



Staff Report to the Board of Weber County Commissioners

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss and/or take action on an application to amend the Form-Based Village zoning ordinance along with other sections of the Weber County Land Use Code to add provisions that implement a West Weber Village Area street regulating plan, and provide related clerical edits and policy adjustments deemed necessary by the Western Weber Planning Commission and the Ogden Valley Planning Commission.

Applicant: Weber County

Agenda Date: Tuesday, May 16, 2023

File Number: ZTA 2022-06

Staff Information

Report Presenter: Charlie Ewert
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Report Reviewer: RG

Applicable Ordinances

§101-2: Definitions

§104-22: Form-Based Zone (FB)

Legislative Decisions

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

Summary and Background

The Western Weber General Plan calls for the creation of village centers at key intersections in the area. One such area is on 4700 West and involves both the 1200 South and 900 South intersections. To facilitate the implementation of this provision in the general plan, staff and the Planning Commission have been working on amendments to the Form-Based zone over the last several months. The amendments create a street regulating plan that will guide the form, function, and design of a future diverse mixed use commercial village. In compliance with the general plan, which suggests that new development should pay tribute to the rural roots of the community, the Western Weber Planning Commission has chosen the agrarian architectural styling that is currently adopted for the New Town Eden area.

The necessary FB zone amendments may affect the Ogden Valley Planning Area as well. The proposal was introduced to the Ogden Valley Planning Commission for their input. In reviewing the proposed amendments, the Ogden Valley Planning Commission also took this opportunity to make other desired amendments to the FB zone, including reducing allowed building height, reducing moderate income housing requirements, revamping the TDR approval process, as well as adjusting other provisions that will better help them implement the FB zone in their area.

One specific amendment requested by the Ogden Valley Planning Commission pertained to amending the way TDRs are calculated, reviewed, and processed. In discussions with the County Commission in their May 1st work session meeting staff received direction to keep the TDR calculation, review, and process generally the same as it is currently. The proposal attached provides for this direction.

Attachment A contains the draft proposal of the FB zone that was created through this overall effort.

Staff Review and Policy Analysis

A complete policy analysis can be reviewed in the attached Planning Commission Staff Report (Attachment B).

It may be worth extra attention to consider the following prior to taking action on the proposal:

- **Ogden Valley Planning Commission changes:**

- The proposal will amend the Form-Based zone's workforce housing requirements (**line 971**) in a manner that excludes developers of larger lots from participating in providing a contribution toward helping resolve the housing affordability challenges of the area:
 - Currently, all developers are required to contribute regardless of the development style they are using. The methods of contribution are designed to have relatively low effect on the developer's bottom line. For example, the developer of a larger lot subdivision (half-acre lots or greater) can still contribute toward workforce housing by creating a limited number of lots over what the zone would normally allow; those additional lots do not have to comply with minimum area and width standards, and thus a certain amount of smaller lots can be platted in the midst of the larger lots that could be sold at a more affordable price point than the other half-acre+ lots.
 - The Planning Commission's proposal, which is written into Attachment A, will remove this contribution requirement from developments of half-acre or greater.
 - There are benefits to both ways.
 - Given the recent push by the state to get local governments to help provide better access to housing affordability, the Commission may want to keep the contribution requirement applicable to all developers/developments.
 - Alternatively, the impact of excluding large-lot developments from this requirement might not be significant when considering the overall intended effect of the FB zone, which in part is to provide housing of all types, shapes, sizes, lot area, that are centered on a village area. Perhaps, as the Ogden Valley Planning Commission has suggested, those other more dense areas are better suited for workforce housing.
- The proposal (**line 351**) reduces building height along streets to no more than 35 feet *and* no more than two stories; then, if more than 30 feet from the street, the height limit is proposed to be 40 feet, and does not have a specific limit on stories within that 40 foot limit. This brings the zone's currently allowed building height down from 50 feet. By comparison, the current height limit in the CV-1 and CV-2 zones is 35 feet, and the current height limit in the CVR-1 zone is 50 feet.
 - On one hand, the Ogden Valley Planning Commission discussed their concerns about the visual effect that buildings over 40 feet may have on the community character of the area. At least one planning commissioner felt the height reduction was not enough.
 - On the other hand, one planning commissioner asserted reducing building height regulations will proportionately reduce a village's ability to absorb transferable development rights.
 - These two ideas perfectly illustrate the balancing act that is needed when creating compact villages that do not overwhelm the community's rural character.

- **Western Weber Planning Commission changes:**

- Allowed density:
 - The Western Weber Planning Commission may not have adequately reviewed the density allowances of the form based zone when they made their positive recommendation. If implemented as they desired, no new density is allowed in the form-based zone unless it is density transferred from elsewhere.
 - This is likely simply an oversight by staff and the planning commission when applying current density provisions from the Ogden Valley to broadly.
 - If the commissioners are freely approving three-times the density for rezones to the R1-15 zone but requiring any new density within the form based zone to be transferred in, then there will be very little motivation for a developer to ask to rezone to the form-based zone.

- Instead, the attached proposal (**line 958**) is staff's attempt to resolve this conflict.
 - The resolution will allow any lot that is rezoned to the form based zone in the Western Weber Planning Area to benefit from an automatic increase of density that is proportionate to the increases being offered in the new R1-15 zone (about three times the density). After that initial bump in density, any additional density desired by the land owner would need to be transferred in from select sending areas.
 - This is not a consideration specifically debated by the Western Weber Planning Commission so if the commission has any concerns about their thoughts on this subject it may be worth their reconsideration. Alternatively, we do know that in a recent rezone proposal at the intersection of 900 South and 4700 West, the Western Weber Planning Commission were comfortable in that specific case with the initial 3x density bump and then allowing transfers thereafter to increase density even more.

