22, 23, 24, and 25, and placing them into Chapter 21. Ord
95 2022-04, adopted January 18, 2022, created the provisions as set forth herein.

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

97 The purpose and intent of the Form-Based Zone is to provide a form-based regulatory tool that focuses
98 on the public street design and the buildings that frame the public street. This deemphasizes separation
99 of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations help enable

100 a mixture of allowed uses, multimodal active transportation, and enhanced building design. Additionally:

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

110

111 **Sec 104-22-2 Applicability**

- 112 (a) **New development to comply.** The principles, standards and guidelines of this chapter apply to
- 113 proposals for new development, changes in land uses, and site improvements to existing
- 114 buildings, lots, or parcels that are in the Form-Based Zone. Exterior modifications to existing
- 115 development shall comply if the exterior modification exceeds either 25 percent of the street-
- 116 facing facade of the building, or 25 percent of the lot's street frontage.
- 117 (b) **Other regulations apply.** In the Form-Based Zone, except when more specific
- 118 regulations are provided in this chapter, the design review regulations and architectural,
- 119 landscape, screening, and design standards of Title 108 Chapter 1 and Title 108 Chapter 2
- 120 apply to all lots, except a lot with only one single-family dwelling.
- 121 (c) **Street regulating plan.** The applicable regulations herein are specific to the street type, as
- 122 designated by the applicable street regulating plan. New development within the Form-Based
- 123 Zone shall comply with the applicable street regulating plan. Development of any property along
- 124 a street or that gains primary access from that street shall comply with the street design
- 125 requirements, as provided in Section 104-22-7, and the building design standards in Section
- 126 104-22-6, for the specific type of street. A list and explanation of each street type is provided in
- 127 Section 104-22-7.
- 128 (d) **Effect of street regulating plan and graphics.** Details in a street regulating plan or any graphic
- 129 in this chapter have no effect unless expressly provided by this chapter.

130

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

132

133 The following land use table provides use regulations applicable for each street type. In the list, those

134 designated for any street type as "P" will be a permitted use. Uses designated as "C" will be allowed only

135 when authorized by a conditional use permit obtained as provided in Title 108, Chapter 4 of this Land Use

136 Code. Uses designated "N" will not be allowed on property with frontage on, or that gains access from,

137 that street type. All uses listed are indoor uses, unless explicitly stated otherwise with the terms "outdoor"

138 or "yard."

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

	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS	SPECIAL REGULATIONS
Accessory building. A building that is accessory and incidental to	P	P	P	P	P	P	P	P	P	P	

the use of a main building.											
Accessory dwelling unit. A dwelling unit that is accessory to a single-family dwelling residential use.	N	N	N	N	P	P	P	P	P	N	See Chapter 108-19.
Accessory use. A use that is accessory and incidental to the main use.	P	P	P	P	P	P	P	P	P	P	
Agricultural hobby farm	P	P	P	P	P	P	P	P	P	P	
Family food production. Family food production as an accessory use to a single-family dwelling residential use.	N	N	N	N	N	N	P	P	P	N	See Section 104-22-4.
Home occupation. A home occupation that is accessory to a residential use.	P	P	P	P	P	P	P	P	P	N	See Chapter 108-13.
Household pets. Household pets that are accessory to a residential use.	P	P	P	P	P	P	P	P	P	N	
Main building. A main building that is designed or used to be accessory to an outdoor main use allowed in the zone.	P	P	P	P	P	P	P	P	P	P	
Parking lot. A parking lot that is accessory to a main use allowed in the zone.	P	P	P	P	P	P	P	P	P	P	See Section 104-22-9.
Produce stand, for	P	P	P	P	P	P	P	P	P	P	

produce grown on the premises only.											
Temporary building or use. A temporary building or use that is accessory and incidental to onsite construction work.	P	P	P	P	P	P	P	P	P	P	See Section 104-22-4.

141

142

(b) **Agricultural and open space uses, generally.**

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

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

143
144

(c) **Agricultural uses, animal-oriented.** The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

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

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

145

(d) **Amusement, entertainment, and recreation uses.** The following are uses oriented toward providing amusement or entertainment for patrons.

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

	G	V	M	M	S	M	L	L	R	E	O	
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	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		2-Acre minimum lot or parcel area required.
Campgrounds or picnic areas, commercial. A commercial campground or picnic area.	N	N	N	N	N	N	C	C	C	C		See Section 104-22-4. 2-Acre minimum lot or parcel area required.
Dude ranch. A dude ranch, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	P	P	C		10-acre minimum lot or parcel area required.
Golf course. Golf course.	N	N	N	N	N	N	P	P	P	P		This shall not include miniature golf.
Private park, playground or recreation area, noncommercial. A private park charging no fee or remuneration for use.	P	P	P	P	P	P	P	P	P	P		
Public park, recreation grounds. Recreation grounds that are owned and operated by a public entity.	P	P	P	P	P	P	P	P	P	P		
Recreation lodge. A recreation lodge, as defined in Title 101, Chapter 2.	P	P	P	P	P	N	N	N	C	N		
Recreational resort. A recreational resort, as defined in Title 101, Chapter 2.	P	P	P	N	N	N	N	N	N	N		
Shooting range or training course. A shooting range.	C	C	N	N	N	N	N	N	N	C		See Section 104-22-4. Five-acre minimum 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 area required.

148

(e) **Animal services and uses.**

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

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

149

(f) **Food, beverage, and other products sales for human consumption.**

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

SPECIAL REGULATIONS

Food Preparation and Services:											
Alcoholic beverage production. The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.	P	P	N	N	N	N	N	N	N	N	
Bakery, delicatessen, or catering, large. Bakery or other food preparation services primarily intended for offsite consumption.	P	P	N	N	N	N	N	N	N	N	
Bakery, delicatessen, or catering, small. Bakery or small-batch food processing and retail sales of goods produced on premises, limited to 5,000 square feet floor area. Offsite catering allowed as an incidental and accessory use.	P	P	P	P	N	N	N	N	N	N	
Butcher or other custom meat products, large. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	P	P	N	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.
Butcher or other custom meat products, small. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite; limited to 5,000 square feet floor area.	P	P	P	P	N	N	N	N	N	N	This use shall not include onsite slaughtering.

<u>Eating and Drinking Establishments, Products Primarily for Onsite Consumption</u>											
Bar. A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.	P	P	P	P	N	N	N	N	N	N	
Brewery or distillery in conjunction with a restaurant.	P	P	P	P	N	N	N	N	N	N	
Restaurant with drive-up window. Restaurant, all food types, with drive-up windows.	P	P	C	N	N	N	N	N	N	N	See drive up (drive-thru) window requirements of Section 104-22-4.
Restaurant. Restaurants, all food types, excluding those with drive-up windows.	P	P	P	P	N	N	N	N	N	N	

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

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

151

(g) **Government and institutional uses.**

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

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

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

152 (h) **Office uses.**

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

SPECIAL REGULATIONS

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

153 (i) **Residential uses.**

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

SPECIAL REGULATIONS

-											
Dwelling, single-family. A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	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	
Dwelling, three-family. A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	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	
Dwelling, multi-family. A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	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	
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	
Residential facility for elderly persons.	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
Residential facility for handicapped persons.	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
Residential facility for troubled youth.	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
Short-term rental. A short-term (nightly) rental.	P	P	P	P	C	N	N	N	N	N	
Short-term rental, owner occupied.	P	P	P	P	P	C	C	C	C	N	See requirements of 104-22-4.
Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	P	N	Must comply with "dwelling" requirements of Section 104-22-4.

(j) **Sales with retail storefront.**

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

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

(k) **Sales typically without retail storefront.**

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

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

(l) **Services.**

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

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

159

(m) **Storage.**

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

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	
Self-storage. Indoor storage units for personal or household items or vehicles.	P	P	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	

160

(n) **Utility uses.**

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

Public utility substations.	P	P	P	P	P	P	P	P	P	P	C	See Title 108, Chapter 10.
Wastewater treatment or disposal facilities.	P	P	P	P	P	P	P	P	P	P	C	
Water treatment or storage facility.	P	P	P	P	P	P	P	P	P	P	C	
Small wind energy system.	P	N	N	N	N	N	N	P	P	C		See Section 108-7-24
Solar energy system.	P	P	P	P	P	P	P	P	P	C		See Section 108-7-27

161

(o) **Vehicle-oriented uses.**

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

Airport, private and commercial.	C	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	
Automobile sales or rentals, outdoor. The sale or rental of a passenger automobile.	P	C	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	See Section 104-22-4.
Car wash. A car wash of any type that is not accessory to a gas or refueling station as regulated otherwise herein.	P	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Gas or refueling station. A gas or refueling station, which may include a convenience store and an automatic carwash as an accessory use.	C	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Motor vehicles sales or rentals. The rental or sales of motor vehicles not otherwise listed herein.	C	C	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Parking lot or structure. A parking lot or parking structure.	P	P	P	P	N	N	N	N	N	N	N	

Passenger vehicle repair or service of any kind. The repair or service of any passenger automobile or any other motorized vehicle less than 10,000 lbs gross vehicle weight.	C	C	N	N	N	N	N	N	N	N	N	
Trailer sales or rentals.	C	C	N	N	N	N	N	N	N	N	N	
Transit terminal.	P	P	N	N	N	N	N	N	N	N	N	
Truck gas or refueling station. A gas or refueling station oriented toward large freight vehicles, which may include a convenience store and an automatic carwash as an accessory use.	N	N	N	N	N	N	N	N	N	N	N	
Trucking terminal. The repair, service, and/or storage of freight trucks, or a station for transferring freight.	N	N	N	N	N	N	N	N	N	N	N	

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Editors note: The color adjacent to each street type corresponds with the street colors on the streetregulating plan map(s). The color codes for each are as follows:

RGB	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
R	25	176	204	255	255	255	255	138	83	75
G	151	33	51	120	170	210	255	153	128	191
B	156	157	0	0	0	0	0	66	69	96

165

HISTORY

166

Adopted by Ord. [2022-04](#) on 1/18/2022

167

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

169 **Sec 104-22-4.1 Special Regulations, Generally.**

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

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

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

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

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

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

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

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

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

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

198

199 **Sec 104-22-4.2 Special Regulations For Specific Uses.**

200 (a) **Automobile or other vehicle related uses.** The use of a lot for automobile repair of any
201 kind, automobile sales, rental or service, boat sales, rental or service, a tire shop, or any
202 other use governed by this section by reference shall only be conducted within a completely
203 enclosed building that meets the standards of this chapter.

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

205 (2) Sufficient parking for all employee or customer uses, including the temporary parking of
206 vehicles awaiting pickup from owners, shall be provided on the lot.

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

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

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

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

214 (e) **Campgrounds or picnic areas, commercial.** A commercial campground or picnic area shall

215 comply with Title 108, Chapter 20. If located along any street in the FB zone except open space,
216 an opaque fence or wall shall surround the use. Vegetation screening shall be planted on the
217 outside of the fence or wall to allow the use to blend in with surrounding uses. A drip irrigation
218 system shall be installed to ensure long-term viability of the vegetation.

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

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

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

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

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

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

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

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

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

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

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

236 (2) **Dwelling unit location.** A dwelling unit proposed along a government and institutional,
237 vehicle-oriented commercial, or a mixed-use commercial street shall be located on a lot
238 as follows:

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

240 b. Behind a building that provides street-level commercial space, or if no such
241 building exists at the time of application, behind the area reserved for street-
242 level commercial space as otherwise required herein. The location shall
243 provide for the existing and future planned street layout of the area, including
244 the future street-level commercial space that will face future streets, and
245 internal block alleyways.

246 (3) **Two, three, four, and multi-family residential:** Unless one of the units is owner
247 occupied, a two, three, four, or multi-family residential building shall be operated and
248 maintained by a professional management company that specializes in multi-family
249 residential property management.

250 (4) **Density allowance and transferable development rights.** No dwelling units in excess
251 of the base density, as defined by Title 101, Chapter 2, and as provided in Section 104-
252 22-11, are allowed in the Form-Based Zone except when in compliance with the
253 transferable development rights requirements of Section 104-22-11.

254 (i) **Family food production.**

255 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or
256 one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten
257 pheasants, five turkeys, five ducks, five geese, or five pigeons.

258 a. No more than four sets of Group B animals or fowl may be kept on a lot or
259 parcel that is less than 40,000 square feet.

260 b. No more than six combined sets of Group A animals and Group B animals or
261 fowl may be kept on a lot or parcel that is less than two acres. The same
262 applies to a lot or parcel greater than two acres, except that an additional six

- 263 combined sets of Group A and Group B animals or fowl may be kept per each
264 additional acre greater than two.
- 265 (j) **Gas or fuel station.** A gas or fuel canopy shall not be located closer to a public street right-of-
266 way, excluding a mid-block alley, than 60 feet. The canopy shall be located to the rear of the
267 convenience store associated with the canopy.
- 268 (k) **General retail sales, small items.** This use is any store that primarily retails or rents items to
269 be physically taken by the customer from the store, when those items weigh less than 80 lbs,
270 including product packaging, or that are small enough to fit in a typical passenger vehicle. The
271 use is limited to 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of
272 items intended to be explosive or hazardous to human health, safety, or welfare is permitted.
- 273 (l) **General retail sales, large items.** This use is any store that primarily retails or rents items to be
274 physically taken by the customer from the store, when those items weigh more than 80 lbs,
275 including product packaging, or that are too large to fit in a typical passenger vehicle. This use
276 may include an outdoor sales yard of no greater than 6,000 square feet as long as it is completely
277 surrounded by an opaque wall. No sales of items intended to be explosive or hazardous to human
278 health, safety, or welfare is permitted.
- 279 (m) **Office uses.** A use listed in the “office uses” table may only be located above or behind first-floor
280 street-level commercial space, reserving the street frontage for first-floor street-level commercial
281 space. A local recreation and tourism office devoted to providing services, information, and
282 events primarily for visitors to the Ogden Valley is exempt from this requirement provided that it
283 is open and accessible to all members of the public.
- 284 (n) **Shooting range or training course, indoor or outdoor.** The facility shall provide designated
285 shooting positions for which ballistic backstops are designed. No shooting is allowed except in
286 these designated shooting positions. All sides down range of a shooting position shall have a
287 non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of
288 containing all errant bullets. For an outdoor range, the overhead backstop may be a series of
289 baffles. Approval shall be subject to the requirements and conditions of the local fire authority.
290 The range operator shall be onsite at all times shooting is occurring.
- 291 (o) **Short-term rental, owner occupied.** The residence shall be the owner’s primary residence, be
292 taxed as such, and the owner shall have owned the residence for at least two years prior to
293 submitting a Land Use Permit for the owner-occupied short-term rental. Additionally, the owner
294 must be present at all times in which the property is being rented on a short-term basis.
- 295 (p) **Self-storage.** Self-storage is only allowed if located on the same lot or parcel with a building that
296 has street-facing commercial space. The use shall comply with the following:
- 297 (1) Storage units shall be located behind or above building area that provides a first-story
298 street-facing commercial façade and related commercial space. The building providing
299 street-facing commercial space shall appear from the exterior as if office or residential
300 space is offered in the area housing the storage units.
- 301 (2) If located in a separate onsite building than the building providing first-story street-facing
302 commercial space specified herein, the separate building shall be located behind the
303 building with first-story street-level commercial space, and shall be no wider than the
304 building providing first-story street-level commercial space.
- 305 (3) Storage unit bay doors or garage doors shall face away and not be visible from the
306 nearest property line, and shall be completely obscured from view from any public right-
307 of-way.
- 308 (q) **Ski area.** This use may include ancillary equipment and structures such as snow making
309 equipment, snow grooming equipment, maintenance facilities, trail and wayfinding signage, ski
310 lifts, ski fences, ticket booths, concession stands, restroom facilities, food and beverage sales,
311 ski patrol facilities, emergency response facilities, and similar uses commonly found in ski areas.
312 Outdoor storage and maintenance of ski related equipment is allowed provided that it is screened
313 from view of the general public. Ski area trail wayfinding signage are exempt from other signage
314 requirements of this Land Use Code. Any lighting associated with said signage is subject to the
315 requirements of Section 108-16.

- 316 (r) **Temporary building or use.** The building or use shall be removed upon completion or
317 abandonment of the construction work.
- 318 (s) **Tire shop.** Refer to paragraph (b) of this section.
- 319 (t) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it
320 be stationary for more than four days at a time.

321 HISTORY

322 *Adopted by Ord. [2022-04](#) on 1/18/2022*

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

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

328 (a) **Lot area.**

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

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

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

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

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

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*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.

**Except for a 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.

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

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

344
345 (e) **Rear lot-line setback.**

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

346
347 (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)	85 percent	4
Medium Lot Residential (MLR)	50 percent	1*
Large Lot Residential (LLR)	30 percent	1*
Rural Residential (RR)	20 percent	1*
Estate Lot Residential	10 percent	1*
Open Space (OS)	2.5 percent	Not applicable

348

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

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

353 **Building location.** Each building shall be located on a lot in a manner that preserves space for the
 354 extension of street rights-of-way as shown in the street regulating plan, and the lot's respective setback
 355 standard.

356

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

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

359

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

362

363 (a) **Height.**

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

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

364 (b) **Building area.**

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

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

366

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

STREET TYPE:	VERTICAL DISTANCE OF FIRST-FLOOR SURFACE ELEVATION FROM	MINIMUM FIRST-FLOOR STORY HEIGHT	FIRST-FLOOR LOAD-BEARING SUPPORTS

	THE STREET SIDEWALK'S SURFACE ELEVATION*:		
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)	5 feet minimum, except 30 inches for building area to be used for commercial purposes.	10 feet, except 15 feet for areas of the first floor to be used for commercial space.	For commercial area, same as MUC. Not applicable for residential parts of the building.
Multi-Family Residential (MFR)			
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
Medium Lot Residential (MLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

368

(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	40 percent	
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)	70 percent for commercial facade, 30 percent for residential facade.			
Small Lot Residential (SLR)	Not applicable		Not applicable	

Medium Lot Residential (MLR)		
Large Lot Residential (LLR)		
Rural Residential (RR)		
Estate Lot Residential		
Open Space (OS)		

369

370 (e) **Main entrance requirements.** Each building along a government and institutional, vehicle-
 371 oriented commercial, mixed-use commercial, or multi-family street shall be provided with a main
 372 entrance that faces the street. Except when the building is set back from the street right-of-way
 373 at least four feet, the main entrance shall be recessed from the building's façade no less than
 374 five feet.

375

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

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

384 (a) **Old Town Eden Area Building Design Standards.** In addition to applicable standards in this
 385 chapter, the following standards apply to all buildings in the Old Town Eden Area:

386 (1) **Design theme.** All buildings shall have architectural styling and materials that resemble
 387 historic commercial main-street buildings in the Western United States that were in
 388 existence between 1880 and 1910. Each new building shall provide diversity and
 389 variety in building design, architectural features, and building material that set each
 390 building apart from adjacent buildings.

391 (2) **Building form.** A building's street-facing façade shall be designed to have a base, body,
 392 and cap, each of varying design features and building material.

393 (3) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12-inch shift
 394 between adjacent rooflines. If the building will have a sloped roof, parapet walls shall be
 395 constructed to hide the roof slope.

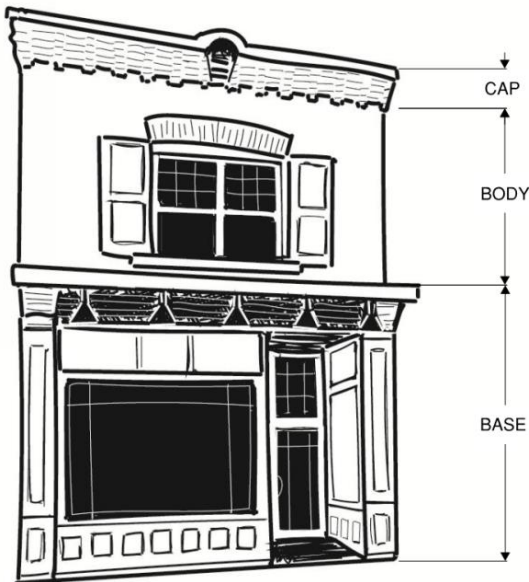
396 (4) **Building massing.** The wall massing of building facades shall be broken at least
 397 every 40 feet with no less than a six-inch shift in the plane of adjacent walls. Each street-
 398 facing façade shall be designed and constructed to have a building base, building body,
 399 and varying building roofline, each having varying building materials or design
 400 techniques.

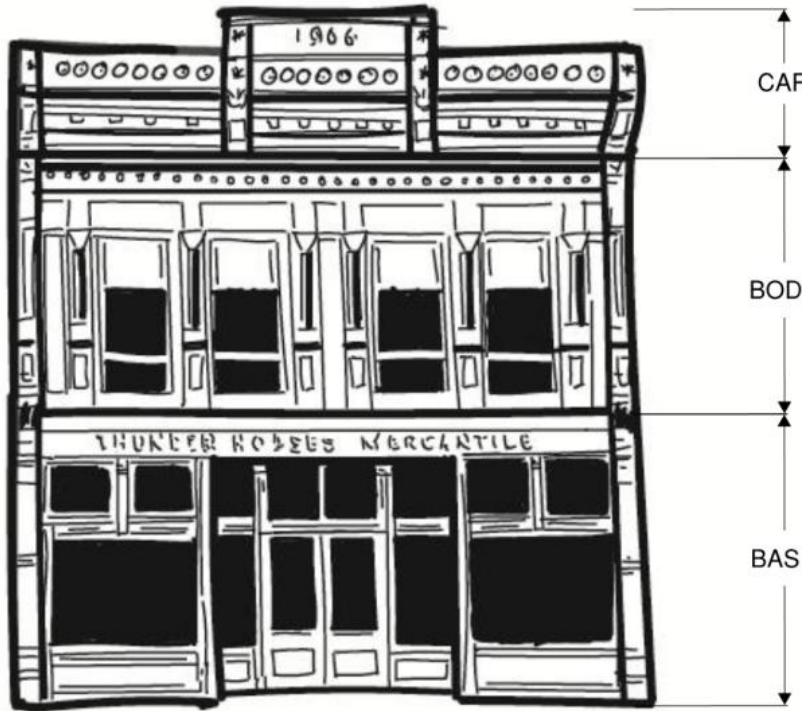
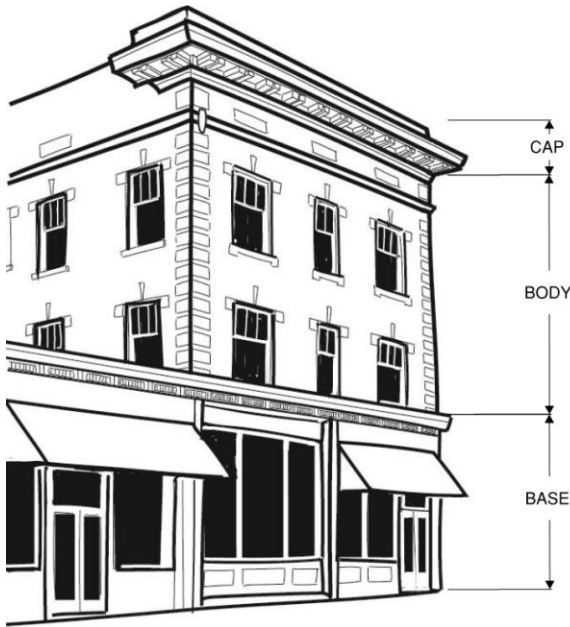
401 (5) **Building material.** Each building facade that faces the street shall consist of brick, or
 402 wood, or a faux material that is hard to distinguish from real brick, or wood. Metal may
 403 be used for accent material. At least one of the building materials used on the building
 404 façade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

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

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





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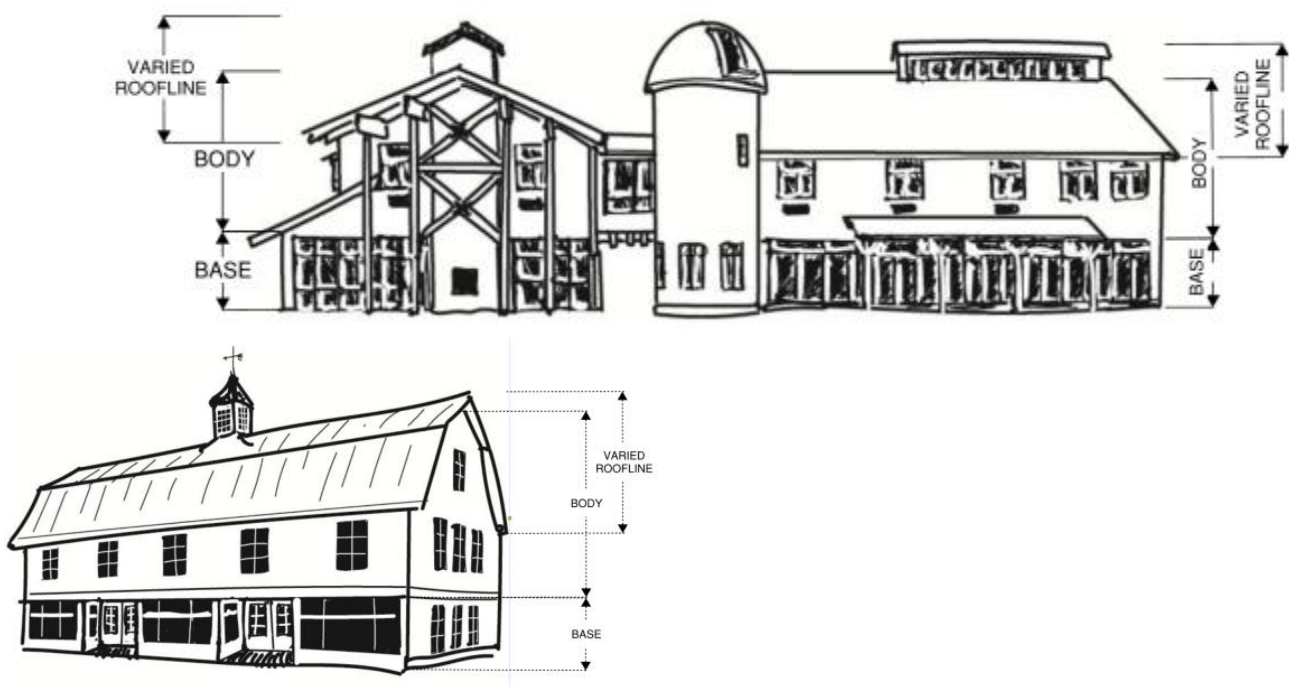
412 (b) **New Town Eden Area building design standards.** In addition to applicable standards in this
 413 chapter, the following standards apply to all buildings in the New Town Eden Area:

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

- 417 a. Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.
- 418 b. An attached shed-roof at a 4/12 or greater slope that is not attached to the
 419 main roof structure.