Planning Commission Recommendation

The Western Weber Planning Commission offered the following recommendation:

Commissioner Wichern motioned the following: I move we forward a positive recommendation to the County Commission for File #ZTA2022-06, a county-initiated application to amend the Form-Based zone and related amendments, as provided in Exhibit A, but with the following additional edits and corrections:

1. In Section 104-22-3.070 Change public recreation or community center uses for the multifamily residential small lot, medium lot, large lot, estate lot residential and open space. Currently they read not permitted and we would like to change that to a conditional use.

2. Section 104-22-8.040 4700 area street regulation plan map - there is a park shown on this map that we would like to increase to 19 acres. It will go between 850 South and the canal, and between 4600 W and 4700 W.

I do so with the following findings:

- 1. The changes are supported by the Western Weber General Plan.*
- 2. The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan*
- 3. The changes will enhance the general health, safety, and welfare of Western Weber residents.*

The motion was seconded by Commissioner McCormick. Motion passed 6-0.

The Ogden Valley Planning Commission parsed their recommendation into several smaller recommendations that address specific subjects of disagreement between planning commissioners. Those are as follows:

Motion 1:

Commissioner Barber moved to recommend to the County Commission approval of staff's recommended amendments to the Nordic Valley Area's street regulating plan map.

The motion was seconded by Commissioner Montgomery.

The motion passed 5-1, with Commission Shuman voting against.

Motion 2:

Commissioner Torman moved to recommend to the County Commission approval of the reduced building height requirement, but first making it clear that when measuring distance from the street the measurement will be from the edge of the right-of-way.

The motion was seconded by Commissioner Montgomery.

The motion passed 5-1, with Commissioner Shuman voting against.

Motion 3

Commissioner Burton moved to table action on the TDR component of the proposed ordinance for

further discussion. He specifically request clarification on how to address banking TDRs

The motion was seconded by Commission Johnson

The motion passed unanimously.

Motion 4

Commissioner Johnson moved to recommend to the County Commission approval of the proposed workforce housing amendments.

The motion was seconded by Commissioner Torman

The motion passed unanimously.

Motion 5

Commissioner Johnson moved to recommend to the County Commission approval of all other parts of the proposed ordinance not already addressed by the previous four motions.

The motion was seconded by Commissioner Torman

The motion passed unanimously.

These motions were pulled from the *draft* minutes that are yet to be formally approved by either planning commission.

Attachments

- A. Proposed Amendments to the Form-Based (FB) zoning ordinance (Redlined Copy).
- B. Planning Commission Staff Report

**Attachment A: Proposed Amendments
to the Form-Based (FB) zoning
ordinance (Redlined Copy).**

Last updated 5/9/2023

**WEBER COUNTY
ORDINANCE NUMBER 2022-**

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

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 a form-based zone and related form-based provisions that, among other things, establish street regulating plans, street classifications, land uses allowances, architectural and design standards, and lot development standards for specific communities; and

WHEREAS, In August 2022, the Board of Weber County Commissioners adopted a new general plan to guide development patterns in the Western Weber Planning Area; and

WHEREAS, The new Western Weber General Plan includes guidance to provide small area planning and village-area planning that emphasizes quality design of the form and function of publicly accessible or visible spaces; and

WHEREAS, The Board of Weber County Commissioners desire to implement the guidance of the new Western Weber General Plan by providing form-based regulating to govern the development of one or more village areas shown on the general plan’s future land use map; and

WHEREAS, on April 11, 2023, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, and offered a positive recommendation for the amendments to the Board of Weber County Commissioners; and

WHEREAS, on April 25, 2023, 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, and offered a positive recommendation for the amendments to the Board of Weber County Commissioners; and

WHEREAS, on May 16, 2023, the Board of Weber County Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

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

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

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

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

- 1 **Part II Land Use Code**
- 2 ...
- 3 **Title 101 General Provisions**
- 4 ...
- 5 **Chapter 101-2 Definitions**

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6 ...
7

Sec 101-2-2 AI-Definitions

8 **Alley.** The term "~~alley~~Alley" means a public thoroughfare ~~less than 26 feet wide~~of less width than the
9 typical public street right-of-way, and which provides access to the inside of a Street--Block where no
10 street is otherwise planned or required.

11
12 **Sec 101-2-19 R Definitions**

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

15 Right, development. See "development right."
16 Right, residential development. See "residential development right."

17 ...
18 **Sec 101-2-21 T Definitions**

19 ...
20 **Transfer company.** The term "transfer company" means a company established to provide expert
21 shipping services that include the shipping, receiving, inspection and temporary warehousing of
22 commercial or household goods.

23 Transfer of development right. The term "transfer of development right," means the removal of a
24 Development Right from one lot or parcel which is then transferred to a different lot or parcel.

25 Transferable development right. The term "transferable development right," also known herein as a
26 "TDR," means the ~~right to removal-a-transfer a D~~development Rright from one Llot or Pparcel to another.
27 ~~that is then transferred to a different lot or parcel.~~

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

32 ...
33 **Title 104 Zones**

34 ...
35 **Chapter 104-22 Form-Based Zone FB**

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

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

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

49
50 **Sec 104-22-2 Applicability**

51 (a) **New development to comply.** The principles, standards and guidelines of this chapter apply to

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52 proposals for new development, changes in land uses, and site improvements to existing buildings,
 53 Lots, or Parcel~~s~~ that are in the Form-Based Zone. Exterior modifications to existing development shall
 54 comply if the exterior modification exceeds either 25 percent of the street-facing facade of the building,
 55 or 25 percent of the Lot's street frontage.

56 (b) **Other regulations apply.** In the Form-Based Zone, except when more specific regulations
 57 are provided in this chapter, the design review regulations and architectural, landscape, screening,
 58 and design standards of Title 108 Chapter 1 and Title 108 Chapter 2 apply to all Lots, except a Lot
 59 with only one single-family dwelling.

60 (c) **Street regulating plan.** The applicable regulations herein are specific to the street type, as designated
 61 by the applicable street regulating plan. New development within the Form-Based Zone shall comply
 62 with the applicable street regulating plan. Development of any property along a street or that gains
 63 primary access from that street shall comply with the street design requirements, as provided in Section
 64 104-22-7, and the building design standards in Section 104-22-6, for the specific type of street. A list
 65 and explanation of each street type is provided in ~~Section 104-22-7~~[Subsection \(e\) of this section](#).