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





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(c) **Nordic Valley Area building design standards.** In addition to applicable standards in this chapter, the following standards apply to all buildings in the Nordic Valley Area:

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

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

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

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

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

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a. Each building shall have at least 60 percent primary building material.

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b. The base of the building shall be at least 60 percent stone, except those areas occupied by transparent fenestration.

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c. Use of metal shall be limited to trim, balconies, railing, exposed structural

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components, and roofs.

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d. No more than ten percent of any building façade shall be exposed concrete.

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

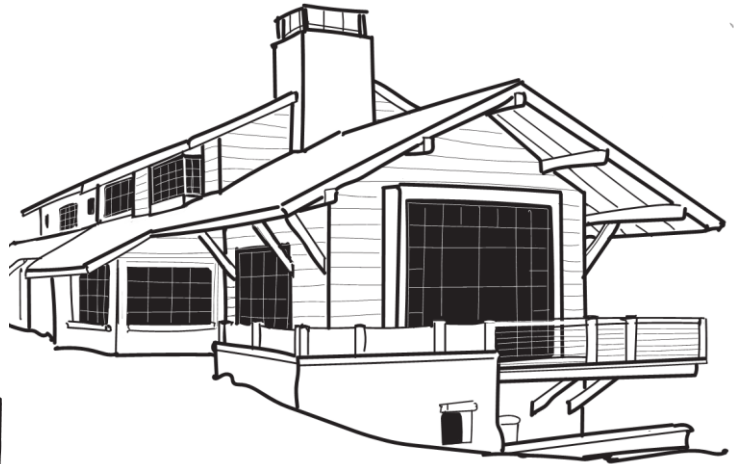
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(7) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.

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489 HISTORY

490 *Adopted by Ord. [2022-04](#) on 1/18/2022*

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

492 [Sec 104-22-7.1 Street Types And Right-Of-Way Cross](#)

493 [SectionsSec 104-22-7.2 Street Design Standards](#)

494 HISTORY

495 *Adopted by Ord. [2022-04](#) on 1/18/2022*

496

497 **Sec 104-22-7.1 Street Types And Right-Of-Way Cross Sections**

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

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

503 (c) ***Street type, description, and purpose.***

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

A government/institutional street or alley has street-front buildings that are intended to serve the traveling public. The primary purpose of the street is for the siting of government or public-service oriented buildings 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.

505 (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. Multi-family residential uses are allowed only if located above first-floor street-level commercial space.

506 (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.

507 (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.

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

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

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

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

522 (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.

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

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

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

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

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

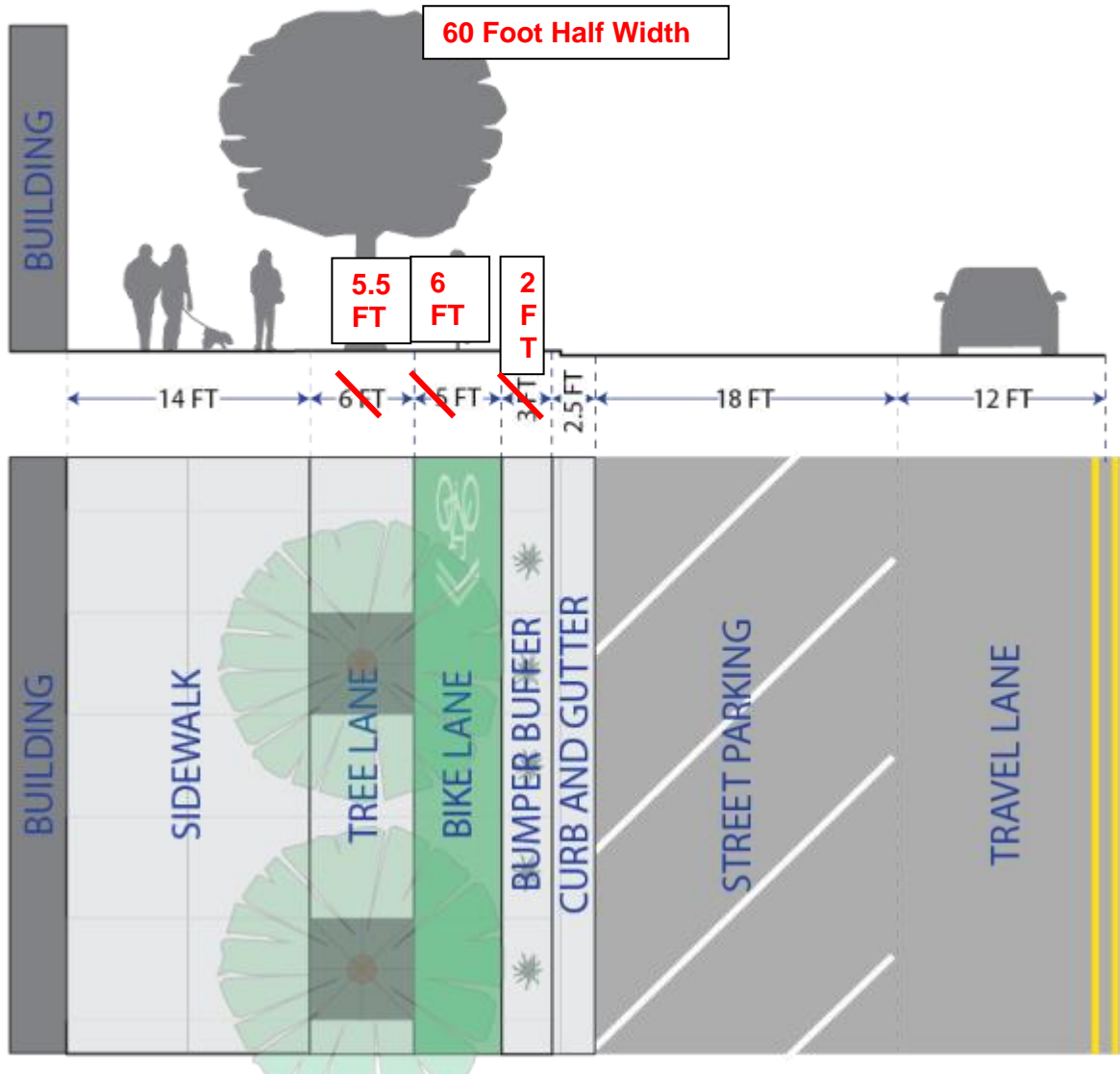
An estate lot residential street has street-front buildings that may be set back enough to create a sizeable front yard on a lot that contains multiple acres.

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

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

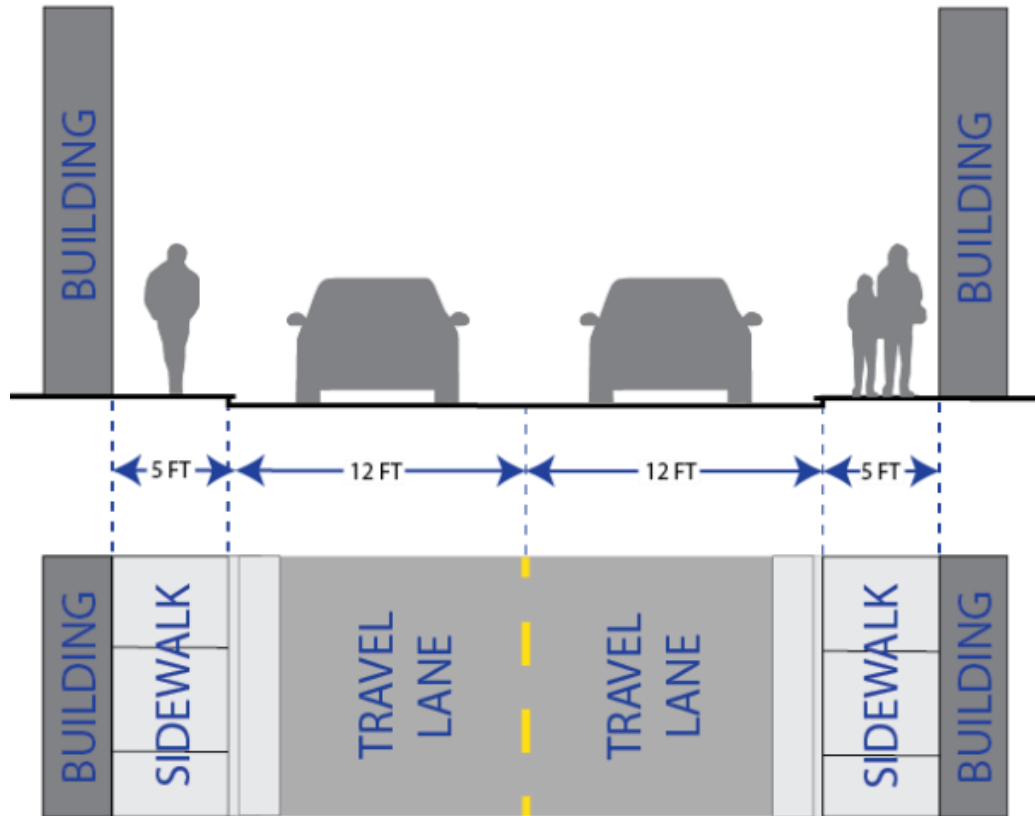
527 (d) **Street right-of-way design.**

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



531 (2) **Commercial street design with challenging cross slopes.** Unless otherwise
532 negotiated by development agreement, the design for a governmental and
533 institutional street, vehicle-oriented commercial street, mixed-use commercial
534 street and multi-family residential street with a cross slope that is greater than 10
535 percent shall provide a 50 foot right-of-way half-width, with design dimensions as
536 follows:

- 537 a. 12-foot travel lane with a painted shared bike lane.
 - 538 b. 16-foot 45 degree angled parking.
 - 539 c. 2.5-foot curb and gutter.
 - 540 d. 5.5-foot tree lane.
 - 541 e. 14-foot sidewalk.
- 542 (3) **Commercial alley design.** The design for a governmental and institutional alley, vehicle-oriented commercial alley, mixed-use commercial alley, and multi-family residential alleys as follows:



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

549 **Editors note:** The color adjacent to each street type corresponds with the street colors on the streetregulating plan map(s). The color codes for each are as follows:

RGB	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
R	25	176	204	255	255	255	255	138	83	75
G	151	33	51	120	170	210	255	153	128	191
B	156	157	0	0	0	0	0	66	69	96

551 HISTORY

552 Adopted by Ord. [2022-04](#) on 1/18/2022

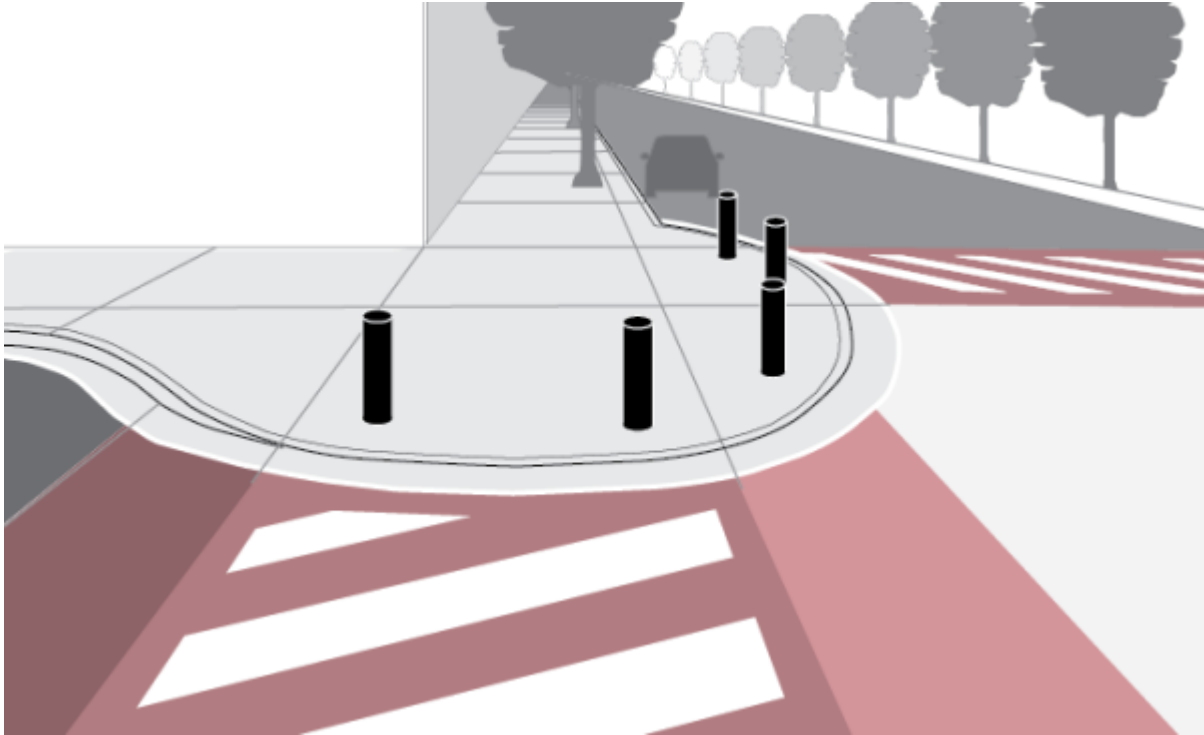
553

554 **Sec 104-22-7.2 Street Design Standards**

555 For all mixed-use commercial, vehicle oriented commercial, multi-family residential, and

556 government/institutional street types, the following provisions shall apply. Other streets shall follow
557 adopted residential street design standards.

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



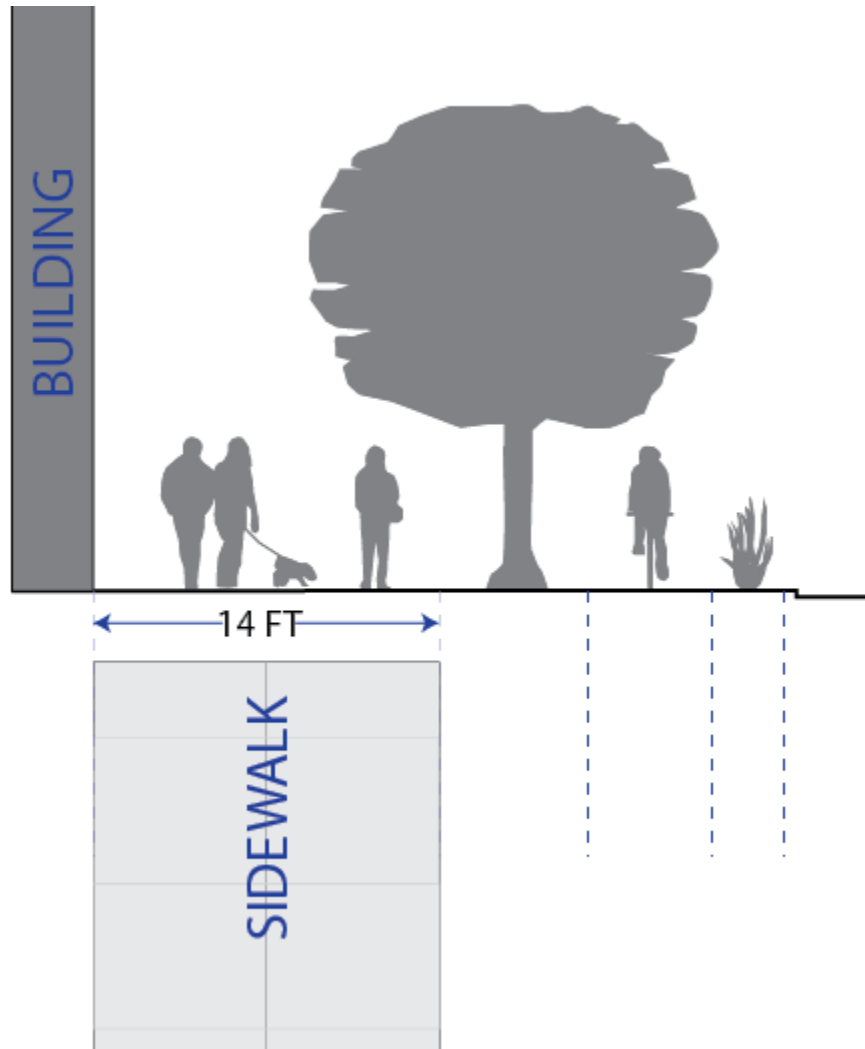
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- 562 (1) **Raised crosswalks.** Where a pedestrian-way intersects with a vehicle-way, the
563 pedestrian-way shall be raised at least six inches above the grade of the vehicle-
564 way, or to the level of the adjoining pedestrian-ways, whichever is higher. This shall
565 include but is not limited to the installation of crosswalks and intersections that are
566 raised to the same plane as the sidewalk or adjoining pathways.
- 567 (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety,
568 street improvements at intersections, pedestrian crossings, and mid-block alleys, if
569 different, shall be constructed with curb extensions that bulb out directly adjacent to
570 the lane of travel. Bike lane widths shall not be obstructed or made narrower at any
571 point along a curb extension bulb-out. Bulb-outs shall be designed to the
572 specifications of this ordinance and the County Engineer, or as otherwise adopted.
573 Where a bulb-out provides access to a raised pedestrian crosswalk, bollards shall be
574 installed along the curve of the bulb-out to keep vehicles from entering the pedestrian-
575 way. Examples of bulb-outs are depicted in the images above.
- 576 (3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective
577 striping, crosswalks shall be constructed of stamped and colored concrete to provide
578 clear contrast between the street and crosswalk.
- 579 (4) **Mid-block crosswalk.** A block that has a length that is greater than 330 feet, as
580 measured from the center of each bounding intersection, shall be provided with a mid-
581 block crosswalk. Solar powered user-activated rapid flashing beacons shall be
582 installed on midblock crosswalk signage.



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(b) **Sidewalk required.** As part of the required street improvements within the FB Zone, a sidewalk shall be installed in the designated sidewalk area, as depicted in Section 104-22-7.1, on the side of the street of the development and for the entire length of the development lot's street frontage.

(1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of



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therequired sidewalk along any street designated as residential except the multi-family residential street

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(2) **Covered boardwalk alternative.** The County Commission may, but is not obligated to, approve the encroachment of a covered boardwalk, or similar, by legislative approval of an encroachment and maintenance contract. The adjoining landowners shall bear full responsibility for the operations and maintenance of the boardwalk. The covered boardwalk shall comply with the overhead projections standards of this chapter.



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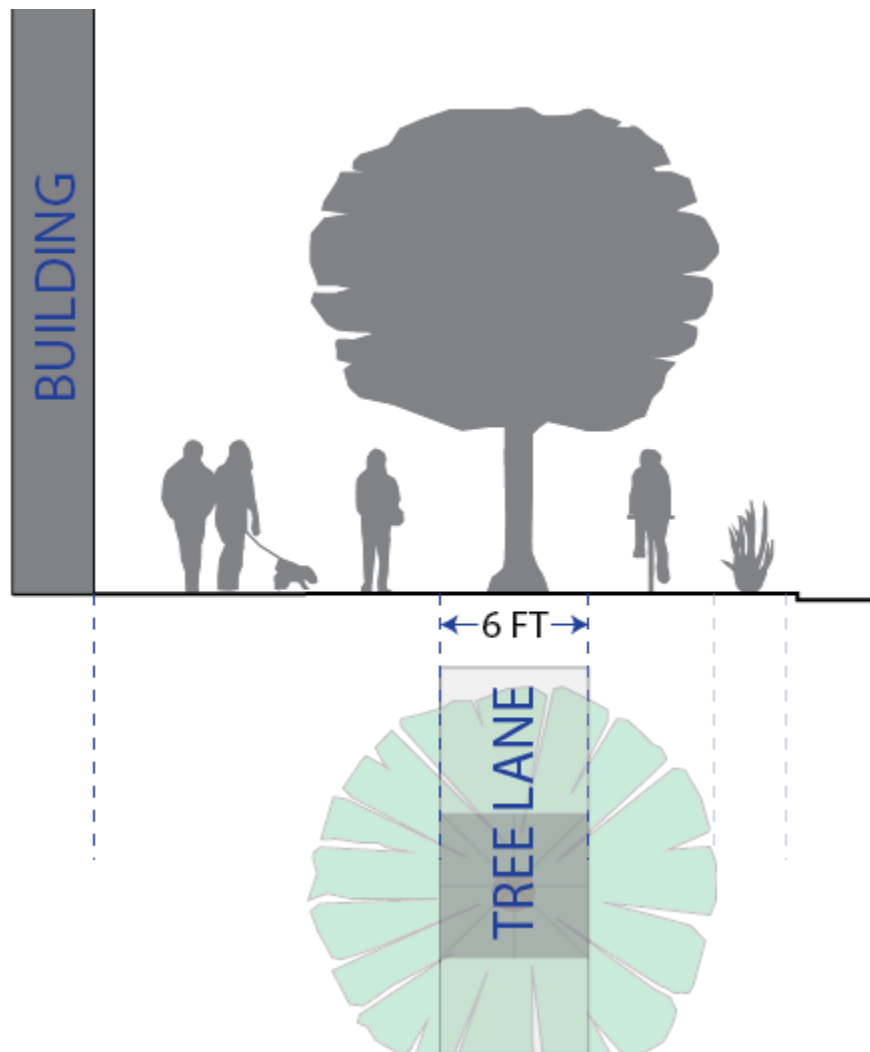
(c) **Street trees required.** As part of the required street improvements within this zone, street trees shall be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the street as the development and for the entire length of the development lot's

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street frontage. Tree species shall be approved by the Planning Director and County Engineer as part of the review of the development. A street tree plan shall be submitted as part of a development application and shall be accompanied by a letter from a certified arborist or landscape architect, certifying that the proposed tree type is suitable considering site conditions and local climate. The plan shall include planting methods that are specific to the site conditions. Planting methods shall provide means of protecting the longevity of the tree and the street infrastructure. Street trees shall be provided with a permanent watering method with irrigation infrastructure installed underground.