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

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

69 (1) **Government/~~and i~~nstitutional street.**

A ~~government~~[Government and /i](#)nstitutional street or ~~alley~~[Alley](#) has street-front buildings that are intended to ~~serve the traveling public~~[provide the same as a Vehicle-Oriented Commercial Street, and provide](#) ~~The primary purpose of the street is preferential areas~~ for the siting of government or public-service oriented buildings ~~that~~ ~~fronting~~ the street. Public-service oriented buildings may include any governmental, nonprofit, or for-profit school as long as the school provides the same K-12 educational courses required by the State of Utah, or a school that is an accredited institution of higher education. Hospitals or other medical services buildings, including medical, dental, or mental-health offices, laboratories, or similar public-health related offices, a public transportation facility or a multimodal transportation hub are also intended to be street-adjacent. Except for a public transportation facility, pickup and drop off areas shall be located to the rear of the building.

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

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

71 (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.

72 (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.

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

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

85 ~~(6)~~(5) ***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.

86 ~~(7)~~(6) ***Medium-lot residential street.***

A medium-lot residential street has street-front [single family](#) buildings that may be set back more than small-lot residential street facades to provide a small front yard area.

87 ~~(8)~~(7) ***Medium-large-lot residential street.***

[A medium-large-lot residential street has street-front single family buildings similar to medium-lot residential street facades but on lots with greater area.](#)

88 ~~(9)~~(8) ***Large-lot residential street.***

A large-lot residential street has street-front [single family](#) buildings that may be set back enough to create a sizeable front yard on a lot that is large.

89 ~~(10)~~(9) ***Rural residential street.***

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

90 ~~(11)~~(10) ***Estate lot residential street.***

An estate lot residential street has street-front [single family](#) buildings that may be set back enough to create a sizeable front yard on a lot that contains multiple acres.

91 ~~(12)~~(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.

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

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

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

Last updated 5/9/2023

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

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

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|----------|---|---|---|---|-----------------------|
| Accessory building. A building that is accessory and incidental to the use of a main building. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | |
| Accessory dwelling unit. A dwelling unit that is accessory to a single-family dwelling residential use. | N | N | N | N | P | P | <u>P</u> | 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 | <u>P</u> | P | P | P | P | |
| Agricultural hobby farm | P | P | P | P | P | P | <u>P</u> | P | P | P | P | |
| Family food production. Family food production as an accessory use to a single-family dwelling residential use. | N | N | N | N | N | N | <u>N</u> | P | P | P | N | See Section 104-22-4. |
| Home occupation. A home occupation that is accessory to a residential use. | P | P | P | P | P | P | <u>P</u> | P | P | P | N | See Chapter 108-13. |
| Household pets. Household pets that are accessory to a residential use. | P | P | P | P | P | P | <u>P</u> | P | P | P | N | |
| Main building. A main building that is designed or used to be accessory to an outdoor main use allowed in the zone. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | |
| Parking lot. A parking lot that is accessory to a main use allowed in the zone. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | See Section 104-22-9. |
| Produce stand, for produce grown on the premises only. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | |
| Temporary building or use. A temporary building or use that is accessory and incidental to onsite construction work. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | See Section 104-22-4. |

102

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

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

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|---|---|---|---|---|---|---|----------|---|---|---|---|----------------------------|
| Agriculture, as a main use of the property | N | N | N | N | N | N | <u>N</u> | P | P | P | P | |
| Agricultural experiment station. | P | N | N | N | N | N | <u>N</u> | N | P | P | P | |
| Agri-tourism. | N | N | N | N | N | N | <u>N</u> | N | P | P | P | See Title 108, Chapter 21. |
| Aquaculture. | N | N | N | N | N | N | <u>N</u> | N | P | P | P | |

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|---|---|---|---|---|---|---|----------|---|---|---|---|--|
| 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 | <u>P</u> | P | P | P | P | |
| Fruit and vegetable storage and packing plant, for produce grown on premises. | N | N | N | N | N | N | <u>N</u> | N | P | P | P | 10-acre minimum lot <u>Lot or Parcel</u> area required. |
| Grain storage elevator. | N | N | N | N | N | N | <u>N</u> | N | N | P | P | 10-acre minimum lot <u>Lot or Parcel</u> area required. |
| Greenhouse and nursery. Sales are limited to plants produced on the premises. | P | P | N | N | N | N | <u>N</u> | P | P | P | P | |
| Manure spreading, drying and sales. | N | N | N | N | N | N | <u>N</u> | N | N | P | P | |
| Wildlife sanctuaries. A wildlife sanctuary. | N | N | N | N | N | N | <u>N</u> | N | N | P | P | 10-acre minimum lot <u>Lot or Parcel</u> area required. |

104

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

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

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|---|---|---|---|---|---|----------|---|---|---|---|---|----------------------------|
| G | V | M | M | S | M | <u>M</u> | L | L | R | E | O | SPECIAL REGULATIONS |
| & | O | U | F | L | L | <u>L</u> | L | R | R | L | S | |
| I | C | C | R | R | R | <u>R</u> | R | R | R | R | S | |

| | | | | | | | | | | | | |
|--|---|---|---|---|---|---|----------|---|---|---|---|--|
| Animal grazing. Animal grazing, as defined in Title 101 Chapter 2. | N | N | N | N | N | N | <u>N</u> | N | P | P | P | |
| Apiary. The keeping of bees. | N | N | N | N | C | P | <u>P</u> | P | P | P | P | |
| Aquaculture, animal related. The raising and potential harvesting of water animals or water plants. | N | N | N | N | N | N | <u>N</u> | P | P | P | P | |
| Aviary. The raising of birds. | N | N | N | N | N | P | <u>P</u> | 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 | <u>N</u> | 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 | <u>N</u> | P | P | P | P | 10-acre minimum lot <u>Lot or Parcel</u> area required. |