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

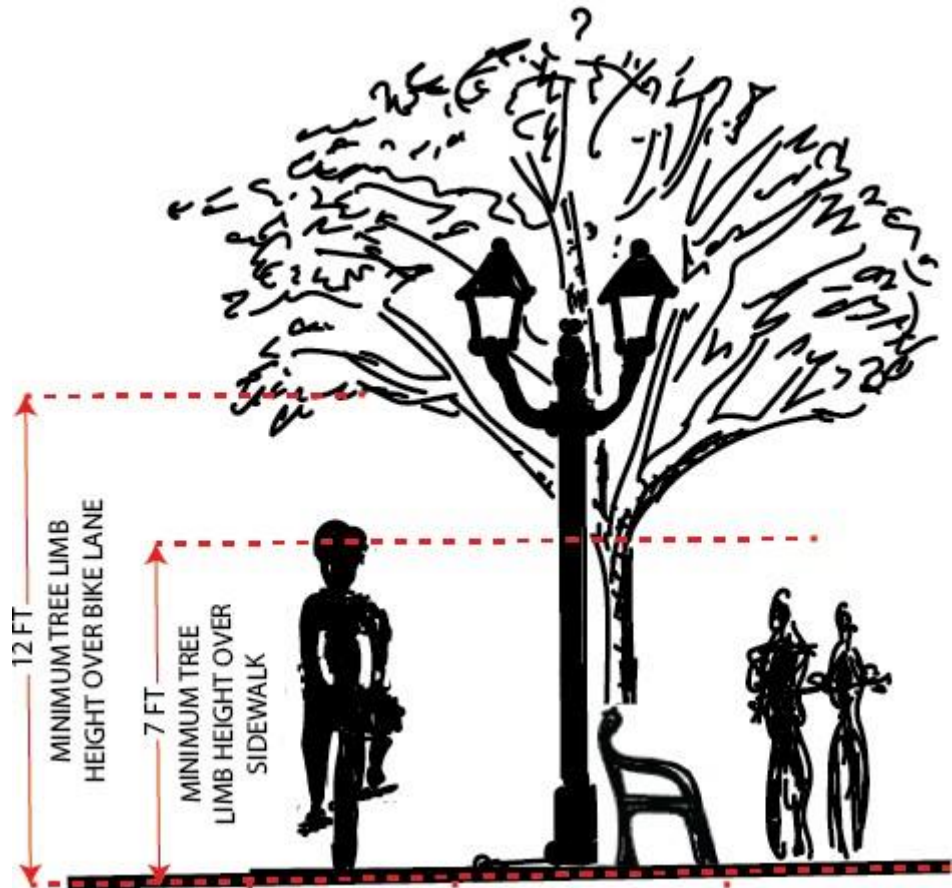


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- (2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance entity is approved by the County to provide tree maintenance, a street tree shall be maintained by the owner or proprietor of the property that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

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and a 12 foot clearance above a bike lane or parking area, as depicted by the following graphic:

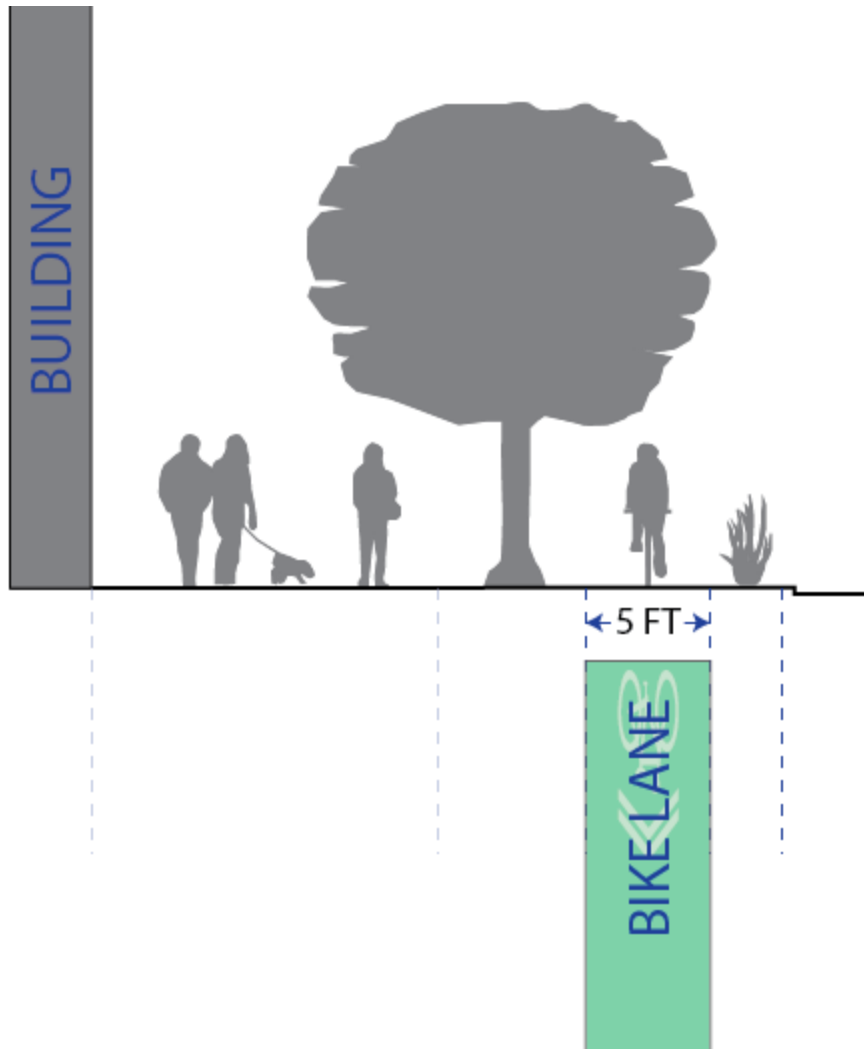


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(d) **Bike facilities required.**

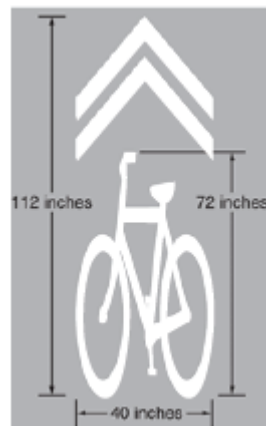
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- (1) **Separated bike lane.** Unless provided otherwise herein, a concrete bike lane that is six feet in width shall be installed as part of the required street improvements. The bike lane shall be on the same plane as the sidewalk, and shall be separated 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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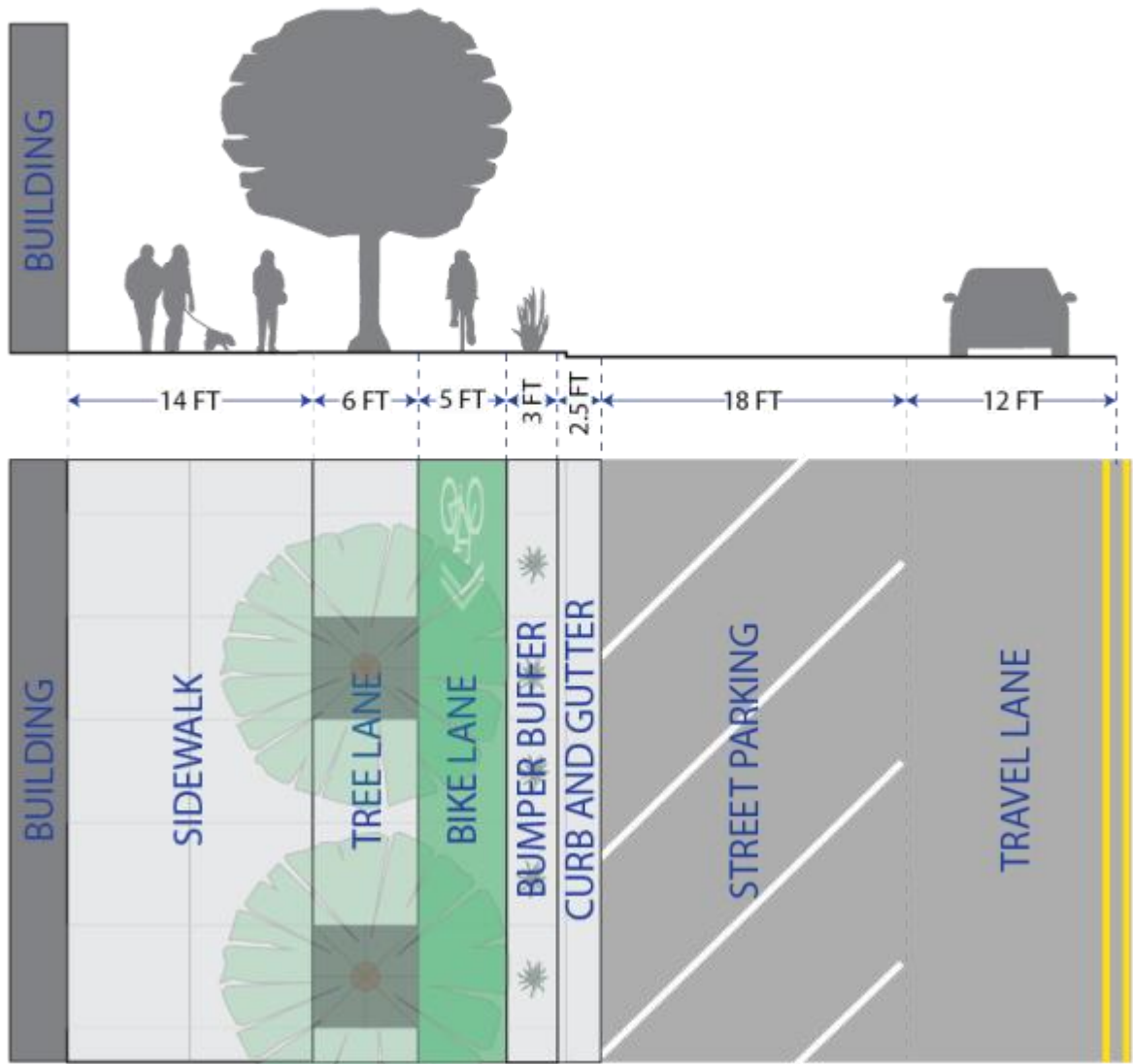
(e) ***Street parking required.***

- (1) ***45-degree angle parking.*** Each street shall be designed and constructed to provide

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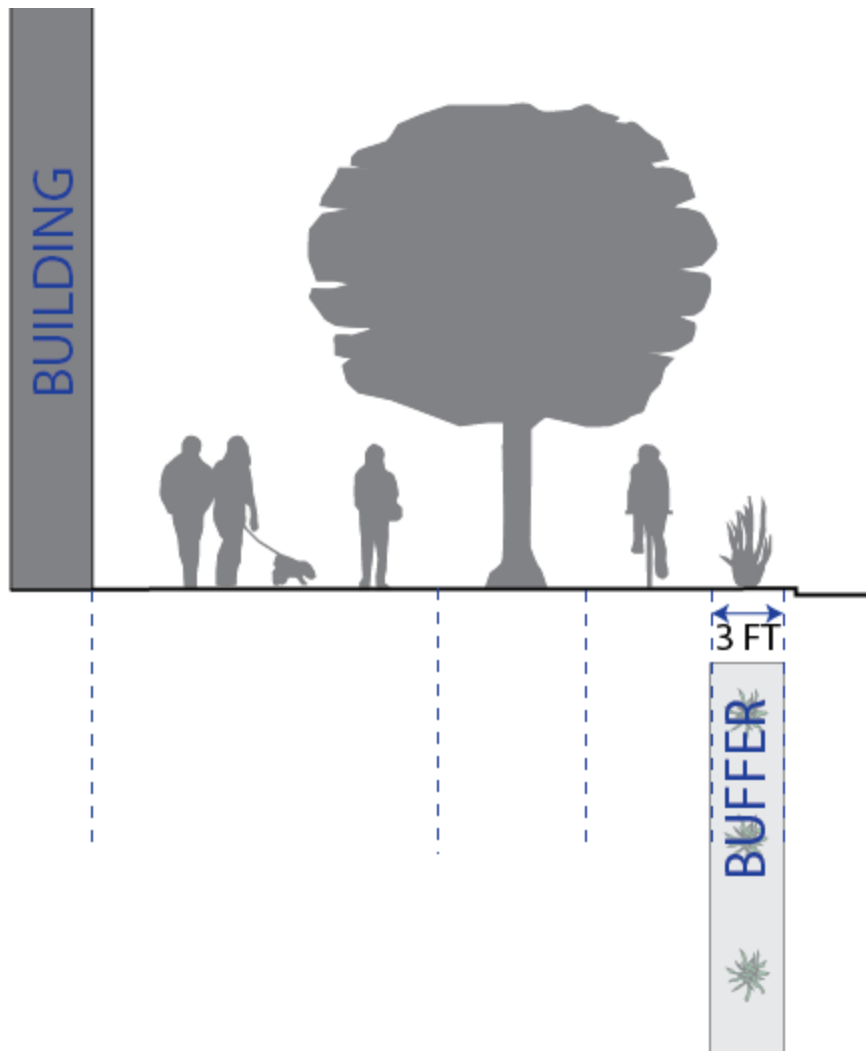
45- degree angled parking.

- (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.



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- (3) **Parking bumper buffer.** A three-foot parking buffer shall be provided between the bikelane and the curb for vehicle bumper overhang. Vegetation may be in this buffer.



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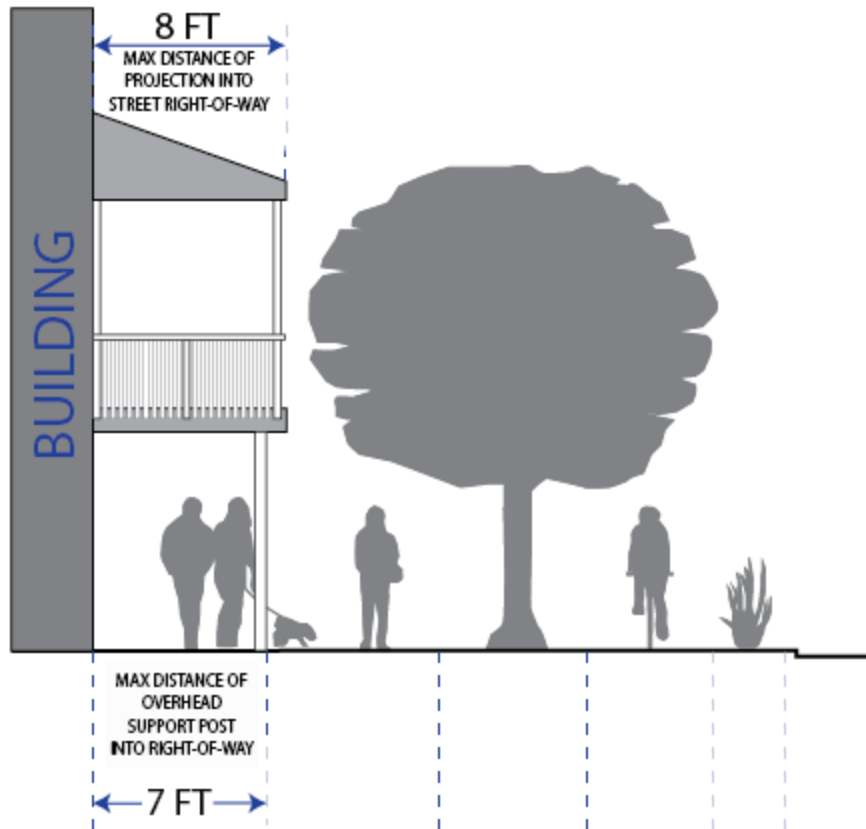
- (f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each street and internal alleyway in accordance with the County's standard curb and gutter cross sections and in a manner that accommodates the street designs herein.

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

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



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

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

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

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

673

HISTORY

674

Adopted by Ord. [2022-04](#) on 1/18/2022

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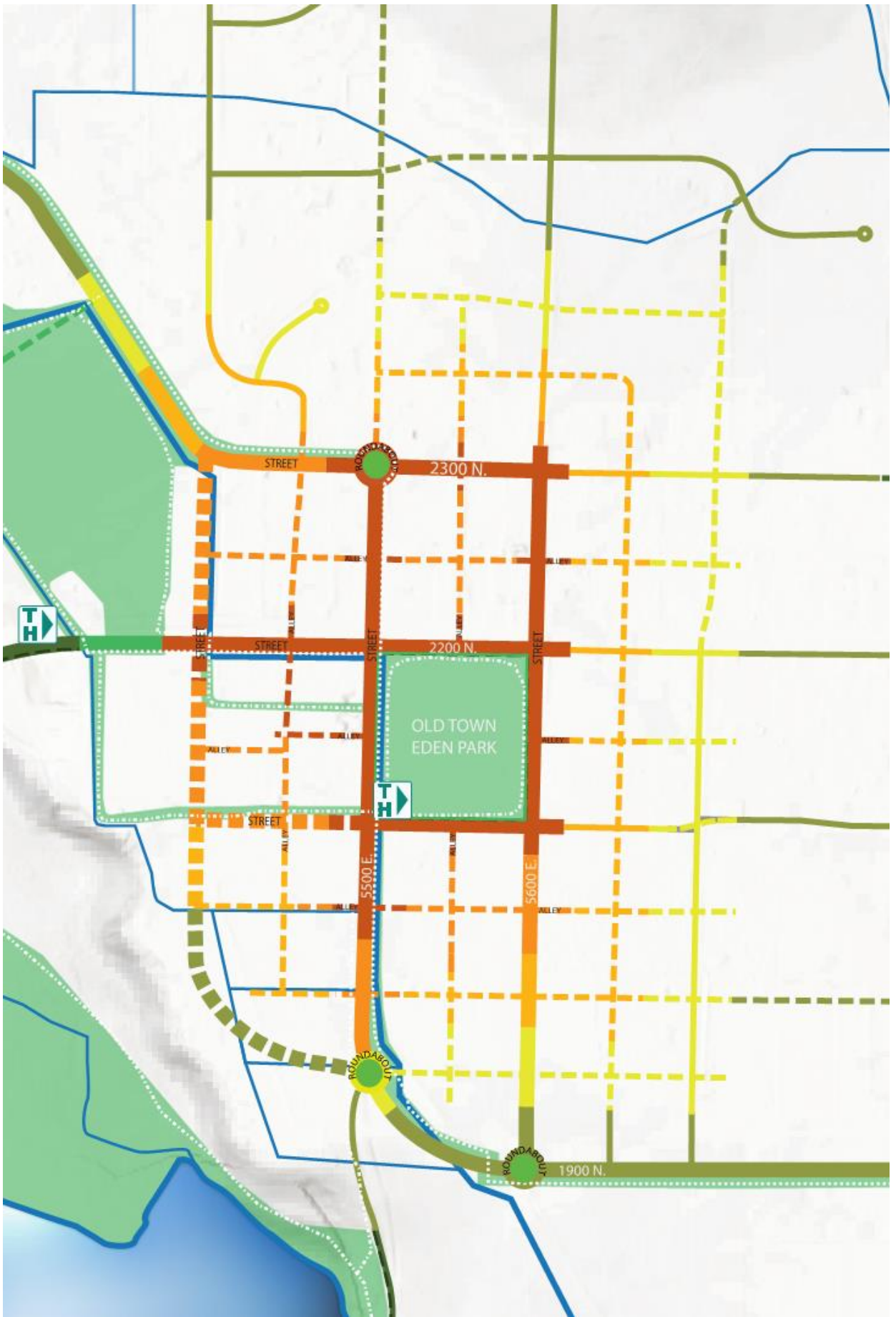
676 **Sec 104-22-8 Street Regulating Plans**

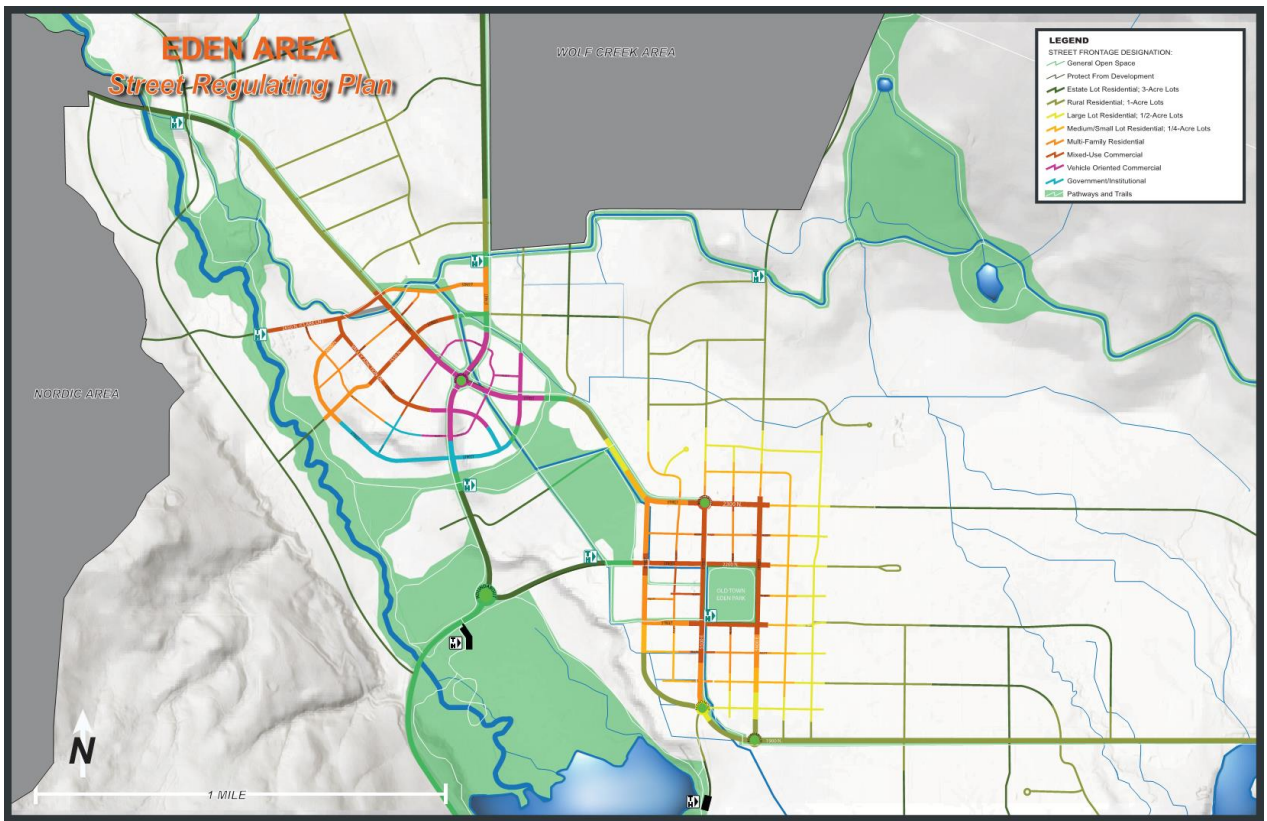
677 The following maps depict the adopted Street Regulating Plans for their respective areas. The plans
678 illustrate the intended street layout of the area and the designated street types. The plan is intended
679 to be a guide for the placement of streets and mid-block alleys, and is not designed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

684 (a) **Old Town Eden Area Street Regulating Plan Map.**



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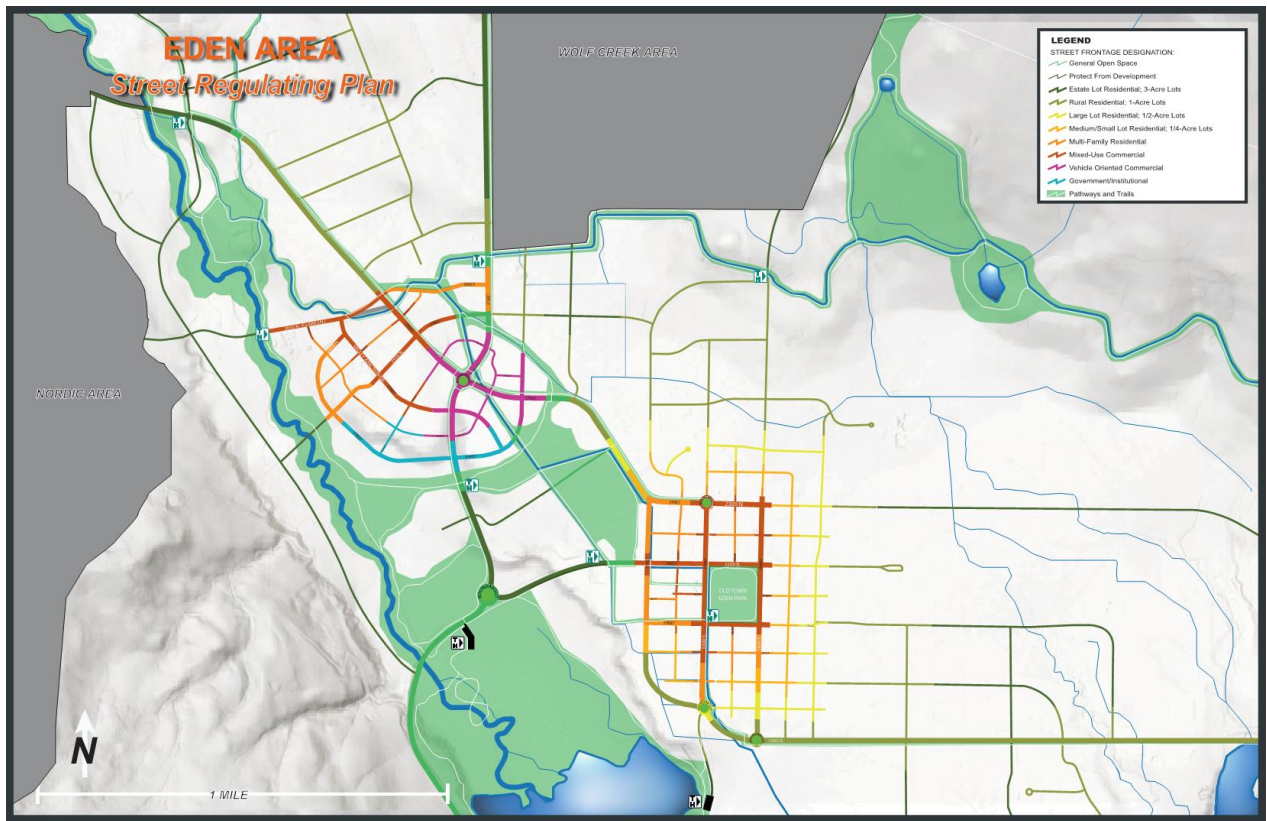
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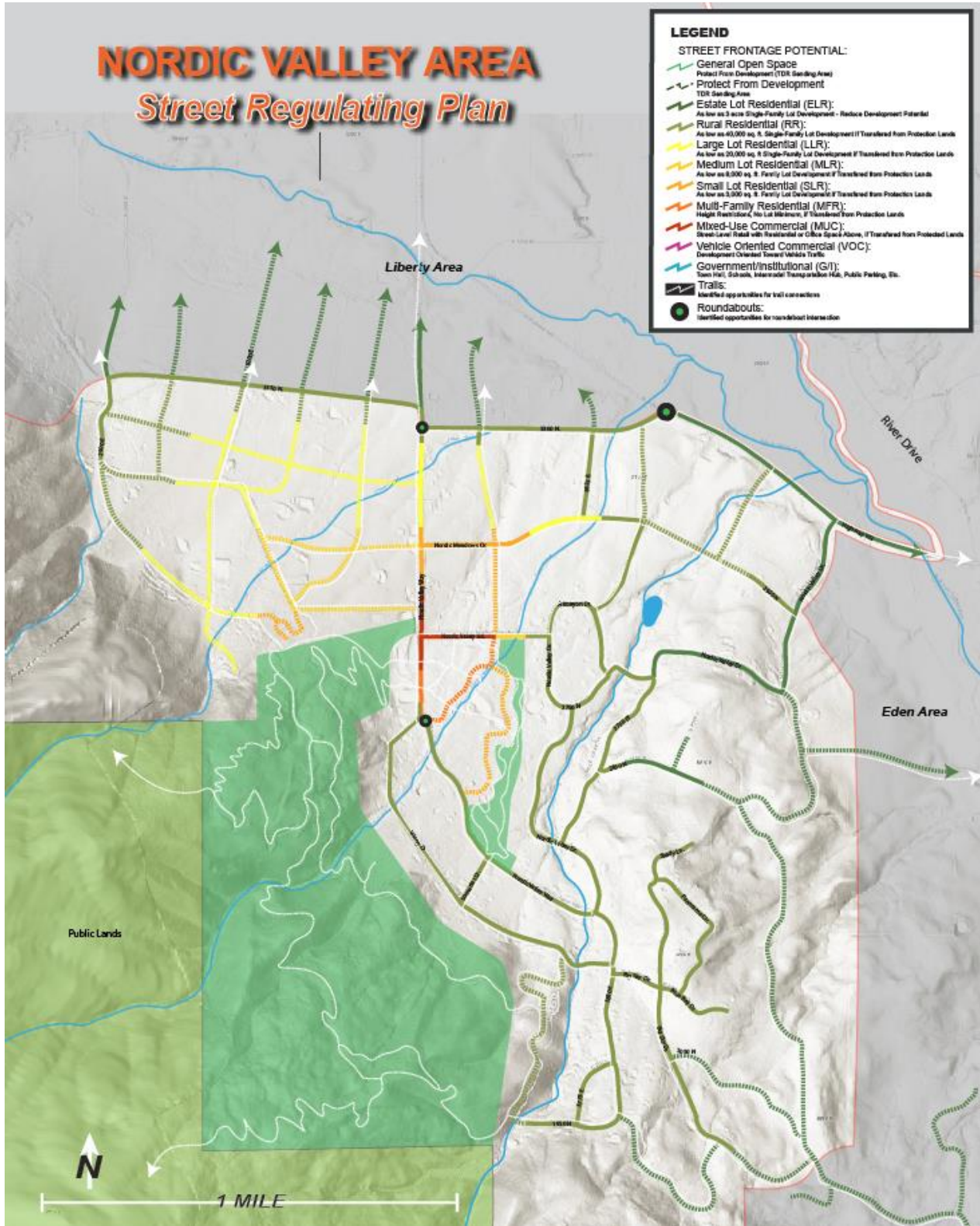
(b) *New Town Eden Area Street Regulating Plan Map.*