108

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

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

| | | | | | | | | | | | | |
|---|---|---|---|---|---|----------|---|---|---|---|---|----------------------------|
| G | V | M | M | S | M | <u>M</u> | L | L | R | E | O | SPECIAL REGULATIONS |
| & | O | U | F | L | L | <u>L</u> | L | R | R | L | S | |
| I | C | C | R | R | R | <u>R</u> | R | R | R | R | S | |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|----------|---|---|---|---|--|
| Amphitheater. An outdoor open-air amphitheater with raising rows of spectator seating used for entertainment and performances. | C | C | N | N | N | N | <u>N</u> | N | N | N | C | |
|---|---|---|---|---|---|---|----------|---|---|---|---|--|

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|--|---|---|---|---|---|---|----------|---|---|---|---|--|
| 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 | <u>N</u> | N | N | N | N | |
| Entertainment facility, outdoor. An outdoor entertainment facility, as defined in Title 101, Chapter 2. | C | C | N | N | N | N | <u>N</u> | 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 | <u>N</u> | N | N | N | N | |
| Amusement park. Amusement park. | C | C | N | N | N | N | <u>N</u> | 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 | <u>N</u> | 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 | <u>P</u> | P | P | P | P | 2-Acre minimum Lot or Parcel lot or parcel area required. |
| Campgrounds or picnic areas, commercial. A commercial campground or picnic area. | N | N | N | N | N | N | <u>N</u> | C | C | C | C | See Section 104-22-4. 2-Acre minimum Lot or Parcel lot or parcel area required. |
| Dude ranch. A dude ranch, as defined in Title 101 Chapter 2. | N | N | N | N | N | N | <u>N</u> | N | P | P | C | 10-acre minimum Lot or Parcel lot or parcel area required. |
| Golf course. Golf course. | N | N | N | N | N | N | <u>N</u> | 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 | <u>P</u> | 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 | <u>P</u> | P | P | P | P | |
| Recreation lodge. A recreation lodge, as defined in Title 101, Chapter 2. | P | P | P | P | P | N | <u>N</u> | N | N | C | N | |
| Recreational resort. A recreational resort, as defined in Title 101, Chapter 2. | P | P | P | N | N | N | <u>N</u> | N | N | N | N | |
| Shooting range or training course. A shooting range. | C | C | N | N | N | N | <u>N</u> | N | N | N | C | See Section 104-22-4. Five-acre minimum Lot or Parcel lot or parcel area required for an outdoor range. |
| Ski area. A ski area and associated skiing facilities such as lifts, lift towers, and ski runs and trails. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | |
| Ski lodge and associated services | N | N | P | P | N | N | <u>N</u> | N | N | N | P | When accessory to an allowed ski area. |
| Swimming pools, private. A private swimming pool. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | |

Last updated 5/9/2023

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|----------|---|---|---|---|--|
| Trails. Trails for skiing, equestrian uses, hiking, biking, and similar. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | |
| Zoo. | P | P | N | N | N | N | <u>N</u> | N | N | N | P | 10-acre minimum <u>Lot or Parcel</u> lot or parcel area required. |

111
112

Sec 104-22-3.050 Animal Services and Uses.

| | G & I | V O C | M U C | M F R | S L R | M L R | <u>M L R</u> | L L R | L R R | E L R | O S | SPECIAL REGULATIONS |
|---|------------------|--------------|--------------|--------------|--------------|--------------|---------------------|--------------|--------------|--------------|------------|---|
| Animal grooming, small animal. Grooming for small animals. | P | P | P | P | N | N | <u>N</u> | 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 | <u>N</u> | N | C | C | N | If located completely indoors, and inaudible from an adjoining <u>Lot or Parcel</u> 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 | <u>N</u> | 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 | <u>N</u> | N | N | C | C | |
| Stable for horses, noncommercial. Horses shall be for noncommercial use only. | N | N | N | N | N | N | <u>N</u> | 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 | <u>N</u> | N | N | N | N | |
| Veterinary facility. Veterinary facility. | P | P | P | C | N | N | <u>N</u> | N | N | C | C | If located completely indoors, and inaudible from an adjoining <u>Lot or Parcel</u> lot or parcel , this use is permitted where listed as conditional. |

113
114

Sec 104-22-3.060 Food, Beverage, and Other Products Sales for Human Consumption.

| | G & I | V O C | M U C | M F R | S L R | M L R | <u>M L R</u> | L L R | L R R | E L R | O S | SPECIAL REGULATIONS |
|---------------------------------------|------------------|--------------|--------------|--------------|--------------|--------------|---------------------|--------------|--------------|--------------|------------|----------------------------|
| Food Preparation and Services: | | | | | | | | | | | | |

Last updated 5/9/2023

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

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

| Retail, Food, and Drug; Products Primarily for Offsite Consumption. | | | | | | | | | | | | |
|---|---|---|---|---|---|---|-------------------|---|---|---|---|---|
| Candy or confectionary store. The sales of candy, sweets, snacks, and small batch bakery goods and desserts. | P | P | P | P | N | N | N | N | N | N | N | |
| Drugstore or pharmacy. | P | P | P | P | N | N | N | N | N | N | N | If applicable, see drive up (drive-thru) window requirements of Section 104-22-4. |
| Grocery store. A grocery store store, including a store that specializes in | P | P | P | P | N | N | N | N | N | N | N | |

Last updated 5/9/2023

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|---|---|---|---|---|---|---|----------|---|---|---|---|--|--|
| the sales of any type of food normally found in a grocery store. | | | | | | | | | | | | | |
| Produce stand, commercial. A commercial produce stand intended for the sales of agricultural products. | P | P | P | P | N | N | <u>N</u> | N | P | P | P | | |

115

116

Sec 104-22-3.070 Government and Institutional Uses.

| | | | | | | | | | | | |
|-------------|-------------|-------------|-------------|-------------|-------------|--------------------|-------------|-------------|-------------|--------|--------------------------------|
| G & I | V O C | M U C | M F R | S L R | M L R | <u>M</u> L R | L L R | L R R | E L R | O S | SPECIAL REGULATIONS |
|-------------|-------------|-------------|-------------|-------------|-------------|--------------------|-------------|-------------|-------------|--------|--------------------------------|

| | G & I | V O C | M U C | M F R | S L R | M L R | <u>M</u> L R | L L R | L R R | E L R | O S | |
|--|-------------|-------------|-------------|-------------|-------------|-------------|--------------------|-------------|-------------|-------------|--------|--|
| Cemetery. | P | N | N | N | N | N | <u>N</u> | N | P | P | P | |
| Convalescent, rest home, or sanitarium. An establishment for long-term medical treatment of people. | P | P | P | P | P | N | <u>N</u> | N | N | N | N | |
| Child daycare. A daycare center operating in compliance with State regulation. | P | P | P | P | P | N | <u>N</u> | N | N | N | N | |
| Fire station. Fire and emergency medical service station. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | |
| Governmental offices. The offices of a governmental entity. | P | P | P | N | N | N | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | N | N | N | N | |
| Post office. A post office. | P | P | P | P | P | P | <u>P</u> | P | P | P | N | |
| Preschool. A preschool operating in compliance with State regulation. | P | P | P | P | P | P | <u>P</u> | P | P | P | N | |
| Public library. A library owned and operated by a governmental entity. | P | P | P | P | P | P | <u>P</u> | P | P | P | N | |
| Public park. A public park and related recreation grounds and associated buildings and structures. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | |

Last updated 5/9/2023

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|---|---|---|---|---|---|---|----------|---|---|---|---|--|
| Agricultural implement sales or repair. A facility that sells or repairs agricultural implements. | C | C | N | N | N | N | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | N | N | N | P | See Section 104-22-5 for maximum lot Lot coverage by buildings. |
| Pawn shop. A shop where a pawnbroker holds items as collateral, then sells unredeemed items to the public. | C | C | N | N | N | N | <u>N</u> | N | N | N | N | |
| Smoke shop. A shop primarily devoted to the sale of tobacco or vaping products. | C | C | C | N | N | N | <u>N</u> | N | N | N | N | |

123

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

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|----------|---|---|---|---|---|---|----------------------------|
| G | V | M | M | S | M | <u>M</u> | L | L | R | E | L | O | SPECIAL REGULATIONS |
| & | O | U | F | L | L | <u>L</u> | L | R | R | L | O | | |
| I | C | C | R | R | R | <u>R</u> | R | R | R | R | S | | |

| | | | | | | | | | | | | |
|--|---|---|---|---|---|---|----------|---|---|---|---|--|
| Christmas tree sales. The temporary siting of an outdoor Christmas tree sales establishment. | P | P | C | N | N | N | <u>N</u> | N | N | N | P | |
| Fireworks sales. The siting of a temporary fireworks booth or tent. | P | P | C | N | N | N | <u>N</u> | 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 | <u>N</u> | N | N | N | C | See Section 108-13-3 and Section 104-22-4. |

125

126 **Sec 104-22-3.110 Services.**

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| G | V | M | M | S | M | <u>M</u> | L | L | R | E | L | O | SPECIAL REGULATIONS |
| & | O | U | F | L | L | <u>L</u> | L | R | R | L | O | | |
| I | C | C | R | R | R | <u>R</u> | 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 | <u>N</u> | 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 | <u>N</u> | N | N | N | N | |

Last updated 5/9/2023

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|--|---|---|---|---|---|---|----------|---|---|---|---|--|
| 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 | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | N | N | N | N | |
| Laundromat. A facility that provides washers and dryers for self-serve laundry service. | P | P | P | P | N | N | <u>N</u> | N | N | N | N | |
| Mortuary or funeral home. Mortuary or funeral home and related sales and services. | P | P | P | N | N | N | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | N | N | N | N | |
| Taxidermist. Taxidermy services. | P | C | N | N | N | N | | N | N | N | N | |

127

128

Sec 104-22-3.120 Storage.



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 | <u>N</u> | N | N | N | N | |
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Last updated 5/9/2023

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|--|---|---|---|---|---|---|----------|---|---|---|---|-----------------------|
| Self-storage. Indoor storage units for personal or household items or vehicles. | P | P | N | N | N | N | <u>N</u> | 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 | <u>N</u> | N | N | N | N | |

129

130 **Sec 104-22-3.130 Utility uses.**

| | | | | | | | | | | | |
|------------------|--------------|--------------|--------------|--------------|--------------|---------------------|--------------|--------------|--------------|------------|----------------------------|
| G & I | V O C | M U C | M F R | S L R | M L R | <u>M L R</u> | L L R | L R R | E L R | O S | SPECIAL REGULATIONS |
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|---|---|---|---|---|---|---|----------|---|---|---|---|----------------------------|
| Public utility substations. | P | P | P | P | P | P | <u>P</u> | P | P | P | C | See Title 108, Chapter 10. |
| Wastewater treatment or disposal facilities. | P | P | P | P | P | P | <u>P</u> | P | P | P | C | |
| Water treatment or storage facility. | P | P | P | P | P | P | <u>P</u> | P | P | P | C | |
| Small wind energy system. | P | N | N | N | N | N | <u>N</u> | N | P | P | C | See Section 108-7-24 |
| Solar energy system. | P | P | P | P | P | P | <u>P</u> | P | P | P | C | See Section 108-7-27 |

131

132 **Sec 104-22-3.140 Vehicle-oriented uses.**

| | | | | | | | | | | | |
|------------------|--------------|--------------|--------------|--------------|--------------|---------------------|--------------|--------------|--------------|------------|----------------------------|
| G & I | V O C | M U C | M F R | S L R | M L R | <u>M L R</u> | L L R | L R R | E L R | O S | SPECIAL REGULATIONS |
|------------------|--------------|--------------|--------------|--------------|--------------|---------------------|--------------|--------------|--------------|------------|----------------------------|