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HISTORY

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Adopted by Ord. 2022-04 on 1/18/2022

697

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

- 698 (a) **Parking required.** Each application for development shall include a parking plan that
699 demonstrates that sufficient parking will be provided by the street parking adjacent to the building
700 or an off-street parking lot within 1000 feet of the building. All parking lots shall be hard-surface
701 asphalt or concrete, or other improved surface otherwise approved by the County Engineer and
702 local fire authority. Street parking not adjacent to the lot's street-frontage shall not be counted in
703 determining that sufficient parking has been provided.
- 704 (b) **Parking flexibility.** Except for residential uses, the Land Use Authority may reduce the minimum
705 parking spaces required if sufficient evidence suggests that the required number of spaces is
706 excessive for the building and proposed use or uses therein.
- 707 (c) **Parking related to a change of use.** If a change of use occurs, more parking may be required
708 if the new use merits it, as determined by the Land Use Authority. The applicant proposing to
709 change the use shall be required to provide the additional off-street parking within 1000 feet of
710 the use.
- 711 (d) **Residential parking.** The minimum required parking for a residential use shall be located off-
712 street within the same block as the residential use.
- 713 (e) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces, and a
714 five-foot wide landscape planting area that runs the depth of the parking row shall be located at
715 each end of a parking row.
- 716 (f) **Parking structure design standards.** When located adjacent to a vehicle-oriented commercial,
717 mixed use commercial, or multi-family residential street, a parking structure shall have first-floor
718 street-level commercial space along the street's frontage. However, for a corner lot, this
719 requirement applies to the façade that is adjacent to the more prominent street, as determined by
720 the land use authority; the other façade shall have the same for no less than fifty percent of that
721 façade's street frontage. The other fifty percent, and the area of the parking structure above the
722 street level commercial space, shall have a street-facing facade that disguises the parking
723 structure to generally look like other buildings in the area.
- 724 (g) **Cross-access and cross-access easement.** For all parcels or lots along a governmental or
725 institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family residential street,
726 providing access to adjacent existing or future development without the need to access the public
727 right-of-way is required. This access shall be provided by a mid-block alley, where shown on a
728 street regulating plan, or other alley or shared driveway as may be deemed necessary by the land
729 use authority. When no new alley access is deemed necessary because an alley access or street
730 access is already provided to the lot or parcel through another lot or parcel, then a cross-access
731 easement shall be provided along adjoining lot lines, as follows:
- 732 (1) A cross access easement shall provide an easement to all landowners in the block that
733 develop along a governmental or institutional, vehicle-oriented commercial, mixed-use
734 commercial, or multi-family residential street that is framing the block. The easement
735 shall allow ingress and egress to these other lots or parcels, including ingress and
736 egress infrastructure.
- 737 (2) At a minimum, each developed lot or parcel shall have two points of ingress and egress,
738 at least one of which shall be stubbed to adjacent property where practicable. Except
739 that a parking area is allowed to only provide a single access as long as it does not
740 block the accessibility to other areas within the block that are or could be used for public
741 parking.
- 742 (3) Each parking area that is located within the block and that will be open to the public for
743 public parking shall be designed to extend to the parcel boundary and shall provide a
744 cross access easement along all sides of the parking area abutting the adjacent lot(s)
745 or parcel(s) in a manner that allows the adjoining lot or parcel owner to extend that
746 public parking area seamlessly into their parcel.
- 747 (4) When locating a cross-access easement or designing the cross-access infrastructure,
748 good faith efforts shall be made to coordinate the location and design with the adjoining
749 land owner.
- 750 (5) The Planning Director may require the cross-access to be located in a manner that

- 751 optimizes internal block traffic circulation.
- 752 (6) Construction of the cross-access infrastructure shall be completed prior to the issuance
753 of a certificate of occupancy for any structure on the lot or parcel, or a completion bond
754 may substitute for completion if allowed by the County Engineer.
- 755 (7) When a lot or parcel is being developed that abuts an existing cross-access easement
756 or existing cross-access infrastructure, a reciprocal cross-access easement shall be
757 provided on the same lot line or parcel line in the same location and of equal width. The
758 reciprocal cross-access infrastructure shall be constructed to the same standard as, or
759 better than, the existing cross-access infrastructure on the adjacent parcel. A cross-
760 access easement shall be recorded on the title of all affected properties, along with a
761 perpetual operation and maintenance agreement between the property owners that
762 specifies, at a minimum, that the infrastructure will be operated and maintained by the
763 property owners in a manner that is safe and usable for two-way vehicle traffic.
- 764 (8) If property owners fail to operate or maintain cross-access infrastructure that was
765 required by the County under this section, the County may pursue enforcement
766 measures as provided in this Land Use Code.

767

768 **Sec 104-22-10 Signage**

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

771 HISTORY

772 *Adopted by Ord. [2022-04](#) on 1/18/2022*

773

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

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

780 (1) For a lot or parcel rezoned to the Form-Based Zone from a zone that allows residential dwelling
781 units, the base density, as defined in Title 101, Chapter 2, shall be the same as the density that
782 was allowed in the prior zone. This shall be documented by recording a covenant to the lot or
783 parcel that provides a calculation of the base density. The covenant shall run with land, and be
784 between the owner and the County.

785 (2) Additional residential dwelling units are permitted on any lot that has street frontage on, or gains
786 primary access from, any street type in the street regulating plan except an Estate Lot Residential
787 street and a general open space street. However, no additional density is allowed unless the
788 landowner has successfully negotiated the reallocation of an equal number of dwelling unit rights
789 from another lot or parcel that has an available dwelling unit right, as determined by the lot or
790 parcel's base density and adjusted for any previous dwelling unit right reduction or addition. The
791 reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant
792 shall run with the land and be between the owner and the County. Each covenant shall document
793 the applicable lot or parcel's calculated base density; the number of dwelling units already
794 developed on the lot or parcel; the number of dwelling unit rights subtracted from, or added to,
795 the base density by any means; and the number of dwelling unit rights remaining for the lot or
796 parcel.

797 (3) Residential dwelling unit rights may be transferred to a lot or parcel in a FB Zone from any lot or
798 parcel in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5,
799 FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FB.

800 (4) Regardless of number of residential dwelling unit rights transferred to a lot or parcel in the FB
801 Zone, the number of dwelling units actually constructed shall be limited by what can be

802 constructed given compliance with the standards of this chapter.

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

804 Participation in creating workforce housing is required.

805 (a) **No transfer required.** Workforce housing will not be deducted from the lot or parcel's development
806 rights and is not required to be established through transferable development rights.

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

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

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

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

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

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

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

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

837 (c) **Workforce housing location.** The required housing units, lots, or floor area provided for workforce
838 housing may be located outside of the proposed development but no greater than one mile from a G&I,
839 VOC, or MUC street designation, or within one mile of a CV-1, CV-2, or CVR-1 zone.

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

SECTION 2: AMENDMENT. Track Change version of amendment:

842 Part II Land Use Code

843 ...

844 Title 101 General Provisions

845 ...

846 Sec 101-2-2 A Definitions

847 ...

848 **Amusement park.** The term "amusement park," also referred herein as a "carnival operations," means a
849 facility, primarily located outdoors, that may include structures and buildings where there are various
850 devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings
851 for shows, entertainment, restaurants, and souvenir or gift sales.

852 ...

853 Sec 101-2-5 D Definitions

854 ...

855 **Dude ranch.** The term "dude ranch" means a commercial vacation ranch operation that provides
856 activities related to a ranch lifestyle, which may include camping, horseback riding, and wrangling, and
857 which may also offer short-term rental accommodations for guests engaged in these activities.

858 ...

859 **Dwelling.** The term "dwelling" means a building or portion thereof, which is constructed in compliance
860 with the county's adopted building codes and designed as a place for human habitation, ~~except. This~~
861 ~~does not include a hotel, or hotel room, condominium rental apartment hotel, (condo-tel), boardinghouse,~~
862 ~~lodginghouse, tourist court or apartment court and meeting the requirements of title 108, chapter 15. The~~
863 ~~term "dwelling" shall include manufactured home and modular home when the requirements of title 108,~~
864 ~~chapter 14 are met.~~

865 **Dwelling, four-family.** The term "four-family dwelling," also referred to as a "quadplex," means a building
866 arranged or designed to contain only four dwelling units with approximately the same floor area, and
867 occupying one lot or parcel.

868 **Dwelling, group.** The term "group dwelling" means two or more dwellings arranged around a court.

869 **Dwelling, multiple-family (multi-family).** The term "multiple-family dwelling," also referred to as a
870 "multi-family dwelling," means a building or portion thereof used and/or arranged or designed to be
871 ~~occupied by~~ contain more than four ~~families~~ dwelling units, including an apartment houses ~~building~~ and
872 ~~apartment hotels, but not including tourist courts~~ condominium building.

873 **Dwelling, single-family.** The term "single-family dwelling" means a building or portion thereof arranged
874 or designed to ~~be occupied~~ exclusively by one family, the structure having contain only one dwelling unit,
875 unless specified otherwise by this Land Use Code, and occupying one lot or parcel.

876 **Dwelling, single-family attached.** The term "single-family attached dwelling" means a building
877 containing two or more dwelling units attached by a common wall or walls, where each dwelling unit is
878 located on a separate lot. This is traditionally known as a townhome or townhouse.

879 **Dwelling, three-family.** The term "three-family dwelling," also referred to as a "triplex," means a building
880 arranged or designed to contain only three dwelling units with approximately the same floor area, and
881 occupying one lot or parcel.

882 **Dwelling, two-family (duplex).** The term "two-family dwelling" also referred to as a "duplex," means a
883 building arranged or designed to ~~be occupied by two families, the structure having~~ contain only two
884 dwelling units with approximately the same floor area, and occupying one lot or parcel.

885 **Dwelling unit.** The term "dwelling unit" means any building or portion thereof that contains living
886 facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

887 [Dwelling unit, condominium.](#) See “condominium dwelling unit.”

888 [Dwelling unit, townhome.](#) See “single-family attached dwelling.”

889 ...

890 **Sec 101-2-6 E Definitions**

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892 **Emergency services plan.** The term "emergency services plan" means a document that describes, in
893 general, the emergency facilities and level of staffing that are part of (or will provide services to) a
894 proposed resort. The plan is supplemental to an overall master plan and consists of but is not limited to
895 the following sections: an executive summary, list of facilities (e.g., fire/sheriff) and phasing schedule
896 describing emergency personnel staffing and anticipated time and general location of facility construction
897 if applicable.

898 [Entertainment facility, indoor.](#) The term “indoor entertainment facility” means an indoor facility
899 providing entertainment for a fee, including such activities as dance halls, theatrical productions, bands,
900 orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; rinks,
901 and racetracks; mini-golf course; coin or bill operated devices, membership sports and health clubs,
902 swimming pools, riding academies, expositions, and game parlors.

903 [Entertainment facility, outdoor.](#) The term “outdoor entertainment facility” means an outdoor facility
904 providing entertainment for a fee, including the same or similar activities as an indoor entertainment
905 facility, and also including commercial facilities such as an arena; horse rides; tubing hill, or court or field
906 sport oriented complex.

907 **Estate lot.** The term "estate lot" means a lot within a subdivision, intended for the use of a dwelling unit,
908 that contains at least ~~five and one quarter~~[three](#) acres.

909 ...

910 **Sec 101-2-13 Lot Definitions**

911 ...

912 **Lot.** The term "lot" means a parcel of land capable of being occupied by an allowed use, building or
913 group of buildings (main or accessory), and approved for human occupancy either full- or part-time;
914 together with such yards, open spaces, parking spaces and other areas required by this title and the
915 Land Use Code. ~~Such parcel shall also have frontage on a street or on a right-of-way approved by the~~
916 ~~planning director. Except for group dwellings and guest houses~~[Except when allowed otherwise in this](#)
917 [Land Use Code](#), not more than one dwelling structure shall occupy any one lot.

918 ...

919 **Sec 101-2-5 W Definitions**

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921 [Workforce housing.](#) The term “workforce housing” means moderate income housing, as defined by
922 [UCA 17-27a-103](#). It shall also mean housing that is:

923 [\(d\) Occupied or reserved for occupancy by a household in which at least one member is a](#)
924 [governmental agency’s full time employee;](#)

925 [\(e\) For a household that earns less than 100 percent of the median gross income for](#)
926 [households of the same size in the specific planning area; and](#)

927 ~~(e)~~[\(f\) Located within two miles of the primary place of work for the governmental agency’s full](#)
928 [time employee.](#)

929 ...

930 **Title 104 Zones**

931 ...

932 **Chapter 104-1 In General**

933 ...

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

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

ZONE DISTRICTS	ZONE NAME
...	
Form-Based Village Zone	FBV FB
...	

937 **Chapter 104-22 Form-Based ~~Village~~ Zone FBV**

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

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

- 944
945 (c) ***Implements the general plan.*** The Form-Based ~~Village~~ Zone regulations are intended to carry
946 out the objectives of the 2016 Ogden Valley General Plan through the implementation of form-
947 based small area zoning and transferable development rights.
- 948 (d) ***Creates street regulating plans.*** Each ~~Village~~ area affected by the Form-Based ~~Village~~ Zone
949 shall be governed by a Street Regulating Plan. The purpose of the Street Regulating Plan is to
950 address specific design and functionality of streets and building facades along these streets. The
951 intent is to stimulate the creation of buildings and streets that frame the public rights-of-way with
952 architectural and design elements that are unified under a common design theme whilst enabling
953 unique building facades.

954 **Sec 104-22-2 Applicability**

- 955 (e) ***New development to comply.*** The principles, standards and guidelines of this chapter apply to
956 proposals for new development, changes in land uses, and site improvements to existing
957 buildings, lots, or parcels that are in the Form-Based ~~Village~~ Zone. Exterior modifications to
958 existing development shall comply if the exterior modification exceeds either 25 percent of the
959 street-facing facade of the building, or 25 percent of the lot's street frontage.
- 960 (f) ***Other regulations apply.*** In the Form-Based ~~Village~~ Zone, except when more specific
961 regulations are provided in this chapter, ~~the CV-2 zoning regulations of Section Chapter Title 104~~
962 ~~Chapter -20, and~~ the design review regulations and architectural, landscape, screening, and
963 design standards of ~~Section Chapters Title 108 Chapter -1~~ and ~~Title 108 Chapter -2~~ apply to
964 all lots, except a lot with only one single-family dwelling.
- 965 (g) ***Street regulating plan.*** The applicable regulations herein are specific to the street type, as
966 designated by the applicable street regulating plan. New development within the Form-Based
967 ~~Village~~ Zone shall comply with the applicable street regulating plan. Development of any property
968 along a street or that gains primary access from that street shall comply with the street design
969 requirements, as provided in Section 104-22-7, and the building design standards in Section
970 104-22-6, for the specific type of street. A list and explanation of each street type is provided in
971 Section 104-22-7.
- 972 (h) ***Effect of street regulating plan and graphics.*** Details in a street regulating plan or any graphic
973 in this chapter have no effect unless expressly provided by this chapter.

974

Sec 104-22-3 Land Use Table

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The uses outlined in the CV-2 zone, as provided in Section 104-20, apply to any property in the FBV zone that has frontage to or gains access from a government/institutional, vehicle-oriented commercial, mixed-use commercial, or multifamily commercial street type. The following land use table provides additional use regulations applicable for each street type. In the list, those designated for any street type as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in Title 108, Chapter 4 of this Land Use Code. Uses designated "N" will not be allowed on property with frontage on, or that gains access from, that street type. All uses listed are indoor uses, unless explicitly stated otherwise with the terms "outdoor" or "yard."

STREET-TYPE	G & I	VOC	MUC	ME R	SL R	MLR	LL R	R R	EL R	OS	SPECIAL PROVISIONS
Automobile repair of any kind:	N	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
Automobile sales or service:	N	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
Automobile sales, classic or antique cars:	P	P	P	P	N	N	N	N	N	N	See Section 104-22-4.
Boat sales and service:	N	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
Contractor shop:	N	N	N	N	N	N	N	N	N	N	
Drive up (drive-thru) window:	P	P	C	C	N	N	N	N	N	N	
Dwelling unit:	P	P	P	P	P	P	P	P	P	P	The types of dwelling units allowed by street type is provided in Section 104-22-7. See also TDR requirements of 104-22-4.
Gas or fuel station:	P	P	N	N	N	N	N	N	N	N	See Section 104-22-4.
Office, commercial:	P	P	P	P	P	N	N	N	N	N	See Section 104-22-4.
Trailer sales and service:	N	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
Tire shop:	N	C	N	N	N	N	N	N	N	N	See Section 104-22-4.

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

STREET-TYPE	G&I	VOC	MUC	ME R	SL R	MLR	LL R	R R	EL R	OS	SPECIAL REGULATIONS
<u>Accessory building. A building that is accessory and incidental to</u>	P	P	P	P	P	P	P	P	P	P	-

the use of a main building.											
<u>Accessory dwelling unit.</u> A dwelling unit that is accessory to a single-family dwelling residential use.	N	N	N	N	P	P	P	P	P	N	See Chapter 108-19.
<u>Accessory use.</u> A use that is accessory and incidental to the main use.	P	P	P	P	P	P	P	P	P	P	-
<u>Agricultural hobby farm</u>	P	P	P	P	P	P	P	P	P	P	
<u>Family food production.</u> Family food production as an accessory use to a single-family dwelling residential use.	N	N	N	N	N	N	P	P	P	N	See Section 104-22-4.
<u>Home occupation.</u> A home occupation that is accessory to a residential use.	P	P	P	P	P	P	P	P	P	N	See Chapter 108-13.
<u>Household pets.</u> Household pets that are accessory to a residential use.	P	P	P	P	P	P	P	P	P	N	-
<u>Main building.</u> A main building that is designed or used to be accessory to an outdoor main use allowed in the zone.	P	P	P	P	P	P	P	P	P	P	-
<u>Parking lot.</u> A parking lot	P	P	P	P	P	P	P	P	P	P	See Section 104-22-9.

that is accessory to a main use allowed in the zone.											
<u>Produce stand</u> , for produce grown on the premises only.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Temporary building or use</u> . A temporary building or use that is accessory and incidental to onsite construction work.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	See Section 104-22-4.

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989

(q) Agricultural and open space uses, generally.

	<u>G & I</u>	<u>V O C</u>	<u>M U C</u>	<u>M F R</u>	<u>S L R</u>	<u>M L R</u>	<u>L L R</u>	<u>R R</u>	<u>E L R</u>	<u>O S</u>	<u>SPECIAL REGULATIONS</u>
<u>Agriculture, as a main use of the property.</u>	N	N	N	N	N	N	P	P	P	P	-
<u>Agricultural experiment station.</u>	P	N	N	N	N	N	N	P	P	P	-
<u>Agri-tourism.</u>	N	N	N	N	N	N	N	P	P	P	<u>See Title 108, Chapter 21.</u>
<u>Aquaculture.</u>	N	N	N	N	N	N	N	P	P	P	-
<u>Botanical or community garden.</u> 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	-
<u>Fruit or vegetable stand, for produce grown on the premises only.</u>	P	P	P	P	P	P	P	P	P	P	-
<u>Fruit and vegetable storage and packing plant, for produce grown on premises.</u>	N	N	N	N	N	N	N	P	P	P	<u>10-acre minimum lot area required.</u>
<u>Grain storage elevator.</u>	N	N	N	N	N	N	N	N	P	P	<u>10-acre minimum lot area required.</u>
<u>Greenhouse and nursery.</u> Sales are limited to plants produced on the premises.	P	P	N	N	N	N	P	P	P	P	-
<u>Manure spreading, drying and sales.</u>	N	N	N	N	N	N	N	N	P	P	-
<u>Wildlife sanctuaries.</u> A wildlife sanctuary.	N	N	N	N	N	N	N	N	P	P	<u>10-acre minimum lot area required.</u>

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991

(r) Agricultural uses, animal-oriented. The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	<u>G & I</u>	<u>V O C</u>	<u>M U C</u>	<u>M F R</u>	<u>S L R</u>	<u>M L R</u>	<u>L L R</u>	<u>R R</u>	<u>E L R</u>	<u>O S</u>	<u>SPECIAL REGULATIONS</u>
<u>Animal grazing.</u> Animal grazing, as defined in Section <u>Chapter</u> Title 101 Chapter -2.	N	N	N	N	N	N	P N	P	P	P	<u>See Section 104-22-4.</u>
<u>Apiary.</u> The keeping of bees.	N	N	N	N	C N	P N	P	P	P	P	-
<u>Aquaculture, animal related.</u> The raising and potential harvesting of water animals or water plants.	N	N	N	N	N	N	P	P	P	P	-
<u>Aviary.</u> The raising of birds.	N	N	N	N	N	N	P	P	P	P	<u>No onsite slaughtering permitted.</u>
<u>Corral or stable .</u> A corral, stable, or building for the keeping of agricultural animals or fowl.	N	N	N	N	N	N	P	P	P	P	<u>See Section 104-22-4.</u>
<u>Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.</u>	N	N	N	N	N	N	P	P	P	P	<u>10-acre minimum lot area required.</u>

992

(s) Amusement, entertainment, and recreation uses. The following are uses oriented toward providing amusement or entertainment for patrons.

	<u>G & I</u>	<u>V O C</u>	<u>M U C</u>	<u>M E R</u>	<u>S L R</u>	<u>M L R</u>	<u>L L R</u>	<u>R R</u>	<u>E L R</u>	<u>O S</u>	<u>SPECIAL REGULATIONS</u>
<u>Amphitheater.</u> An outdoor open-air amphitheater with raising rows of spectator seating used for entertainment and performances.	C	C	N	N	N	N	N	N	N	C	
<u>Entertainment facility, large indoor.</u> 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	
<u>Entertainment facility, outdoor.</u> An outdoor entertainment facility, as defined in Title 101, Chapter 2.	C	C	N	N	N	N	N	N	N	N	
<u>Entertainment facility, small indoor.</u> 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	
<u>Amusement park.</u> Amusement park.	C	C	N	N	N	N	N	N	N	N	-
<u>Amusement park, temporary.</u> An amusement park, circus, petting zoo, pony ring, or carnival that is conducted for no greater longer than one month.	P	P	P	C	N	N	N	N	C	C	-
<u>Botanical or zoological garden.</u> A botanical or zoological garden, including petting zoo and pony ring.	P	P	P	P	P	P	P	P	P	P	2-Acre minimum lot or parcel area required.
<u>Campgrounds or picnic areas, commercial.</u> A commercial campground or picnic area.	N	N	N	N	N	N	C	C	C	C P	See Section 104-22-4. 2-Acre minimum lot or parcel area required.
<u>Dude ranch.</u> A dude ranch, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	P	P	C P	10-acre minimum lot or parcel area required.
<u>Golf course.</u> Golf course.	N	N	N	N	N	N	P	P	P	P	This shall not include miniature golf.
<u>Private park, playground or recreation area, noncommercial.</u> A private park charging no fee or remuneration for use.	P	P	P	P	P	P	P	P	P	P	-
<u>Public park, recreation grounds.</u> Recreation grounds that are owned and operated by a public entity.	P	P	P	P	P	P	P	P	P	P	-
<u>Recreation lodge.</u> A recreation lodge, as defined in Title 101, Chapter 2.	P	P	P	P	P	N	N	N	C	N	-
<u>Recreational resort.</u> A recreation recreational resort, as defined in Title 101, Chapter 2.	P	P	P	N	N	N	N	N	N	N	-
<u>Shooting range or training course.</u> A shooting range.	C	C	N	N	N	N	N	N	N	C	See Section 104-22-4. Five-acre minimum lot

												or parcel area required for an outdoor range.
<u>Ski area.</u> 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	-
<u>Ski lodge and associated services</u>	N	N	P	P	N	N	N	N	N	N	P	When accessory to an allowed ski area.
<u>Swimming pools, private.</u> A private swimming pool.	P	P	P	P	P	P	P	P	P	P	P	-
<u>Trails.</u> Trails for skiing, equestrian uses, hiking, biking, and similar.	P	P	P	P	P	P	P	P	P	P	P	-
<u>Zoo.</u>	P	P	N	N	N	N	N	N	N	N	P	10-acre minimum lot or parcel area required.

995

(t) **Animal services and uses.**

G & I	V O C	M U C	M F R	S L R	M L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
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-	-	-	-	-	-	-	-	-	-	-	-	-
<u>Animal grooming, small animal.</u> Grooming for small animals.	P	P	P	P	N	N	N	N	N	P	N	A small animal generally weighs less than 250 lbs.
<u>Animal shelter or pound.</u> A dog pound or shelter.	P	C	N	N	N	N	N	N	N	N	N	-
<u>Dog or cat facility.</u> Dog or cat breeding, kennels, lodging, or training school.	P	C	N	N	N	N	N	C	C	C	N	If located completely indoors, and inaudible from an adjoining lot or parcel, this use is permitted where listed as conditional.
<u>Horse or equestrian event center.</u> A horse or equestrian event center, including indoor concessions as an accessory use.	P	N	N	N	N	N	N	N	N	C	P	-
<u>Horse or equestrian training facility and stabling, commercial.</u> A commercial equestrian training facility or horse stable.	N	N	N	N	N	N	N	N	C	C	C	
<u>Stable for horses, noncommercial.</u> Horses shall be for noncommercial use only.	N	N	N	N	N	N	P	P	P	P	P	No more than two horses shall be kept for each one-half acre of land used for the horses.
<u>Stray animal shelter.</u> A shelter for stray, lost, or seized animals.	P	C	N	N	N	N	N	N	N	N	N	
<u>Veterinary facility.</u> Veterinary facility.	P	P	P	C	N	N	N	N	C	C	N	If located completely indoors, and inaudible from an adjoining lot or parcel, this use is permitted where listed as conditional.

996

(u) Food, beverage, and other products sales for human consumption.



SPECIAL REGULATIONS

Food Preparation and Services:											
<u>Alcoholic beverage production.</u> The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.	P	P	N	N	N	N	N	N	N	N	-
<u>Bakery, delicatessen, or catering, large.</u> Bakery or other food preparation services primarily intended for offsite consumption.	P	P	N	N	N	N	N	N	N	N	-
<u>Bakery, delicatessen, or catering, small.</u> Bakery or small-batch food processing and retail sales of goods produced on premises, limited to 5,000 square feet floor area. Offsite catering allowed as an incidental and accessory use.	P	P	P	P	N	N	N	N	N	N	-
<u>Butcher or other custom meat products, large.</u> A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	P	P	N	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.
<u>Butcher or other custom meat products, small.</u> A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite; limited to 5,000 square feet floor area.	P	P	P	P	N	N	N	N	N	N	This use shall not include onsite slaughtering.

Eating and Drinking Establishments, Products Primarily for Onsite Consumption											
<u>Bar.</u> A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.	P	P	P	P	N	N	N	N	N	N	-
<u>Brewery or distillery in conjunction with a restaurant.</u>	P	P	P	P	N	N	N	N	N	N	-
<u>Restaurant with drive-up window.</u> Restaurant, all food types, with drive-up windows.	P	P	C	N	N	N	N	N	N	N	See drive up (drive-thru) window requirements of Section 104-22-4.
<u>Restaurant.</u> Restaurants, all food types, excluding those with drive-up windows.	P	P	P	P	N	N	N	N	N	N	-

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

<u>Drugstore or pharmacy.</u>	P	P	P	P	N	N	N	N	N	N	If applicable, see drive up (drive-thru) window requirements of Section 104-22-4.
<u>Grocery store.</u> 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	-
<u>Produce stand, commercial.</u> A commercial produce stand intended for the sales of agricultural products.	P	P	P	P	N	N	N	P	P	P	-

998

(v) Government and institutional uses.

	G & I	V	C	C	M	M	S	M	L	L	R	E	L	R	O	S	SPECIAL REGULATIONS
<u>Cemetery.</u>	P	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
<u>Convalescent, rest home, or sanitarium.</u> An establishment for long-term medical treatment of people.	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N	-
<u>Child daycare.</u> A daycare center operating in compliance with State regulation.	P	P	P	P	P	P	N	N	N	N	N	N	N	N	N	N	-
<u>Fire station.</u> Fire and emergency medical service station.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
<u>Governmental offices.</u> The offices of a governmental entity.	P	P	P	N	N	N	N	N	N	N	N	N	N	N	N	N	-
<u>Instructional facility, large.</u> 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	N	N	N	N	-
<u>Instructional facility, small.</u> 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	P	N	N	N	N	N	N	N	N	N	N	N	N	-
<u>Medical facility.</u> 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	N	N	N	N	-
<u>Museum or art gallery.</u> A museum, art gallery, or similar space for historical or educational displays.	P	P	P	P	N	N	N	N	N	N	N	N	N	N	N	N	-
<u>Post office.</u> A post office.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	N	N	-
<u>Preschool.</u> A preschool operating in compliance with State regulation.	P	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	-
<u>Public library.</u> A library owned and operated by a governmental entity.	P	P	P	P	P	P	P	P	P	P	P	P	P	N	N	N	-
<u>Public park.</u> A public park and related recreation grounds and associated buildings and structures.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-

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

999 (w) **Office uses.**

	G & I	V O C	M U C	M F R	S L R	M L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
-	-	-	-	-	-	-	-	-	-	-	-
<u>Agency.</u> 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	
<u>Bank or financial institution.</u> A bank or other financial institution.	P	P	P	N	N	N	N	N	N	N	This use shall not include payday loan services.
<u>Medical or dental office.</u> A medical or dental office for routine out-patient care.	P	P	P	N	N	N	N	N	N	N	
<u>Office, generally.</u> 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	

1000 (x) **Residential uses.**

	G & I	V O C	M U C	M F R	S L R	M L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
-	-	-	-	-	-	-	-	-	-	-	-
<u>Bed and breakfast dwelling.</u> A bed and breakfast dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	P	N	N	C	C	N	See Section 104-22-4.
<u>Bed and breakfast inn.</u> A bed and breakfast inn, as defined by Title 101, Chapter 2.	P	P	P	C	C	N	N	C	C	N	See Section 104-22-4.
<u>Dwelling, single-family.</u> A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	P	P	N	See Section 104-22-4, and TDR requirements of 104-22-11

<u>Dwelling, two-family.</u> A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
<u>Dwelling, three-family.</u> A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
<u>Dwelling, four-family.</u> A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
<u>Dwelling, multi-family.</u> A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	N	N	N	N	
<u>Dwelling unit.</u> 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	
<u>Hotel, motel, lodginghouse, condominium rental apartment (condo-tel) or timeshare condominium.</u> A hotel, motel, lodginghouse, condominium rental apartment (condo-tel), or timeshare condominium. ; This use may include ing lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.	P	P	P	P C	N	N	N	N	N	N	-
<u>Residential facility for elderly persons.</u>	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
<u>Residential facility for handicapped persons.</u>	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
<u>Residential facility for troubled youth.</u>	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
<u>Short-term rental.</u> A short-term (nightly) rental.	P	P	P	P	C	N	N	N	N	N	-
<u>Short-term rental, owner occupied.</u>	P	P	P	P	P	C	C	C	C	N	See requirements of 104-22-4.
<u>Workforce housing.</u> Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	P	P N	Must comply with "dwelling" requirements of Section 104-22-4.

1002

(y) Sales with retail storefront.

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

1003

(z) Sales typically without retail storefront.

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

1004

(aa) Services.

G & I	V O C	M C U	M R F	S R L	M R L	L R L	R R	E R	S O	SPECIAL REGULATIONS
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<u>Dry cleaning, laundry, or linen cleaning establishment.</u> The professional cleaning of laundry and linens.	P	P	P	P	N	N	N	N	N	N	-
<u>Household item repair, large.</u> 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	-
<u>Household item repair, small.</u> 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	-
<u>Gathering facility, indoor.</u> 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	-
<u>Laboratory.</u> 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	-
<u>Laundromat.</u> A facility that provides washers and dryers for self-serve laundry service.	P	P	P	P	N	N	N	N	N	N	-
<u>Mortuary or funeral home.</u> Mortuary or funeral home and related sales and services.	P	P	P	N	N	N	N	N	N	N	-
<u>Outdoor recreation guide base-operation.</u> A location that provides a base of operations for an outdoor recreation guide service.	P	P	P	P	N	N	N	N	N	N	-
<u>Parcel drop-off service.</u> 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	-
<u>Printing and copying service without retail shop.</u> Printing, lithographing, publishing or reproductions sales and services, including engraving and photo engraving.	P	P	N	N	N	N	N	N	N	N	-
<u>Tailor services.</u> 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	-
<u>Taxidermist.</u> Taxidermy services.	P	C	N	N	N	N	N	N	N	N	-

1006

(bb) Storage.

	<u>G & I</u>	<u>VOC</u>	<u>MUC</u>	<u>MFR</u>	<u>SFLR</u>	<u>MFLR</u>	<u>LFLR</u>	<u>RR</u>	<u>ELR</u>	<u>OS</u>	<u>SPECIAL REGULATIONS</u>
<u>Outdoor storage.</u> The storage of anything that meets the definition of "outdoor storage" pursuant to Section Chapter Title 101 Chapter -2	N	N	N	N	N	N	N	N	N	N	-
<u>Self-storage.</u> Indoor storage units for personal or household items or vehicles.	P	P	N	N	N	N	N	N	N	N	See Section 104-22-4.
<u>Warehouse storage.</u> The storage of products or goods that are or will be for sale.	C	N	N	N	N	N	N	N	N	N	-

1007

(cc) Utility uses.

	<u>G & I</u>	<u>VOC</u>	<u>MUC</u>	<u>MFR</u>	<u>SFLR</u>	<u>MFLR</u>	<u>LFLR</u>	<u>RR</u>	<u>ELR</u>	<u>OS</u>	<u>SPECIAL REGULATIONS</u>
<u>Public utility substations.</u>	P	P	P	P	P	P	P	P	P	C/P	See Title 108, Chapter 10.
<u>Wastewater treatment or disposal facilities.</u>	P	P	P	P	P	P	P	P	P	C/P	
<u>Water treatment or storage facility.</u>	P	P	P	P	P	P	P	P	P	C/P	
<u>Small wind energy system.</u>	P	N	N	N	N	N	N	P	P	C/P	See Section 108-7-24
<u>Solar energy system.</u>	P	P	P	P	P	P	P	P	P	C/P	See Section 108-7-27

1008

(dd) Vehicle-oriented uses.

	<u>G & I</u>	<u>VOC</u>	<u>MUC</u>	<u>MFR</u>	<u>SFLR</u>	<u>MFLR</u>	<u>LFLR</u>	<u>RR</u>	<u>ELR</u>	<u>OS</u>	<u>SPECIAL REGULATIONS</u>
<u>Airport, private and commercial.</u>	C	N	N	N	N	N	N	N	N	N	-
<u>Automobile sales or rentals, indoor.</u> The sale or rental of a passenger automobile.	P	P	C	N	N	N	N	N	N	N	-
<u>Automobile sales or rentals, outdoor.</u> The sale or rental of a passenger automobile.	P	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
<u>Boat sales or rentals.</u> The sale or rental of a motorized boat.	P	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
<u>Car wash.</u> A car wash of any type that is not accessory to a gas or refueling station as regulated otherwise herein.	P	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
<u>Gas or refueling station.</u> A gas or refueling station, which may include a convenience store and an automatic carwash as an accessory use.	C	C	N	N	N	N	N	N	N	N	See Section 104-22-4.

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

1009

1010 **Editors note:** The color adjacent to each street type corresponds with the street colors on the
 1011 streetregulating plan map(s). The color codes for each are as follows:

RGB	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
R	25	176	204	255	255	255	255	138	83	75
G	151	33	51	120	170	210	255	153	128	191
B	156	157	0	0	0	0	0	66	69	96

1012 HISTORY

1013 Adopted by Ord. 2022-04 on 1/18/2022

Sec 104-22-4 Special Regulations

Sec 104-22-4.1 Special Regulations, Generally.

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

~~(d)~~(e) Drive up (drive-thru) window. Any business with a drive up (drive-thru) window shall comply with the following:

- (1) The window shall be located on the rear of the building. The rear of the building shall be determined as the side of the building opposite from the building's facade that faces the public street. If on a corner along a government or institutional street or vehicle-oriented commercial street, the window may be located on the side of the building that ~~can be~~ is visible from the less prominent street.
- (2) The stacking lanes and drive up (drive-thru) queue, and the parking spaces devoted to the drive up (drive-thru) window shall be located in an area that is not visible from the more prominent street right-of-way when the area is fully built-out.
- (3) One drive up (drive-thru) queue space that is at least 20 feet in length may substitute a parking space required by this Land Use Code.

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

- (1) be reviewed for compliance with this section by the Planning Division and County Attorney's Office;
- (2) place responsibility on the building owner for prompt repairs and maintenance of the side or rear of the building;
- (3) require allowances of access to the property for repairs and maintenance purposes;
- (4) be signed by the owner of the building and the adjacent property owner and be recorded on the title of both properties.

Sec 104-22-4 Special Regulations For Specific Uses

~~— Animal grazing. This use shall not include the supplementary or full feeding of the animals, except when in compliance with the following:~~

~~— It may only be carried on during times that are reasonable and necessary due to lack of natural growing feed as a result of seasonal changes or extreme and temporary meteorological events.~~

~~— It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40 head per acre of used land in the A-2 and A-3 zones.~~

~~— It shall not be closer than 75 feet to any dwelling, public or semi-public building on an adjoining parcel of land.~~

(a) **Automobile or other vehicle related uses.** The use of a lot for automobile repair of any kind, automobile sales, rental, or service, boat sales, rental, or service, gas or fuel station, a tire shop, or any other use governed by this section by reference shall only be conducted within a completely enclosed building that meets the standards of this chapter.

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

(2) Sufficient parking for all employee or customer uses, including the temporary parking of vehicles awaiting pickup from owners, shall be provided on the lot.

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

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

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

~~— **Bed and breakfast dwelling.** Bed and breakfast dwelling is subject to the following standards:~~

~~— Two parking spaces shall be provided for the host family plus one space for each guest room;~~

~~— Proprietor or owner Owner shall occupy the property;~~

~~— Meals shall only be served to overnight guests;~~

~~— Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwelling;~~

~~— Not more than two guests guest sleeping rooms per dwelling;~~

~~— Allowed only in existing dwellings with no exterior additions nor change in residential character;~~

~~— Business license shall be obtained.~~

~~— **Bed and breakfast inn.** A bed and breakfast inn is subject to the following regulations:~~

~~— Proprietor Host or owner shall occupy the premises while guest guests are present.~~

~~— Not more than seven sleeping rooms per inn.~~

~~— Two parking spaces shall be provided for the host family plus one space for each guest sleeping room.~~

~~— The guest parking shall be in the rear of the Inn inn.~~

~~— Meals shall be served to registered overnight guests only.~~

~~— Signs are limited to one name plate or one identification sign of not more than eight square feet in area.~~

~~— Design review approval, as provided in Title 108, Chapter 1 is required. The site shall be landscaped to provide a visual and noise buffer to adjoining property. A landscape plan shall be submitted with the design review application.~~

~~— The inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance.~~

~~— A business license shall be obtained.~~

~~— All units shall be in one building, together with owner's or host's residence.~~

~~(1) As an accessory and incidental use, small events, such as weddings, family reunions, business retreats, and art or cooking classes are allowed, provided they do not exceed 75 participants and not more than four events held per calendar month.~~

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

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

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

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

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

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

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

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

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

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

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

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

~~(1) **Types of dwellings allowed**~~Construction standards. The type of dwelling or A dwelling unit allowed along any given street type is governed as provided Section 104-22-7, on a government and institutional, vehicle-oriented, mixed use commercial, or multi-family residential street shall be constructed to a multifamily residential standard in accordance with the International Building Code.

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

~~(5) For a lot or parcel rezoned to the Form-Based Village Zone from a zone that allows residential dwelling units, the base density shall be the same as the density that was allowed in the prior zone. This shall be documented by recording a covenant to the lot or parcel that provides a calculation of the base density. The covenant shall run with land, and be between the owner and the County.~~

~~(6) Additional residential dwelling units are permitted on any lot that has street frontage on any street type in the street regulating plan except a rural residential street and a general open space street. However, no new density is allowed unless the landowner has successfully negotiated the reallocation of an equal number of dwelling unit rights from another lot or parcel that has an available dwelling unit right as determined by the lot or parcel's base density and adjusted for any previous dwelling unit right reduction or addition. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units already developed on the lot or parcel; the number of dwelling unit rights subtracted from, or added to, the base density by any means; and the number of dwelling unit rights remaining for the lot or parcel.~~

~~(7) Residential dwelling unit rights may be transferred to a lot or parcel in a FBV zone from any lot or parcel in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FBV.~~

~~(8) Regardless of number of residential dwelling unit rights transferred to a lot or parcel in the FBV zone, the number of dwelling units actually constructed shall be limited by what can be constructed given compliance with the standards of this chapter.~~

(2) **Dwelling unit location.** A dwelling unit ~~is allowed above~~proposed along a government and institutional, vehicle-oriented commercial, or a mixed-use commercial street shall be located on a

lot as follows:

- a. Above or behind any street-level commercial space; or
- b. ~~A multi-family dwelling, where allowed, shall be located behind~~ Behind a building that provides street-level commercial space, or if no such building exists at the time of application, behind the area reserved for street-level commercial space as otherwise required herein. ~~The only exception to this rule is when it is located adjacent to a street designated for multi-family.~~ The location shall provide for the existing and future planned street layout of the area, including the future street-level commercial space that will face future streets, and internal block alleyways.

(3) Two, three, four, and multi-family residential. Unless one of the units is owner occupied, a two, three, four, or multi-family residential building shall be operated and maintained by a professional management company that specializes in multi-family residential property management.

(4) Density allowance and transferable development rights. No dwelling units in excess of the base density, as defined by Title 101, Chapter 2, and as provided in Section 104-22-11, are allowed in the Form-Based Zone except when in compliance with the transferable development rights requirements of Section 104-22-11.

(i) Family food production.

(1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys, five ducks, five geese, or five pigeons.

a. No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than 40,000 square feet.

b. No more than six combined sets of Group A animals and Group B animals or fowl may be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than two acres, except that an additional six combined sets of Group A and Group B animals or fowl may be kept per each additional acre greater than two.

~~(f)~~ (i) Gas or fuel station. A gas or fuel canopy shall not be located closer to a public street right-of-way, excluding a mid-block alley, than 60 feet. The canopy shall be located to the rear of the convenience store associated with the canopy.

(k) General retail sales, small items. This use is any store that primarily retails or rents items to be physically taken by the customer from the store, when those items weigh less than 80 lbs, including product packaging, or that are small enough to fit in a typical passenger vehicle. The use is limited to 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of items intended to be explosive or hazardous to human health, safety, or welfare is permitted.

(l) General retail sales, large items. This use is any store that primarily retails or rents items to be physically taken by the customer from the store, when those items weigh more than 80 lbs, including product packaging, or that are too large to fit in a typical passenger vehicle. This use may include an outdoor sales yard of no greater than 6,000 square feet as long as it is completely surrounded by an opaque wall. No sales of items intended to be explosive or hazardous to human health, safety, or welfare is permitted.

~~(g)~~ (m) Office, commercial. Along mixed-use streets, commercial uses. A use listed in the "office space uses" table may only be located above or behind first-floor street-level commercial space, reserving the street frontage for first-floor street-level commercial space. A local recreation and tourism office devoted to providing services, information, and events primarily for visitors to the Ogden Valley is exempt from this requirement provided that it is open and accessible to all members of the public.

(n) Shooting range or training course, indoor or outdoor. The facility shall provide designated shooting positions for which ballistic backstops are designed. No shooting is allowed except in these designated shooting positions. All sides down range of a shooting position shall have a non-ricochet

ballistic backstop, including overhead and on the ground or floor, capable of containing all errant bullets. For an outdoor range, the overhead backstop may be a series of baffles. Approval shall be subject to the requirements and conditions of the local fire authority. The range operator shall be onsite at all times shooting is occurring.

(o) **Short-term rental, owner occupied.** The residence shall be the owner's primary residence, be taxed as such, and the owner shall have owned the residence for at least two years prior to submitting a Land Use Permit for the owner-occupied short-term rental. Additionally, the owner must be present at all times in which the property is being rented on a short-term basis.

(p) **Self-storage.** Self-storage is only allowed if located on the same lot or parcel with a building that has street-facing commercial space. The use shall comply with the following:

(1) Storage units shall be located behind or above building area that provides a first-story street-facing commercial façade and related commercial space. The building providing street-facing commercial space shall appear from the exterior as if office or residential space is offered in the area housing the storage units.

(2) If located in a separate onsite building than the building providing first-story street-facing commercial space specified herein, the separate building shall be located behind the building with first-story street-level commercial space, and shall be no wider than the building providing first-story street-level commercial space.

(3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property line, and shall be completely obscured from view from any public right-of-way.

(b) **Ski area.** This use may include ancillary equipment and structures such as snow making equipment, snow grooming equipment, maintenance facilities, trail and wayfinding signage, ski lifts, ski fences, ticket booths, concession stands, restroom facilities, food and beverage sales, ski patrol facilities, emergency response facilities, and similar uses commonly found in ski areas. Outdoor storage and maintenance of ski related equipment is allowed provided that it is screened from view of the general public. Ski area trail wayfinding signage are exempt from other signage requirements of this Land Use Code. Any lighting associated with said signage is subject to the requirements of Section 108-16.

(q) **Temporary building or use.** The building or use shall be removed upon completion or abandonment of the construction work.

~~(h)~~(r) **Tire shop.** Refer to paragraph ~~(a)~~(b) of this section.

(s) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it be stationary for more than four days at a time.

Sec 104-22-5 Lot Development Standards

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

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)	36,000 square feet
<u>Medium Lot Residential (MLR)</u>	<u>8,000 square feet</u>
Large Lot Residential (LLR)	20,000 square feet
<u>Rural Residential (RR)</u> Very Large Lot Residential (VLLR)	40,000 square feet
<u>Estate Lot Residential (ELR)</u> Rural Residential (RR)	3 acres
Open Space (OS)	No minimum

Lot width and frontage.

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

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

STREET TYPE:	BUILDING WITH FIRST-FLOOR STREET-LEVEL COMMERCIAL SPACE <u>BUILDING FAÇADE</u>		<u>ALL OTHER BUILDINGS</u> FAÇADES	
	MINIMUM FRONT LOT-LINE SETBACK:	MAXIMUM	MINIMUM FRONT	MAXIMUM FRONT LOT-

		FRONT LOT-LINE SETBACK	LOT-LINE SETBACK:	LINE SETBACK
Government and Institutional (G/I)	No minimum None	5 feet, or 15 20 feet if providing public dining or gathering space.*	60 40 feet**	No maximum None
Vehicle-Oriented Commercial (VOC)				
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)			5 feet	10 feet*
Small Lot Residential (SLR)	Not Applicable		5 feet	No maximum
<u>Medium Lot Residential (SLR)</u>	<u>Not Applicable</u>		<u>20 feet</u>	<u>30 feet</u>
Large Lot Residential (LLR)	Not Applicable		30 feet	No maximum
Very Large Lot Rural Residential (V LLRR)				
<u>Estate Lot Residential (ELR)</u> Rural Residential (RR)				
Open Space (OS)				

*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.