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|--|---|---|---|---|---|---|----------|---|---|---|---|-----------------------|
| Airport, private and commercial. | C | N | N | N | N | N | <u>N</u> | N | N | N | N | |
| Automobile sales or rentals, indoor. The sale or rental of a passenger automobile. | P | P | C | N | N | N | <u>N</u> | N | N | N | N | |
| Automobile sales or rentals, outdoor. The sale or rental of a passenger automobile. | P | C | N | N | N | N | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | N | N | N | N | |
| Passenger vehicle repair or service of any kind. The repair or service of any passenger automobile or any | C | C | N | N | N | N | <u>N</u> | N | N | N | N | |

Last updated 5/9/2023

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|--|----------------------------|---|---|---|---|---|---|----------|---|---|---|---|--|--|
| other motorized vehicle less than 10,000 lbs gross vehicle weight. | | | | | | | | | | | | | | |
| Trailer sales or rentals. | | C | C | N | N | N | N | <u>N</u> | N | N | N | N | | |
| Transit terminal. | | P | P | N | N | N | N | <u>N</u> | 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. | O V P A | N | N | N | N | N | N | <u>N</u> | N | N | N | N | | |
| | W W P A | P | P | | | | | | | | | | | |
| Trucking terminal. The repair, service, and/or storage of freight trucks, or a station for transferring freight. | | N | N | N | N | N | N | <u>N</u> | N | N | N | N | | |

133

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

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

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

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

142 (1) The window shall be located on the rear of the building. The rear of the building shall be determined
 143 as the side of the building opposite from the building's facade that faces the public street. If on a
 144 corner along a Governmental and Institutional street or Vehicle Oriented Commercial
 145 ~~street~~government or institutional street or vehicle-oriented commercial street, the window may be
 146 located on the side of the building that is visible from the less prominent street.

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

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

152 (c) **Perpetual building maintenance agreement.** Other than single-family dwellings and their accessory
 153 buildings. ~~W~~When a building is set back less than ten feet from a property line, a perpetual building
 154 maintenance agreement is required between the building owner and the affected adjacent property
 155 owner, which shall allow for construction and maintenance of the side or rear of a commercial building,
 156 and shall:

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

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

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

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

163

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

Last updated 5/9/2023

- 165 (a) **Automobile or other vehicle related uses.** The use of a [Lot or Parcel](#)~~lot~~ for automobile repair of
 166 any kind, automobile sales, rental or service, boat sales, rental or service, a tire shop, or any other
 167 use governed by this section by reference shall only be conducted within a completely enclosed building
 168 that meets the standards of this chapter.
- 169 (1) No vehicle awaiting service shall be stored outside for more than one day.
- 170 (2) Sufficient parking for all employee or customer uses, including the temporary parking of vehicles
 171 awaiting pickup from owners, shall be provided on the [Lot or Parcel](#)~~lot~~.
- 172 (3) No vehicles associated with the use shall be parked on the street. However, up to 20 vehicles may
 173 be temporarily parked in a parking lot meeting all applicable parking standards of this land use code
 174 if the vehicles are available for immediate purchase, lease, or rent, and as long as all other standards
 175 of this Land Use Code are met.
- 176 (b) **Automobile repair of any kind.** Refer to paragraph (b[a](#)) of this section.
- 177 (c) **Automobile sales, rentals, or service.** Refer to paragraph (b[a](#)) of this section.
- 178 (d) **Boat sales or service.** Refer to paragraph (b[a](#)) of this section.
- 179 (e) **Campgrounds or picnic areas, commercial.** A commercial campground or picnic area shall comply
 180 with Title 108, Chapter 20. If located along any street in the FB zone except open space, an opaque
 181 fence or wall shall surround the use. Vegetation screening shall be planted on the outside of the fence
 182 or wall to allow the use to blend in with surrounding uses. A drip irrigation system shall be installed to
 183 ensure long-term viability of the vegetation.
- 184 (f) **Car wash.** Where allowed, a car wash is subject to the following restrictions:
- 185 (1) Operation hours are only allowed between 6:00 a.m. and 10:00 p.m.
- 186 (2) There shall not be more than four washing bays for a manual spray car wash.
- 187 (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet, reserving street
 188 frontage for buildings that provide street-facing commercial facades.
- 189 (4) The off-street vehicle spaces or queues required shall be as follows:
- 190 a. One bay car wash, four spaces in the approach lane;
- 191 b. Two bay car wash, three spaces in the approach lane for each wash bay;
- 192 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.
- 193 (g) **Corral or stable.** This use shall be located no less than 100 feet from a public street and not less than
 194 25 feet from any side or rear lot line
- 195 (h) **Dwelling or dwelling unit.** The regulations for a dwelling unit use listed in the land use table are as
 196 follows:
- 197 (1) **Construction standards.** A dwelling unit on a [Governmental and Institutional street, Vehicle](#)
 198 [Oriented Commercial street, Mixed Use Commercial street, Multi-Family Residential](#)
 199 ~~street~~[government and institutional, vehicle-oriented, mixed use commercial, or multi-family](#)
 200 ~~residential street~~ shall be constructed to a multifamily residential standard in accordance with the
 201 International Building Code.
- 202 (2) **Dwelling unit location.** A dwelling unit proposed along a government and institutional, vehicle-
 203 oriented commercial, or a mixed-use commercial street shall be located on a [Lot or Parcel](#)~~lot~~ as
 204 follows:
- 205 a. Above or behind any street-level commercial space; or
- 206 b. Behind a building that provides street-level commercial space, or if no such building exists at
 207 the time of application, behind the area reserved for street-level commercial space as otherwise
 208 required herein. The location shall provide for the existing and future planned street layout of
 209 the area, including the future street-level commercial space that will face future streets, and
 210 internal ~~Street-Block~~[block alleyways](#)~~Alleys~~.
- 211 (3) **Two, three, four, and multi-family residential:** Unless one of the units is owner occupied, a two,