**Except for a 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.

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

STREET TYPE:	MINIMUM SIDE LOT-LINE SETBACK:	MAXIMUM SIDE LOT-LINE SETBACK:
Government and Institutional (G/I)	None, unless the side lot-line is within 10 feet of an agricultural or residential zone, in which case the setback is 10 feet. <u>No minimum</u> None. See <u>requirements of perpetual maintenance agreement in Section 104-22-4.1</u>	None, however a <u>No maximum.</u>
Vehicle-Oriented Commercial (VOC)		Any space between buildings shall be open for pedestrian passage to internal block areas, unless designed, constructed, and actively used (when whether <u>weather</u> 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)		None <u>No maximum</u>
<u>Medium Lot Residential (MLR)</u>	<u>5 feet</u>	

Large Lot Residential (LLR)	10 feet	
Very Large Lot Residential (VLLR) Rural Residential (RR)		
Estate Lot Residential (ELR) Rural Residential (RR)		
Open Space (OS)		

(i) **Rear lot-line setback.**

STREET TYPE:	MINIMUM REAR LOT-LINE SETBACK:
Government and Institutional (G/I)	None <u>No minimum.</u> ; See requirements of perpetual maintenance agreement in Section 104-22-4.1 unless the rear lot line is within 10 feet of an agricultural or residential zone, in which case the setback is 10 feet.
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	20 5 feet
<u>Medium Lot Residential (MLR)</u>	<u>20 feet</u>
Large Lot Residential (LLR)	30 feet
Rural Residential (RR)	
Estate Lot Residential (ELR) Rural Residential (RR)	
Open Space (OS)	

(j) **Lot coverage.**

STREET TYPE:	MAXIMUM PERCENT OF LOT COVERAGE BY BUILDINGS:	MAXIMUM NUMBER OF- RESIDENTIAL BUILDINGS <u>DWELLING UNITS</u> <u>ALLOWED</u> PER LOT:
Government and Institutional (G/I)	None <u>No maximum, provided compliance with all other requirements.</u>	None <u>No maximum</u>
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	85 percent	4
<u>Medium Lot Residential (MLR)</u>	<u>50 percent</u>	<u>1*</u>
Large Lot Residential (LLR)	30 percent	1*
Rural Residential (RR) Very Large Lot Residential (VLLR)	20 percent	1*

Estate Lot Residential (ELR) Rural Residential (RR)	10 percent	1*
Open Space (OS)	2.5 percent	Not applicable

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

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

Building location. Each building shall be located on a lot in a manner that preserves space for the extension of street rights-of-way as shown in the street regulating plan, and the lot's respective setback standard.

Sec 104-22-6 Building Design Standards

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

The follow table provides regulations applicable to all buildings in the ~~FBV zone~~ [FB Zone](#). They are broken out by street type, as represented in the applicable street regulating plan.

(f) **Height.**

STREET TYPE:	MINIMUM BUILDING HEIGHT	MAXIMUM BUILDING HEIGHT
	CORNER LOT INTERNAL LOT	CORNER LOT INTERNAL LOT
Government and Institutional (G&I)		
Vehicle-Oriented Commercial (VOC)	25 feet 40 feet One story	50 feet 45 feet 35 feet
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)		
Medium Lot Residential (MLR)		
Large Lot Residential (LLR)	One story	35 feet
Rural Residential (RR) Very Large Lot Residential (VLLR)		
Estate Lot Residential (ELR) Rural Residential (RR)		

Open Space (OS)	None	25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use.
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~~*A lot on the corner of a mid-block alley, as illustrated on the applicable street regulating plan, is not a corner lot for the purpose of this table.~~

(g) **Building area.**

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

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

(h) **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)		+615 feet	
Mixed-Use Commercial (MUC)			

Multi-Family Residential (MFR)	5 feet minimum, except 0 feet <u>30 inches</u> for building area to be used for commercial purposes.	10 feet, except +6 <u>15</u> 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
<u>Medium Lot Residential (MLR)</u>			
Large Lot Residential (LLR)			
<u>Rural Residential (RR)</u> Very Large Lot Residential (VLLR)			
<u>Estate Lot Residential (ELR)</u> Rural Residential (RR)			
Open Space (OS)			

Main entrance recess from facade

<u>STREET TYPE:</u>	BUILDING FACADE FOR FIRST FLOOR STREET LEVEL COMMERCIAL AREA SHALL HAVE A MAIN ENTRANCE THAT IS RECESSED FROM THE FACADE BY NO LESS THAN:
Government and Institutional (G&I)	<u>5 feet</u>
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	<u>Not applicable</u>
Large Lot Residential (LLR)	
Very Large Lot Residential (VLLR)	
Rural Residential (RR)	

Open Space (OS)

(i) **Transparent fenestration requirements.**

STREET TYPE:	MINIMUM FENESTRATION FOR THE FIRST STORY FAÇADE OF A BUILDING - FACADE FOR FIRST-STORY...		MINIMUM FENESTRATION FOR THE SECOND STORY AND ABOVE BUILDING - FACADE FOR 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	40 percent	
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)	70 percent for commercial facade, 30 percent for residential facade.			
Small Lot Residential (SLR)	Not applicable		Not applicable	
Medium Lot Residential (MLR)				
Large Lot Residential (LLR)				
Rural Residential (RR) Very Large Lot Residential (VLLR)				
Estate Lot Residential (ELR) Rural Residential (RR)				
Open Space (OS)				

(j) **Main entrance requirements.** Each building along a government and institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family street shall be provided with a main entrance that faces the street. Except when the building is set back from the street right-of-way at least four feet, the main entrance shall be recessed from the building's façade no less than five feet.

Sec 104-22-6.2 Building Design Standards By Village Area

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

of adjacent buildings.

~~(a) **Licensed architect required.** In each village area, buildings shall be designed by a licensed architect. A building's street-facing facade shall be designed to have a base, body, and cap, each of varying design features and building material. At least one of the building materials used on the building facade shall also be used on all other sides of the building.~~

~~(b)(a) **Old Town Eden Village Area Building Design Standards.** In addition to applicable standards in this chapter, the following standards apply to all buildings in the Old Town Eden Village Area, except buildings on a lot that contains one or two single-family dwellings:~~

(1) **Design theme.** All buildings shall have architectural styling and materials that resemble historic commercial main-street buildings in the Western United States that were in existence between 1880 and 1910. Each new building shall provide diversity and variety in building design, architectural features, and building material that set each building apart from adjacent buildings.

(2) **Building form.** A building's street-facing facade shall be designed to have a base, body, and cap, each of varying design features and building material.

~~(2)(3) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12-inch 12-inch shift between adjacent rooflines. If the building will have a sloped roof, parapet walls shall be constructed to hide the roof slope.~~

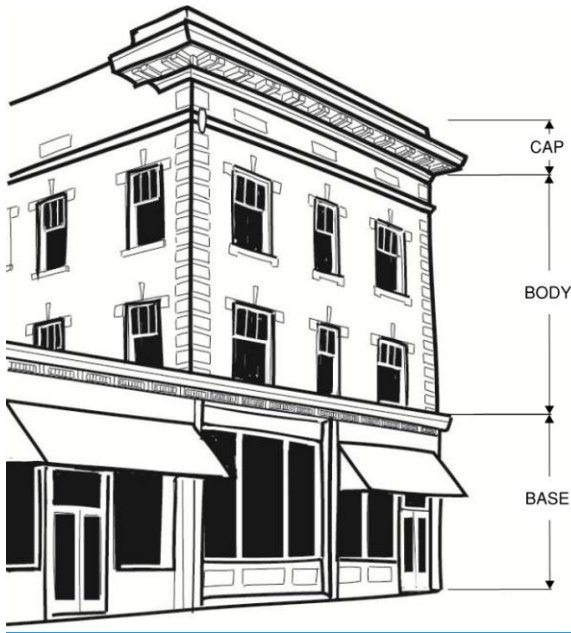
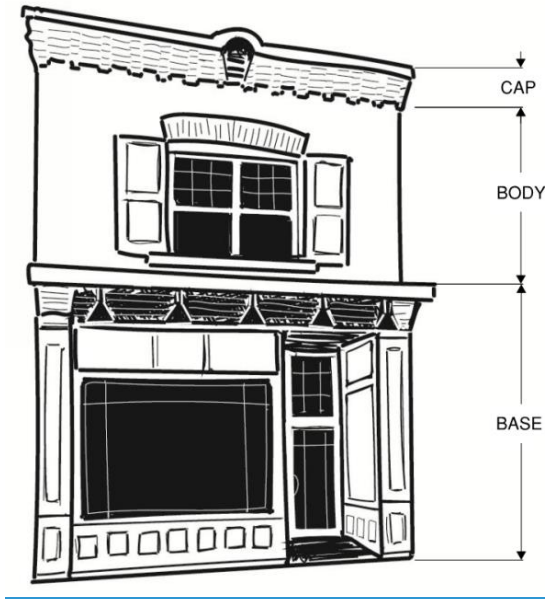
~~(3)(4) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six-inch six-inch shift in the plane of adjacent walls. Each street-facing facade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.~~

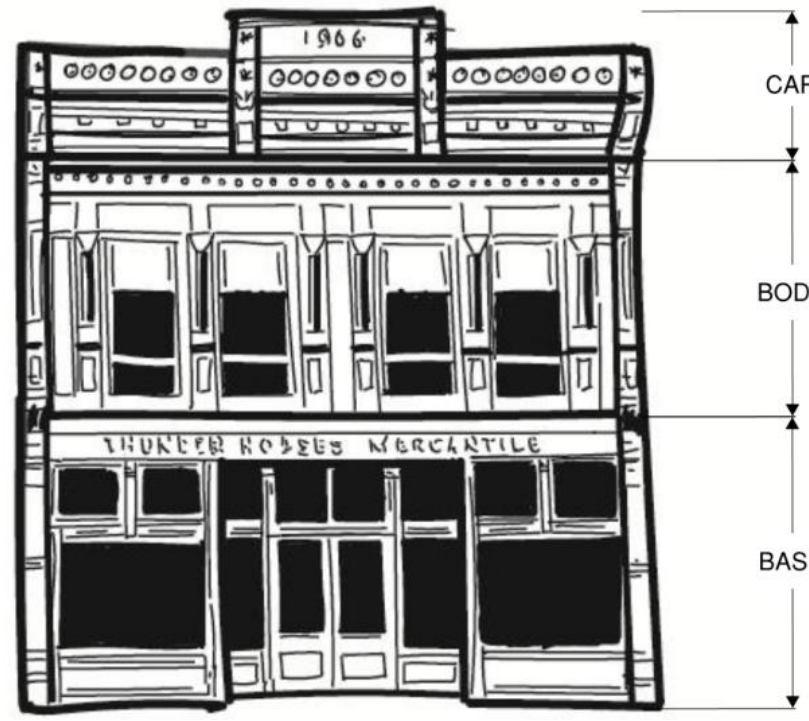
~~(4)(5) **Building material.** Each building facade that faces the street shall consist of brick, or wood, or a faux material that is hard to distinguish from real brick, or wood. Metal may be used for accent material. At least one of the building materials used on the building facade shall also be used on all other sides of the building.~~

~~(5)(6) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina, are allowed. Other muted earth-tone paints may be used as long as they complement the age period. No more than 70 percent of a building's facade shall be white.~~

~~(6)(7) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.~~







~~(e)~~(b) **New Town Eden Village-Area building design standards.** In addition to applicable standards in this chapter, the following standards apply to all buildings in the New Town Eden Village-Area, ~~except buildings on a lot that contains one or two single family dwellings:~~

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

- a. Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.
- b. An attached shed-roof at a 4/12 or greater slope that is not attached to the mainroof structure.
- c. A clerestory or cupola.
- d. Gable-style dormer windows.

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

~~(9)~~(10) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.

~~(10)~~(11) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.

~~(11)~~(12) **Building material.** Building façade walls shall be finished with no less than two diverse types of material. The primary building material shall be wood siding or similar appearing siding. At least one of the building materials used on the building façade shall also be used on all other sides of the building.

- a. Brick or stone may be used in place of wood if approved by the Land Use Authority.

b. Metal siding may be used on the building's body, as long as the building's base is made of brick or stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and is treated to create a natural-appearing aged patina.

~~(12)~~(13) **Colors.** Muted earth-tone colors are required. No more than 70 percent of a building's facade shall be white.

~~(13)~~(14) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.

~~(14)~~ —



(c) **Nordic Valley Area building design standards.** In addition to applicable standards in this chapter, the following standards apply to all buildings in the Nordic Valley Area:

- (1) **Design theme.** All buildings shall have architectural styling and materials that implement a modern interpretation of alpine design. A modern interpretation of alpine design includes a balance between modern alpine and classical alpine design features. The following design features are intended to provide minimum stylistic requirements to implement this design theme.
- (2) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying roofline, each of varying design features and building material.
- (3) **Rooflines.** Buildings shall have varying rooflines of predominantly gabled roofs. Rooflines shall be broken every 100 feet, with no less than a 12 inch shift between adjacent rooflines that are on the same plane.
- (4) **Building massing.** The wall massing of building facades shall be broken at least every 50 feet with no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed and constructed to have a building base, building body, and a varying building roofline.
- (5) **Building material.** Building façade walls shall be finished with no less than two primary and one secondary type of building material. The primary building materials shall be real cut stone, glass, or wood siding or similar appearing siding with a natural wood finish. The secondary building materials include metal, wood, large-cut timbers, metal beams and columns, or concrete or other flat-surface building material which may be colored as allowed herein. At least one of the building materials used on the building façade shall also be used on all other sides of the building.
 - a. Each building shall have at least 60 percent primary building material.
 - b. The base of the building shall be at least 60 percent stone, except those areas occupied by transparent fenestration.
 - c. Use of metal shall be limited to trim, balconies, railing, exposed structural components, and roofs.
 - d. No more than ten percent of any building façade shall be exposed concrete.
- (6) **Colors.** Muted earth-tone colors are required. No more than 30 percent of a building's facade shall be white.

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









HISTORY

Adopted by Ord. [2022-04](#) on 1/18/2022

Sec 104-22-7 Street Types And Street Design

[Sec 104-22-7.1 Street Types And Right-Of-Way Cross Sections](#)
[Sec 104-22-7.2 Street Design Standards](#)

HISTORY

Adopted by Ord. [2022-04](#) on 1/18/2022

Sec 104-22-7.1 Street Types And Right-Of-Way Cross Sections

- (e) ***Right-of-way dedication.*** As development occurs on each lot or parcel, the owner shall dedicate area for public right-of-way with a width as depicted in the table below or as otherwise adopted, to form a block pattern as depicted in the applicable street regulating plan.
- (f) ***Drawings required.*** Each application for development shall provide engineered construction drawings of the street improvements required herein.
- (g) ***Street type, description, and purpose.***
 - (1) ***Government/institutional street.***

A government/institutional street or alley has street-front buildings that are intended to serve the traveling public. The primary purpose of the street is for the siting of government or public-service oriented buildings 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.

(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. Multi-family residential uses are allowed only if located above first-floor street-level commercial space.

(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, retail~~ Commercial and Multi-family residential uses are allowed ~~if located above~~ or behind first-floor street-level commercial space.

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

A multi-family residential street has street-front buildings that are used for multi-family dwellings, and are ~~setback~~ 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, ~~F~~ 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.

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

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

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

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

(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.

~~(7)~~(8) **Large-lot residential street.**

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

~~(8)~~(9) **Very large-lot Rural residential street.**

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

~~(9)~~(10) **Rural Estate lot residential street.**

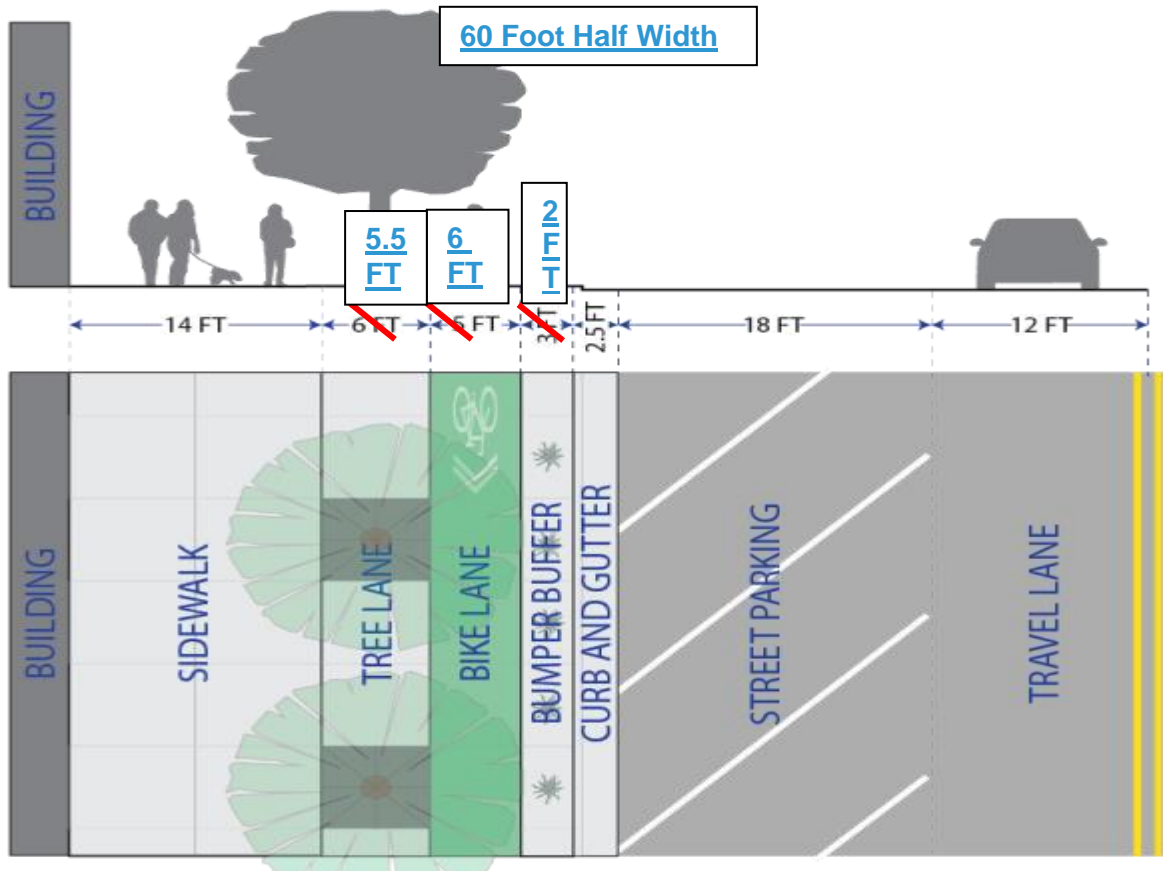
~~A rural~~ An estate lot residential street has street-front buildings that ~~are~~ may be setback set back enough to create a sizeable front yard ~~on a lot that contains~~ multiple acres.

~~(10)~~(11) **General open space street.**

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

(h) **Street right-of-way design.**

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

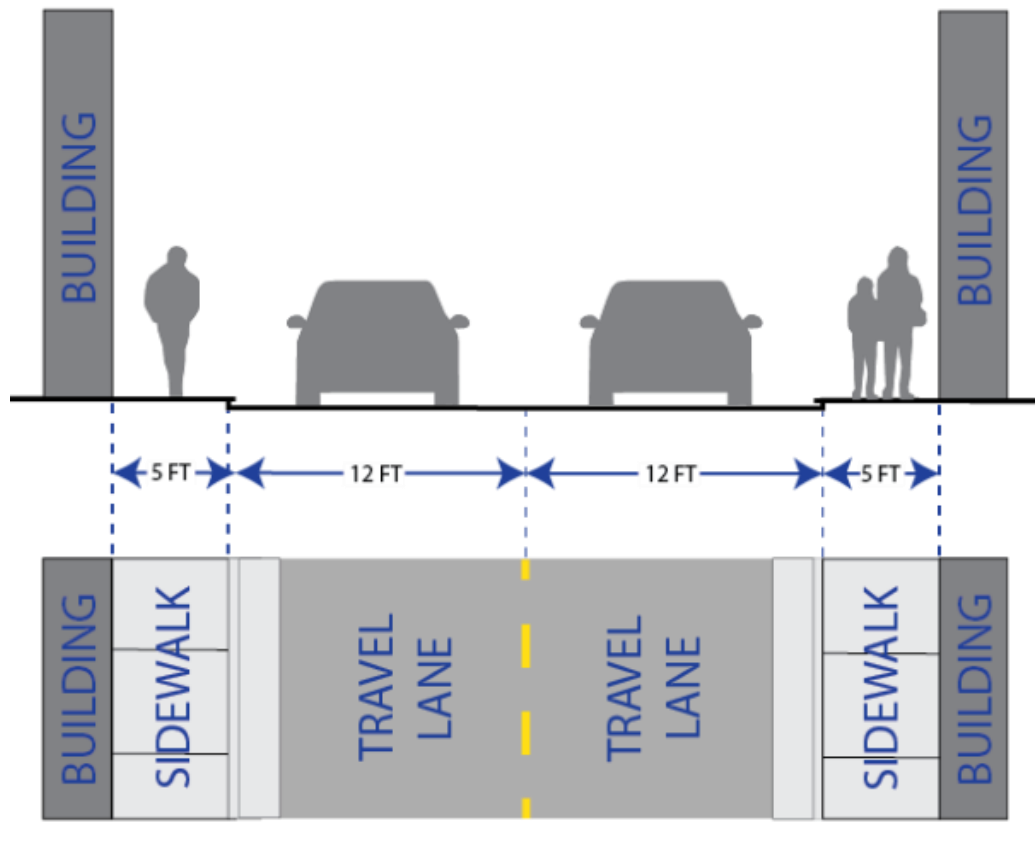


(2) Commercial street design with challenging cross slopes. Unless otherwise

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:

- f. 12-foot travel lane with a painted shared bike lane.
- g. 16-foot 45 degree angled parking.
- h. 2.5-foot curb and gutter.
- i. 5.5-foot tree lane.
- j. 14-foot sidewalk.

~~(2)~~(3) **Commercial alley design.** The design for a governmental and institutional alley, vehicle-oriented commercial alley, mixed-use commercial alley, and multi-family residential alleys as follows:



~~(3)~~(4) **Residential street design.** The design for all non-multi-family residential streets is as follows: See Section 106-4-5.

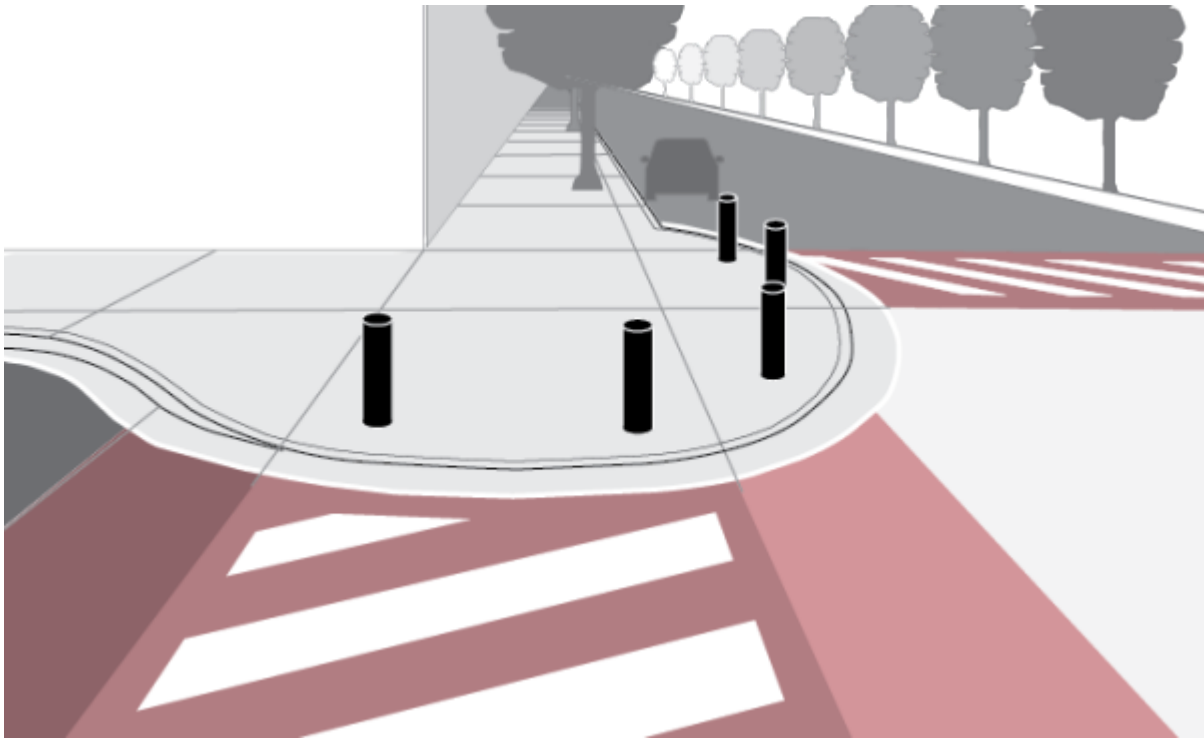
Editors note: The color adjacent to each street type corresponds with the street colors on the streetregulating plan map(s). The color codes for each are as follows:

<u>RGB</u>	<u>G&I</u>	<u>VOC</u>	<u>MUC</u>	<u>MFR</u>	<u>SLR</u>	<u>MLR</u>	<u>LLR</u>	<u>RR</u>	<u>ELR</u>	<u>OS</u>
<u>R</u>	<u>25</u>	<u>176</u>	<u>204</u>	<u>255</u>	<u>255</u>	<u>255</u>	<u>255</u>	<u>138</u>	<u>83</u>	<u>75</u>
<u>G</u>	<u>151</u>	<u>33</u>	<u>51</u>	<u>120</u>	<u>170</u>	<u>210</u>	<u>255</u>	<u>153</u>	<u>128</u>	<u>191</u>
<u>B</u>	<u>156</u>	<u>157</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>66</u>	<u>69</u>	<u>96</u>

Sec 104-22-7.2 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 streets shall follow adopted residential street design standards.

- (i) **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.

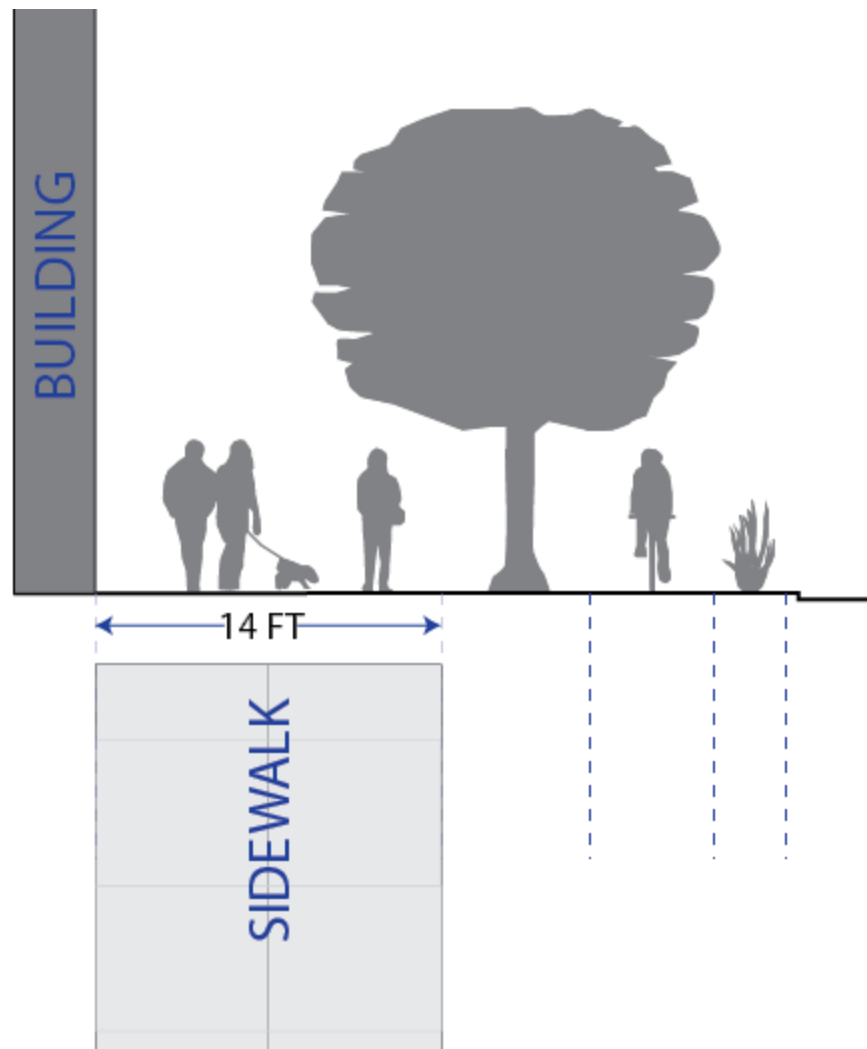


- (1) **Raised crosswalks.** Where a pedestrian-way intersects with a vehicle-way, the pedestrian-way shall be raised at least six inches above the grade of the vehicle-way, or to the level of the adjoining pedestrian-ways, whichever is higher. This shall include but is not limited to the installation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

- (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety, street improvements at intersections, pedestrian crossings, and mid-block alleys, if different, shall be constructed with curb extensions that bulb-out directly adjacent to the lane of travel. Bike lane widths shall not be obstructed or made narrower at any point along a curb extension bulb-out. Bulb-outs shall be designed to the specifications of this ordinance and the County Engineer, or as otherwise adopted. Where a bulb-out provides access to a raised pedestrian crosswalk, bollards shall be installed along the curve of the bulb-out to keep vehicles from entering the pedestrian-way. Examples of bulb-outs are depicted in the images above.
- (3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective striping, crosswalks shall be constructed of stamped and colored concrete to provide clear contrast between the street and crosswalk.
- (4) **Mid-block crosswalk.** ~~Each block~~ A block that has a length that is greater than 330 feet, as measured from the center of each bounding intersection, shall be provided with a mid-block crosswalk. Solar powered user-activated rapid flashing beacons shall be installed on midblock crosswalk signage.



- (j) **Sidewalk required.** As part of the required street improvements within the ~~FBV-zone~~ [FB Zone](#), a sidewalk shall be installed in the designated sidewalk area, as depicted in Section 104-22-7.1, on the side of the street of the development and for the entire length of the development lot's street frontage.



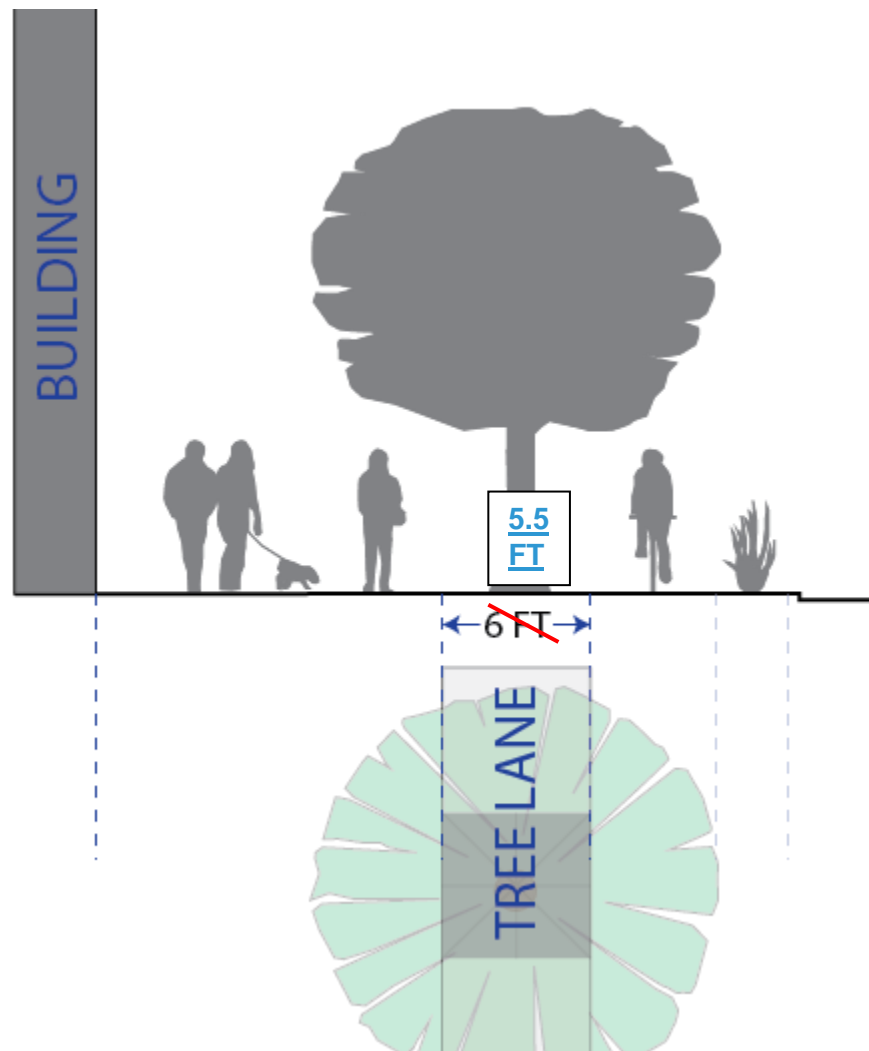
- (1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required sidewalk along any street designated as residential except the multi-family residential street

- (2) **Covered boardwalk alternative.** The County Commission may, but is not obligated to, approve the encroachment of a covered boardwalk, or similar, by legislative approval of an encroachment and maintenance contract. The adjoining landowners shall bear full responsibility for the operations and maintenance of the boardwalk. The covered boardwalk shall comply with the overhead projections standards of this chapter.



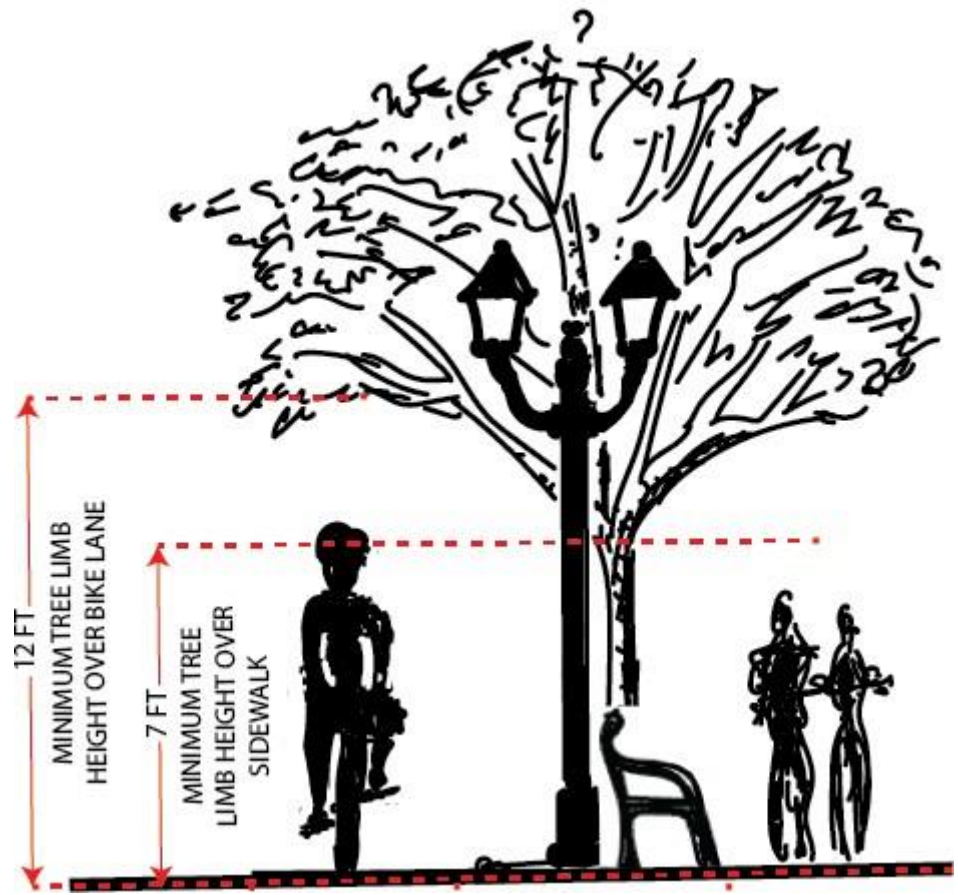
(k) **Street trees required.** As part of the required street improvements within this zone, street trees shall be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the street as the development and for the entire length of the development lot's street frontage.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

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



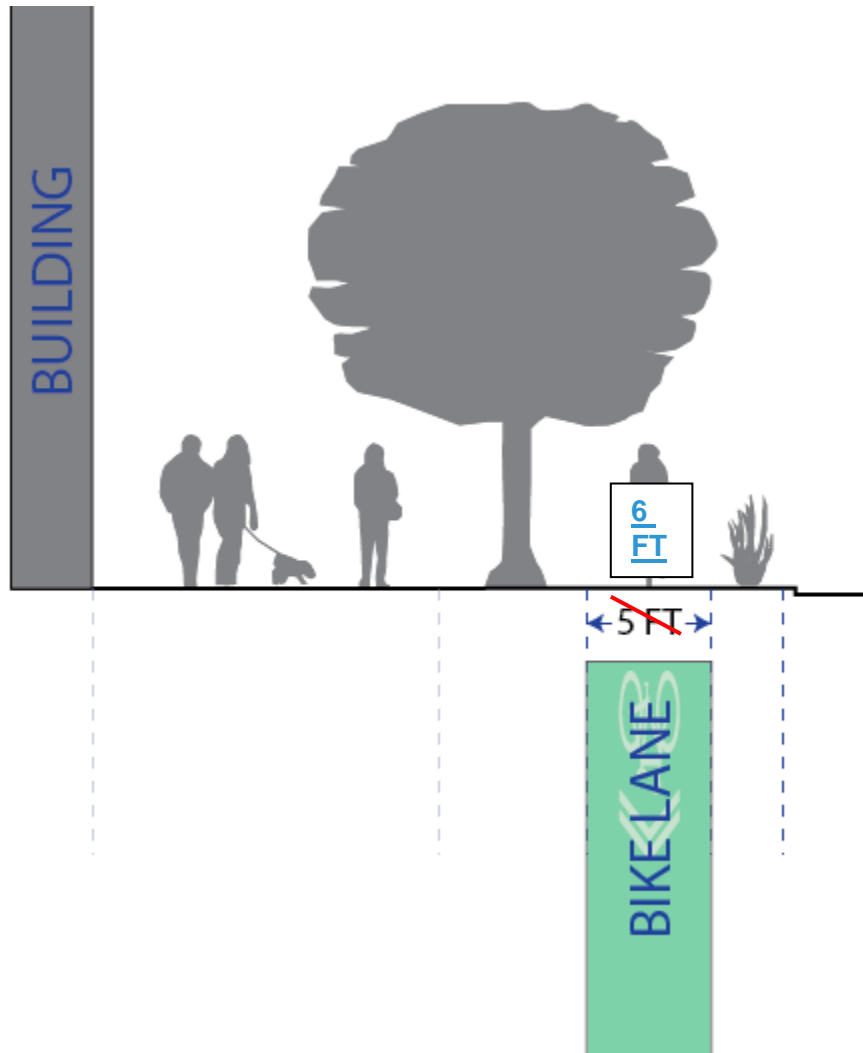
(2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance entity is approved by the County to provide tree maintenance, a street tree shall be maintained

by the owner or proprietor of the property that is immediately adjacent to the street right-of-way where the tree is located. A tree maintenance plan shall be submitted as part of the development review for new development. Trees shall be pruned in a manner that gives at least a seven foot clearance above the sidewalk and a 12 foot clearance above a bike lane or parking area, as depicted by the following:

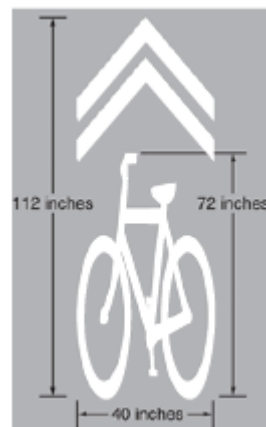


(l) **Bike facilities required.**

- (1) **Separated bike lane.** [Unless provided otherwise herein, A](#) concrete bike lane that is six feet in width shall be installed as part of the required street improvements. The bike lane shall be on the same plane as the sidewalk, and shall be separated from the pedestrian walkway by the tree lane.

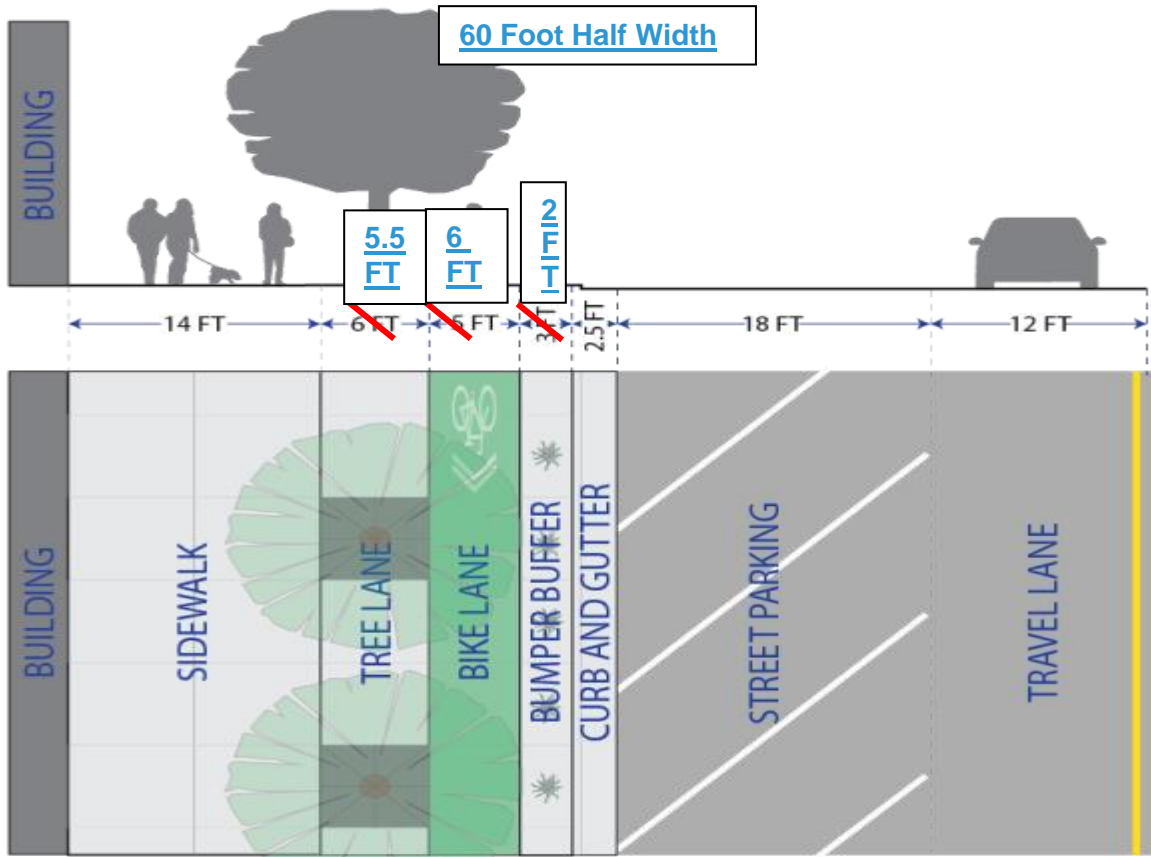


- (2) ***Bike lane alternative.*** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall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

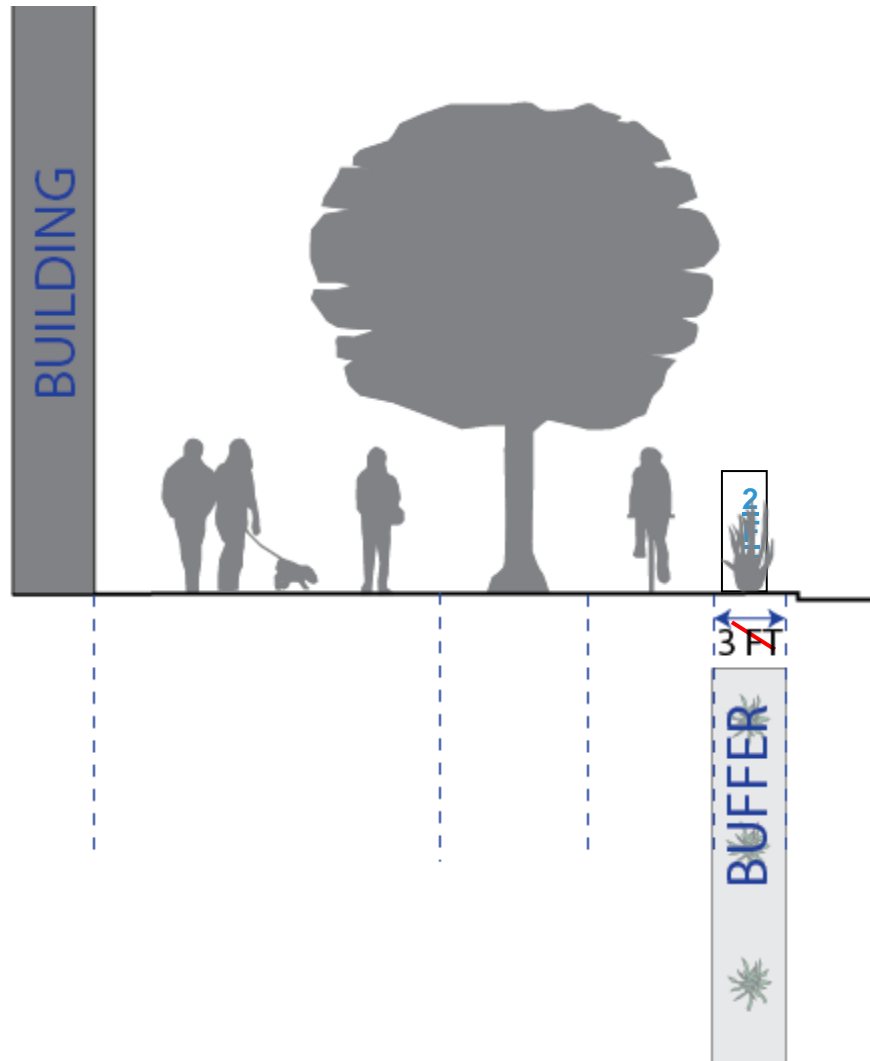


(m) **Street parking required.**

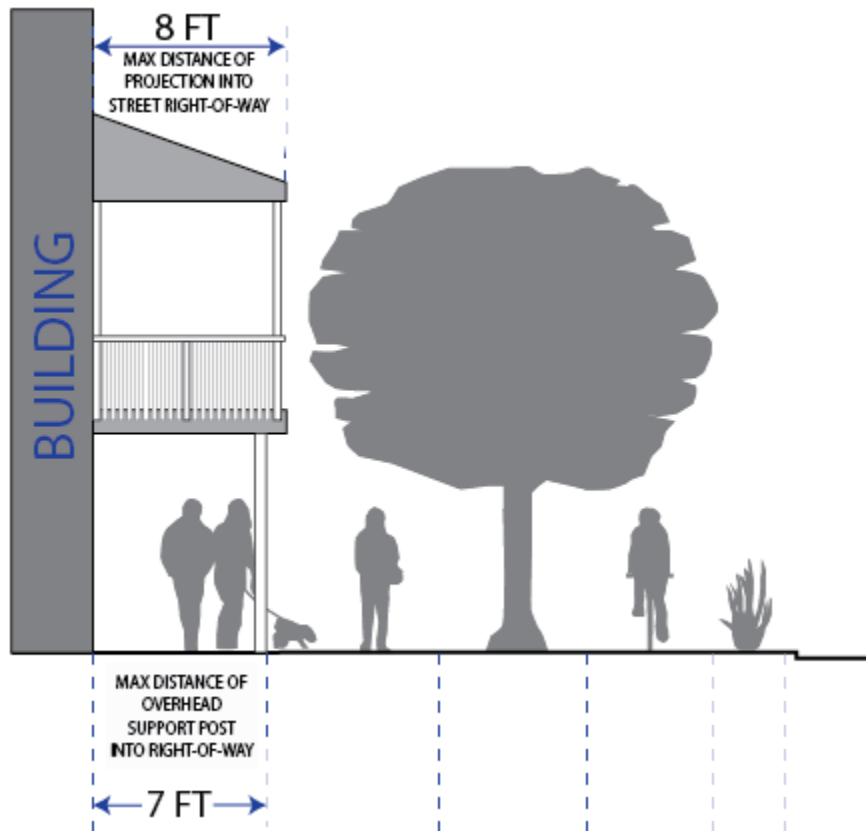
- (1) **45-degree angle parking.** Each street shall be designed and constructed to provide 45- degree angled parking.
- (2) **Street parking alternative.** When topography results in the inability to safely create sufficient street ~~right-of-way~~ width, the County Engineer has discretion to allow 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.



- (n) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each street and internal alleyway in accordance with the County's standard curb and guttercross sections and in a manner that accommodates the street designs herein.
- (o) **Items in public right-of-way.**
 - (1) **Overhead projections.** Overhead building projections such as but not limited to awnings, canopies, balconies, and cantilevers, are permitted within the public right-of- way, provided that they leave a vertical clearance over the sidewalk or walkway of no less than nine feet, and shall not project more than eight feet into the public right-of-way. Any support post beneath the building projection shall be no greater than seven feet from the building façade, be designed to offer minimal disruption to sidewalk traffic, and meet all ADA clearance requirements.



- 1
- 2 (2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside
- 3 dining, benches, bike racks, planters, and street sales and displays are permitted between street
- 4 trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and
- 5 they are located in a manner that leaves a continuous seven- foot wide pedestrian walkway.
- 6 (3) **Street Lighting.** Street lighting shall be installed as part of the required street improvements within
- 7 this zone. Street lighting shall ~~compliment~~complement the architectural design theme of the area.
- 8 (4) **Overhead utilities.** All new development shall move all existing overhead utilities underground,
- 9 and install all new utilities underground as well.
- 10 (p) Round-a-bout. A round circle along any street intersection on the street regulation plan indicates a
- 11 planned round-a-bout. As development occurs, street right-of-way shall be dedicated to the County to
- 12 accommodate at least a 110-foot diameter round-a-bout. Round-a-bout improvements shall be
- 13 installed when required by the County Engineer. Otherwise, all improvements installed shall be
- 14 installed in a manner that does not create an undue burden on the construction of a future round-a-
- 15 bout.