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- 212 three, four, or multi-family residential building shall be operated and maintained by a professional
213 management company that specializes in multi-family residential property management.
- 214 (4) **Density allowance and transferable development rights.** No dwelling units in excess of the base
215 density, as defined by Title 101, Chapter 2, and as provided in Section 104-22-11, are allowed in
216 the Form-Based Zone except when in compliance with the transferable development rights
217 requirements of Section 104-22-11.
- 218 (i) **Family food production.**
- 219 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
220 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys,
221 five ducks, five geese, or five pigeons.
- 222 a. No more than four sets of Group B animals or fowl may be kept on a ~~Lot or Parcel~~
223 ~~lot or parcel~~ that is less than 40,000 square feet.
- 224 b. No more than six combined sets of Group A animals and Group B animals or fowl may be kept
225 on a ~~Lot or Parcel~~
226 ~~lot or parcel~~ greater than two acres. The same applies to a ~~Lot or Parcel~~
227 ~~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.
- 228 (j) **Gas or fuel station.** A gas or fuel canopy shall not be located closer to a public street right-of-way,
229 excluding a ~~mid-Block Alley~~
230 ~~mid-block~~, than 60 feet. The canopy shall be located to the rear of the
convenience store associated with the canopy.
- 231 (k) **General retail sales, small items.** This use is any store that primarily retails or rents items to be
232 physically taken by the customer from the store, when those items weigh less than 80 lbs, including
233 product packaging, or that are small enough to fit in a typical passenger vehicle. The use is limited to
234 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of items intended to be
235 explosive or hazardous to human health, safety, or welfare is permitted.
- 236 (l) **General retail sales, large items.** This use is any store that primarily retails or rents items to be
237 physically taken by the customer from the store, when those items weigh more than 80 lbs, including
238 product packaging, or that are too large to fit in a typical passenger vehicle. This use may include an
239 outdoor sales yard of no greater than 6,000 square feet as long as it is completely surrounded by an
240 opaque wall. No sales of items intended to be explosive or hazardous to human health, safety, or welfare
241 is permitted.
- 242 (m) **Office uses.** A use listed in the “office uses” table may only be located above or behind first-floor street-
243 level commercial space, reserving the street frontage for first-floor street-level commercial space. A local
244 recreation and tourism office devoted to providing services, information, and events primarily for visitors
245 to the Ogden Valley is exempt from this requirement provided that it is open and accessible to all
246 members of the public.
- 247 (n) **Shooting range or training course, indoor or outdoor.** The facility shall provide designated shooting
248 positions for which ballistic backstops are designed. No shooting is allowed except in these designated
249 shooting positions. All sides down range of a shooting position shall have a non-ricochet ballistic
250 backstop, including overhead and on the ground or floor, capable of containing all errant bullets. For an
251 outdoor range, the overhead backstop may be a series of baffles. Approval shall be subject to the
252 requirements and conditions of the local fire authority. The range operator shall be onsite at all times
253 shooting is occurring.
- 254 ~~Short-term rental, owner occupied. The residence shall be the owner's primary residence, be taxed~~
255 ~~as such, and the owner shall have owned the residence for at least two years prior to submitting a Land~~
256 ~~Use Permit for the owner-occupied short-term rental. Additionally, the owner must be present at all times~~
257 ~~in which the property is being rented on a short-term basis.~~
- 258 (o) **Self-storage.** Self-storage is only allowed if located on the same ~~Lot or Parcel~~
259 ~~lot or parcel~~ with a building that has street-facing commercial space. The use shall comply with the following:
- 260 (1) Storage units shall be located behind or above building area that provides a first-~~story~~
261 ~~floor~~ street-
262 facing commercial façade and related commercial space. The building providing street-facing
263 commercial space shall appear from the exterior as if office or residential space is offered in the
area housing the storage units.

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- 264 (2) If located in a separate onsite building than the building providing first-story floor street-facing
 265 commercial space specified herein, the separate building shall be located behind the building with
 266 first-story floor street-level commercial space, and shall be no wider than the building providing first-
 267 story floor street-level commercial space.
- 268 (3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property
 269 line, and shall be completely obscured from view from any public right-of-way.
- 270 (p) **Ski area.** This use may include ancillary equipment and structures such as snow making equipment,
 271 snow grooming equipment, maintenance facilities, trail and wayfinding signage, ski lifts, ski fences, ticket
 272 booths, concession stands, restroom facilities, food and beverage sales, ski patrol facilities, emergency
 273 response facilities, and similar uses commonly found in ski areas. Outdoor storage and maintenance of
 274 ski related equipment is allowed provided that it is screened from view of the general public. Ski area
 275 trail wayfinding signage are exempt from other signage requirements of this Land Use Code. Any lighting
 276 associated with said signage is subject to the requirements of Section 108-16.
- 277 (q) **Temporary building or use.** The building or use shall be removed upon completion or abandonment
 278 of the construction work.
- 279 (r) **Tire shop.** Refer to paragraph (ba) of this section.
- 280 (s) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it be
 281 stationary for more than four days at a time.

Sec 104-22-5 Lot Development Standards

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

288 (a) **Lot area.**

| STREET TYPE: | MINIMUM LOT AREA: |
|-------------------------------------|--------------------|
| Government and Institutional (G/I) | No minimum |
| Vehicle-Oriented Commercial (VOC) | |
| Mixed-Use Commercial (MUC) | |
| Multi-Family Residential (MFR) | |
| Small Lot Residential (SLR) | 3,000 square feet |
| Medium Lot Residential (MLR) | 8,000 square feet |
| Medium-Large Lot Residential (MLLR) | 12,500 square feet |
| Large Lot Residential (LLR) | 20,000 square feet |
| Rural Residential (RR) | 40,000 square feet |
| Estate Lot Residential | 3 acres |
| Open Space (OS) | No minimum |