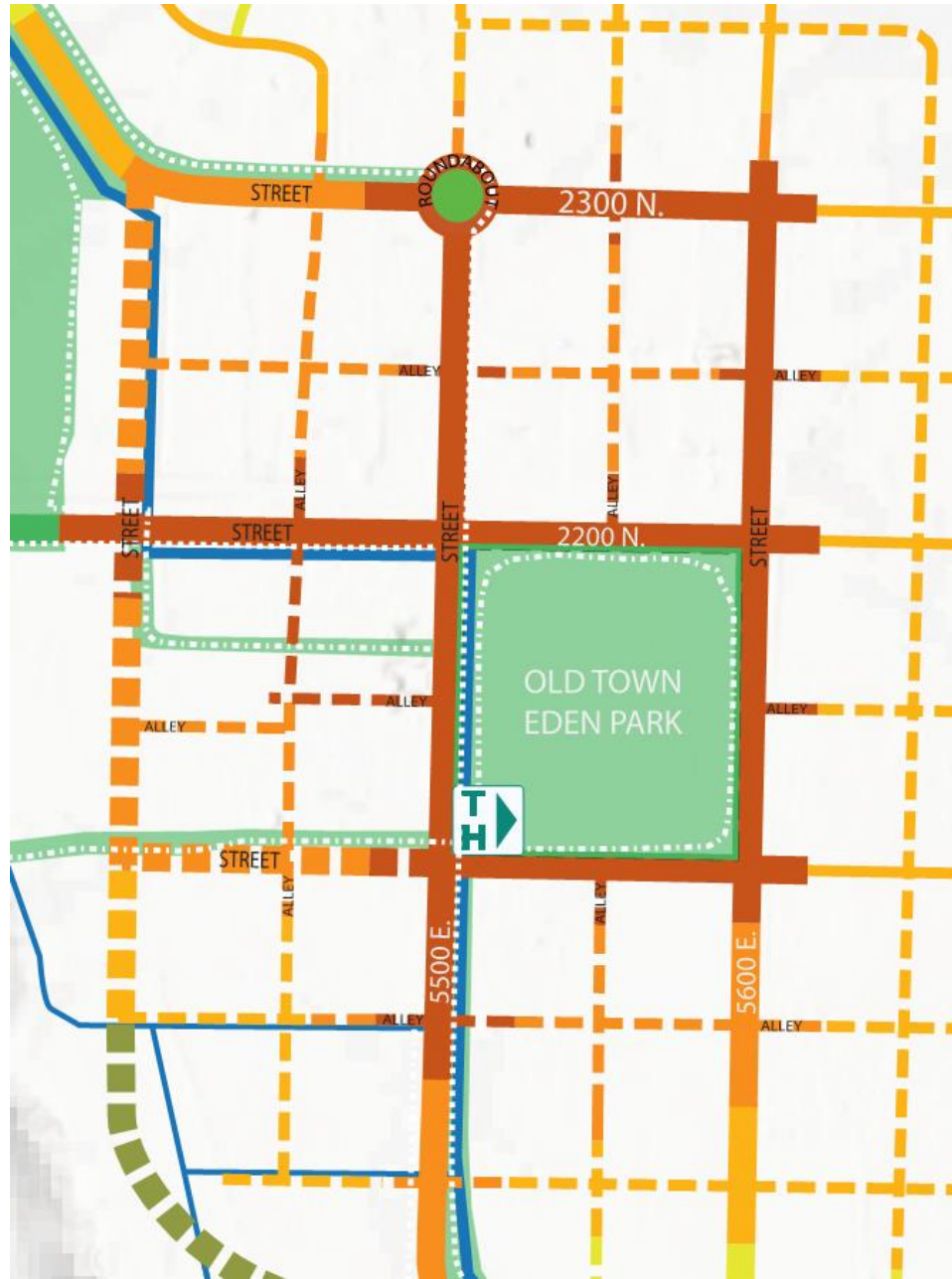
16

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

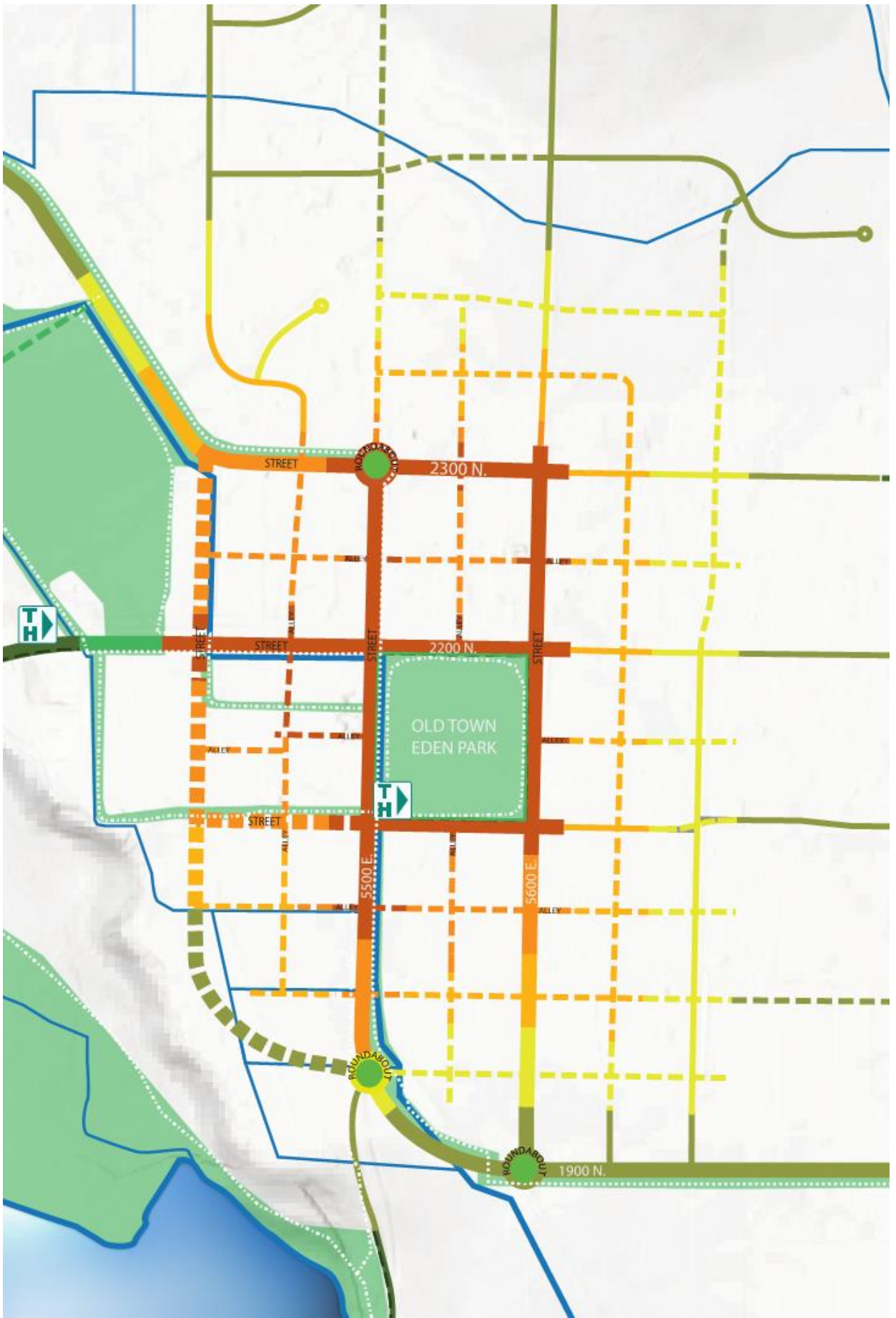
18 The following maps depict the adopted Street Regulating Plans for their respective areas. The plans
19 illustrate the intended street layout of the area and the designated street types. The plan is intended to
20 be a guide for the placement of streets and mid-block alleys, and is not designed to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

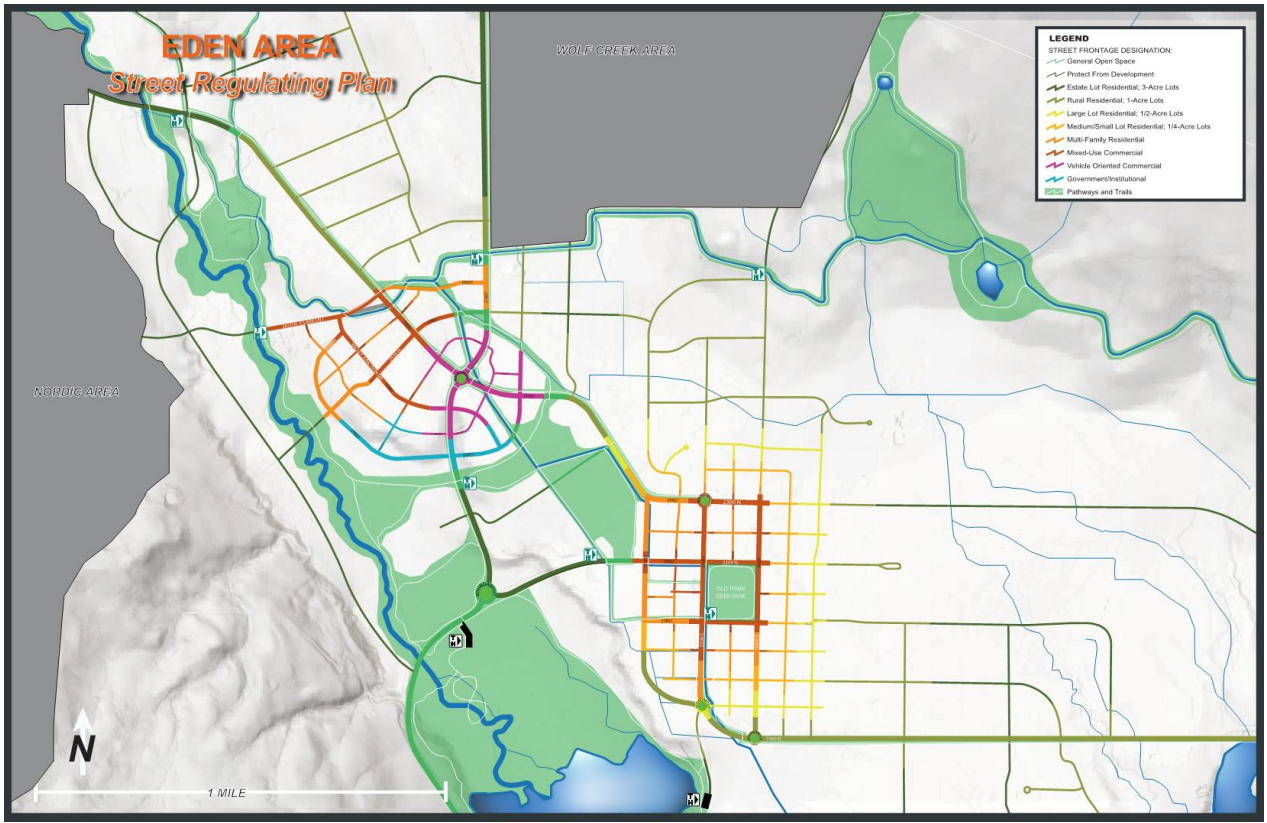
25 (a) **Old Town Eden Area Street Regulating Plan Map.**

26 ~~(c)~~



27



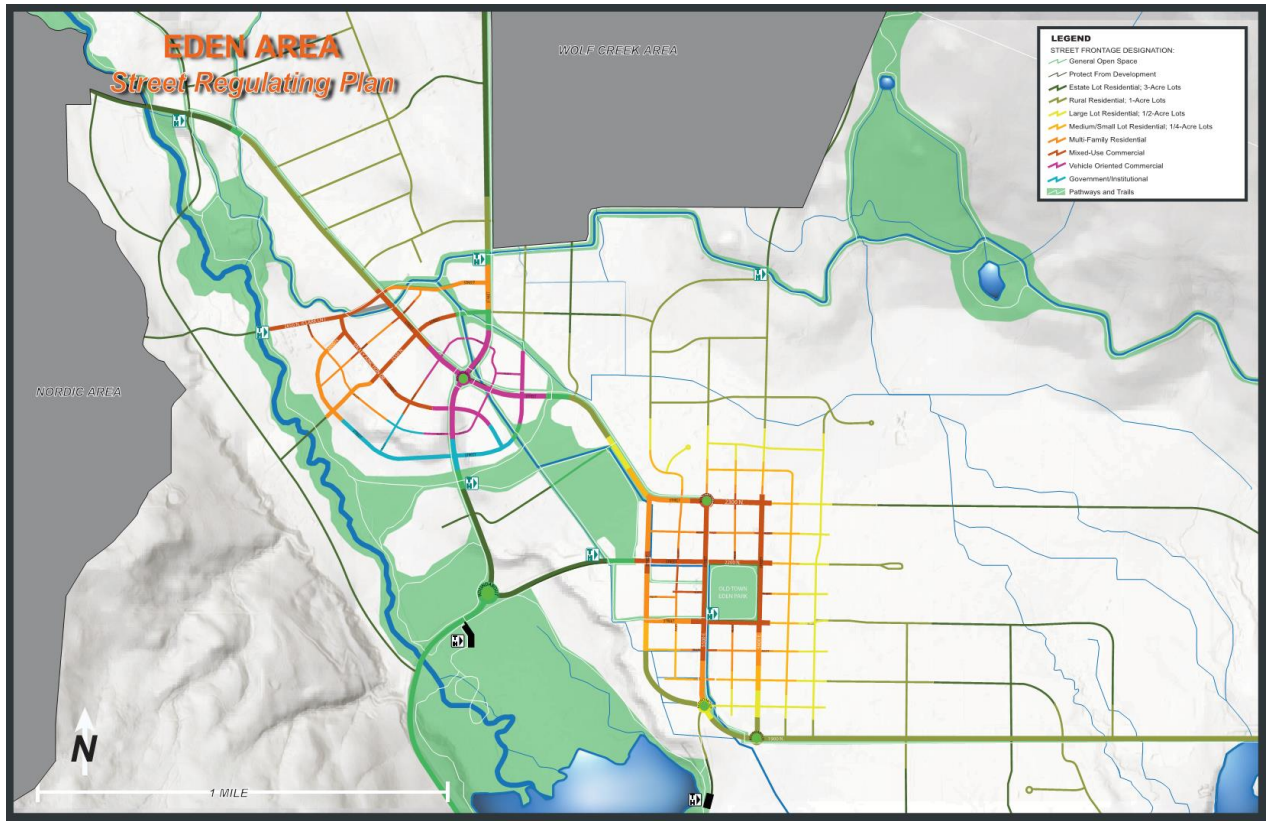


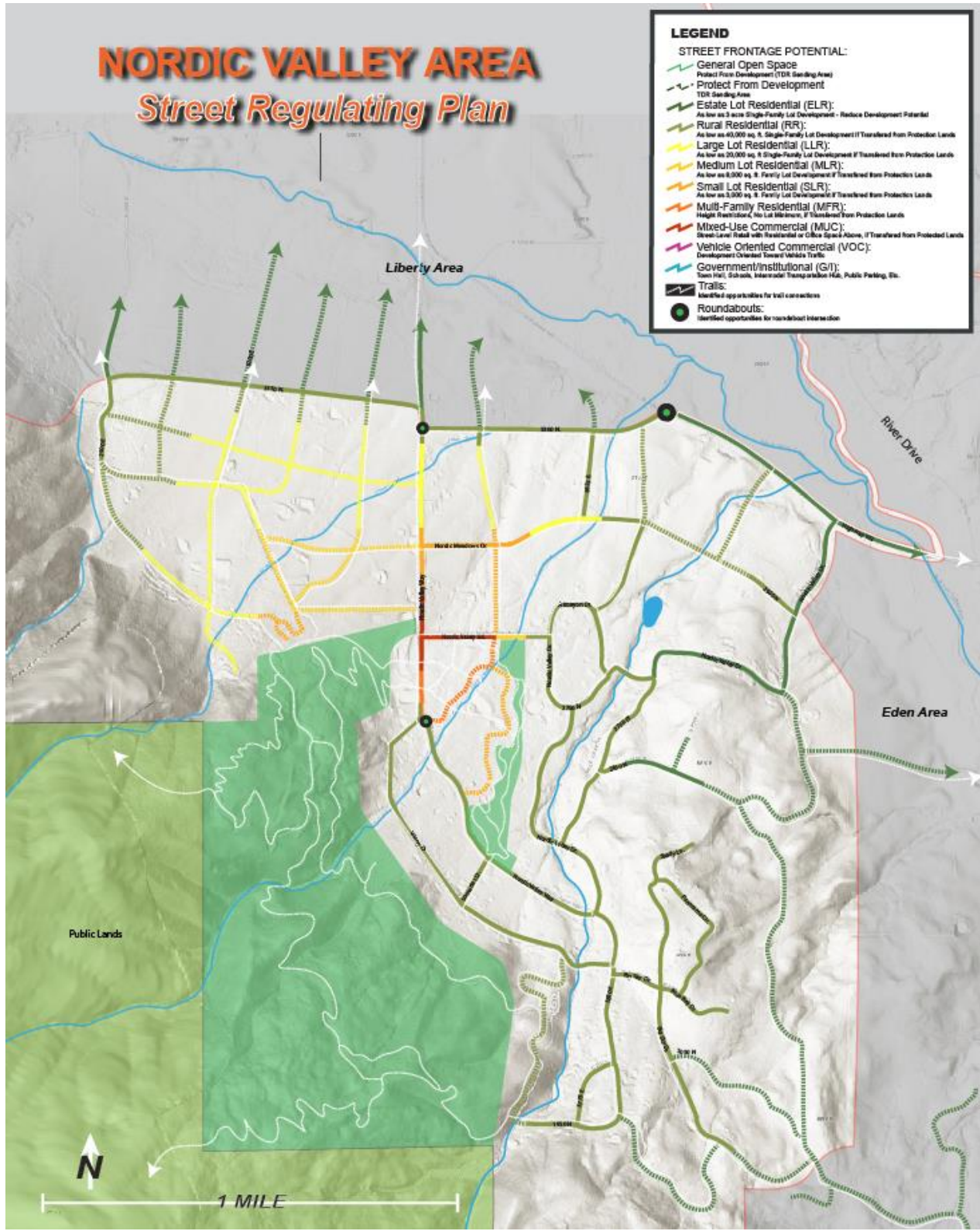
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31 (b) New Town Eden Area Street Regulating Plan Map.



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

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- (h) **Parking required.** Each application for development shall include a parking plan that demonstrates that sufficient parking will be provided by the street parking adjacent to the building or an off-street parking lot within 1000 feet of the building. All parking lots shall be hard-surface asphalt or concrete, ~~or other improved surface otherwise approved by the County Engineer and local fire authority.~~ Street parking not adjacent to the lot's street-frontage shall not be counted in determining that sufficient parking has been provided.
- (i) **Parking flexibility.** Except for residential uses, the Land Use Authority may reduce the minimum parking spaces required if sufficient evidence suggests that the required number of spaces is excessive for the building and proposed use or uses therein.
- ~~(j)~~(i) **Parking related to a change of use.** If a change of use occurs, more parking may be required if the new use merits it, as determined by the Land Use Authority. The applicant proposing to change the use shall be required to provide the additional off-street parking within 1000 feet of the use.
- ~~(j)~~(k) **Residential parking.** The minimum required parking for a residential use shall be located off-street within the same block as the residential use.
- ~~(k)~~(l) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces, and a five-foot wide landscape planting area that runs the depth of the parking row shall be located at each end of a parking row.
- ~~(m)~~(m) **Parking structure design standards.** ~~A parking structure located adjacent to the street shall have street-level commercial space and~~ When located adjacent to a vehicle-oriented commercial, mixed use commercial, or multi-family residential street, a parking structure shall have first-floor street-level commercial space along the street's frontage. However, for a corner lot, this requirement applies to the façade that is adjacent to the more prominent street, as determined by the land use authority; the other façade shall have the same for no less than fifty percent of that façade's street frontage. The other fifty percent, and the area of the parking structure above the street level commercial space, shall have a street-facing facade that disguises the parking structure to generally look like other buildings in the area.
- (n) **Cross access and cross-access easement.** For all parcels or lots along a governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family residential street, providing access to adjacent existing or future development without the need to access the public right-of-way is required. This access shall be provided by a mid-block alley, where shown on a street regulating plan, or other alley or shared driveway as may be deemed necessary by the land use authority. ~~When no new alley access is deemed necessary because an alley access or street access is already provided to the lot or parcel through another lot or parcel, then a cross-access easement shall be provided along adjoining lot lines, as follows:~~
 - (1) A cross access easement shall provide an easement to all landowners in the block that develop along a governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family residential street that is framing the block. The easement shall allow ingress and egress to these other lots or parcels, including ingress and egress infrastructure.
 - (2) At a minimum, each developed lot or parcel shall have two points of ingress and egress, at least one of which shall be stubbed to adjacent property where practicable. Except that a parking area is allowed to only provide a single access as long as it does not block the accessibility to other areas within the block that are or could be used for public parking.
 - (3) Each parking area that is located within the block and that will be open to the public for public parking shall be designed to extend to the parcel boundary and shall provide a cross access easement along all sides of the parking area abutting the adjacent lot(s) or parcel(s) in a manner that allows the adjoining lot or parcel owner to extend that public parking area seamlessly into their parcel.

- 89 (4) When locating a cross-access easement or designing the cross-access infrastructure,
90 good faith efforts shall be made to coordinate the location and design with the adjoining
91 land owner.
- 92 (5) The Planning Director may require the cross-access to be located in a manner that
93 optimizes internal block traffic circulation.
- 94 (6) Construction of the cross-access infrastructure shall be completed prior to the issuance
95 of a certificate of occupancy for any structure on the lot or parcel, or a completion bond
96 may substitute for completion if allowed by the County Engineer.
- 97 (7) When a lot or parcel is being developed that abuts an existing cross-access easement
98 or existing cross-access infrastructure, a reciprocal cross-access easement shall be
99 provided on the same lot line or parcel line in the same location and of equal width. The
100 reciprocal cross-access infrastructure shall be constructed to the same standard as, or
101 better than, the existing cross-access infrastructure on the adjacent parcel. A cross-
102 access easement shall be recorded on the title of all affected properties, along with a
103 perpetual operation and maintenance agreement between the property owners that
104 specifies, at a minimum, that the infrastructure will be operated and maintained by the
105 property owners in a manner that is safe and usable for two-way vehicle traffic.
- 106 (8) If property owners fail to operate or maintain cross-access infrastructure that was
107 required by the County under this section, the County may pursue enforcement
108 measures as provided in this Land Use Code.

109
110 **Sec 104-22-10 Signage**

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

113
114 **Sec 104-22-11 Form-Base Zone Transferable Development Rights**

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

120 (5) For a lot or parcel rezoned to the Form-Based Zone from a zone that allows residential dwelling
121 units, the base density, as defined in Title 101, Chapter 2, shall be the same as the density that
122 was allowed in the prior zone. This shall be documented by recording a covenant to the lot or
123 parcel that provides a calculation of the base density. The covenant shall run with land, and be
124 between the owner and the County.

125 (6) Additional residential dwelling units are permitted on any lot that has street frontage on, or gains
126 primary access from, any street type in the street regulating plan except an Estate Lot Residential
127 street and a general open space street. However, no additional density is allowed unless the
128 landowner has successfully negotiated the reallocation of an equal number of dwelling unit rights
129 from another lot or parcel that has an available dwelling unit right, as determined by the lot or
130 parcel's base density and adjusted for any previous dwelling unit right reduction or addition. The
131 reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant
132 shall run with the land and be between the owner and the County. Each covenant shall document
133 the applicable lot or parcel's calculated base density; the number of dwelling units already
134 developed on the lot or parcel; the number of dwelling unit rights subtracted from, or added to,
135 the base density by any means; and the number of dwelling unit rights remaining for the lot or
136 parcel.

137 (7) Residential dwelling unit rights may be transferred to a lot or parcel in a FB Zone from any lot or
138 parcel in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5,

139 FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FB.

140 (8) Regardless of number of residential dwelling unit rights transferred to a lot or parcel in the FB
141 Zone, the number of dwelling units actually constructed shall be limited by what can be
142 constructed given compliance with the standards of this chapter.

143
144 **Sec 104-22-12 Workforce Housing**

145 Participation in creating workforce housing is required.

146 (e) **No transfer required.** Workforce housing will not be deducted from the lot or parcel's development
147 rights and is not required to be established through transferable development rights.

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

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

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

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

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

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

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

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

178 (g) **Workforce housing location.** The required housing units, lots, or floor area provided for workforce
179 housing may be located outside of the proposed development but no greater than one mile from a G&I,
180 VOC, or MUC street designation, or within one mile of a CV-1, CV-2, or CVR-1 zone.

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

PASSED AND ADOPTED BY THE BOARD OF WEBER COUNTY COMMISSIONERS
ON THIS 16th DAY OF August, 2022.


Gage Froerer:	AYE <input type="checkbox"/>	NAY <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input checked="" type="checkbox"/> (Recuse)
Jim "H" Harvey:	AYE <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>
Scott K. Jenkins:	AYE <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>

Presiding Officer



Scott K. Jenkins, Chair

Attest



Ricky D. Hatch, Clerk