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

| STREET TYPE: | FIRST-FLOOR STREET-LEVEL COMMERCIAL BUILDING FAÇADE ¹ | | | ALL OTHER BUILDING FAÇADES | | |
|-------------------------------------|--|---|------------------------|-----------------------------|-----------------------|------------------------|
| | STREET RIGHT-OF-WAY SETBACK | | FRONT LOT LINE SETBACK | STREET RIGHT-OF-WAY SETBACK | | FRONT LOT LINE SETBACK |
| | MINIMUM | MAXIMUM | MINIMUM | MINIMUM | MAXIMUM | MINIMUM |
| Government and Institutional (G/I) | No minimum | 5 feet, or 20 feet if providing public dining or gathering space. ^{2*} | No minimum | 460 feet ^{**3} | No maximum | No minimum |
| Vehicle-Oriented Commercial (VOC) | | | | | | |
| Mixed-Use Commercial (MUC) | | | | | | |
| Multi-Family Residential (MFR) | | | | 5 feet | 10 feet ^{*2} | |
| Small Lot Residential (SLR) | Not Applicable | | | 5 feet ⁵ | No maximum | 5 feet |
| Medium Lot Residential (SLR/MLR) | Not Applicable | | | 20 feet ^{4.5} | 30 feet | 20 feet ⁴ |
| Medium-Large Lot Residential (MLLR) | | | | | | |
| Large Lot Residential (LLR) | Not Applicable | | | 30 feet | No maximum | 30 feet |
| Rural Residential (RR) | | | | | | |
| Estate Lot Residential (ELR) | | | | | | |
| Open Space (OS) | Not Applicable | | | | | |

314 ¹Building façade is permitted above the first-floor street-level commercial area, provided compliance with maximum height and use regulations.

315 ^{2*}This maximum front yard setback shall be waived if at least 90 percent of the Llot's street front is already occupied by a similar building.

316 ^{3**}Except for a public dining or gathering space~~public plaza~~, this setback distance shall remain clear from permanent building improvements or significant financial investments until or unless a first-floor street-level commercial building facade is constructed that meets the five-foot-specified maximum building setback. ~~Any parking provided in this area shall not be included in the overall parking calculations.~~

317 ^{4***}This minimum may be reduced to 15 feet if the lot's only vehicle access is over a side or rear lot line adjacent to an Alley that complies with Section 106-2-2.100 of this Land Use Code.

318 ⁵No parking area, pad, or driveway within the front setback shall be less than 20 feet deep when measured from the Front Lot Line.

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

| STREET TYPE: | MINIMUM SIDE LOT-LINE SETBACK | | MAXIMUM SIDE LOT-LINE SETBACK: |
|--|---|---|--|
| | <u>MAIN BUILDING:</u> | <u>ACCESSORY BUILDING:</u> | |
| Government and Institutional (G/I) | No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1 | | No maximum. ² Any space between buildings shall be open for pedestrian passage to internal block areas, unless designed, constructed, and actively used (when weather permits) for outdoor dining, shopping, or other street activities that are open to the public. |
| Vehicle-Oriented Commercial (VOC) | | | |
| Mixed-Use Commercial (MUC) | | | |
| Multi-Family Residential (MFR) | | | |
| Small Lot Residential (SLR) | 5 feet | Same as main building, except 1 foot if located at least 6 feet in rear of main building. | No maximum |
| Medium Lot Residential (MLR) | | | |
| <u>Medium-Large Lot Residential (MLLR)</u> | <u>10 feet¹</u> | | |
| Large Lot Residential (LLR) | 10 feet | | |
| Rural Residential (RR) | | | |
| Estate Lot Residential (ELR) | | | |
| Open Space (OS) | | | |

328 ¹ This minimum may be reduced to 5 feet if the lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley that complies with Section 106-2-2.100 of this Land Use Code.

329
330 ² Any space between buildings shall be open for pedestrian passage to internal Street-Block areas, unless designed, constructed, and actively used (when weather permits) for outdoor dining, shopping, or other street activities that are open to the public.

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

| STREET TYPE: | MINIMUM REAR LOT-LINE SETBACK FOR MAIN BUILDING: | MINIMUM REAR LOT-LINE SETBACK FOR ACCESSORY BUILDING |
|---|---|--|
| Government and Institutional (G/I) | No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1 | |
| Vehicle-Oriented Commercial (VOC) | | |
| Mixed-Use Commercial (MUC) | | |
| Multi-Family Residential (MFR) | | |
| Small Lot Residential (SLR) | 5 feet | 1 foot |
| Medium Lot Residential (MLR) | 20 feet | 1 foot |
| Medium-Large Lot Residential (MLLR) | 20 feet | 1 foot |
| Large Lot Residential (LLR) | 30 feet | |
| Rural Residential (RR) | | |
| Estate Lot Residential | | |
| Open Space (OS) | | |

336

337 (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. | |
| Vehicle-Oriented Commercial (VOC) | | |
| Mixed-Use Commercial (MUC) | | |
| Multi-Family Residential (MFR) | | |
| Small Lot Residential (SLR) | 80 85 percent | 4 |
| Medium Lot Residential (MLR) | 50 percent | 1 ^{1*} |
| Medium-Large Lot Residential (MLLR) | 40 percent | 1^{1*} |
| Large Lot Residential (LLR) | 30 percent | 1 ^{1*} |

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| | | |
|------------------------|-------------|----------------|
| Rural Residential (RR) | 250 percent | 11* |
| Estate Lot Residential | 10 percent | 11* |
| Open Space (OS) | 2.5 percent | Not applicable |

338 ^{1*} This does not include ~~Not including~~ an accessory dwelling unit, as provided in Section 108-19.

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

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

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

347 **Sec 104-22-6.010 Building Design Standards Per Street Type**

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

350

351 (a) **Height.**

| STREET TYPE: | MINIMUM MAIN BUILDING HEIGHT | MAXIMUM MAIN BUILDING HEIGHT | MAXIMUM ACCESSORY BUILDING HEIGHT |
|-------------------------------------|------------------------------|---|-----------------------------------|
| Government and Institutional (G&I) | 25 feet | 40 feet, except 35 feet and no more than two stories for any part of a building within 30 feet of a public street right-of-way. 50 feet | 25 feet |
| Vehicle-Oriented Commercial (VOC) | | | |
| Mixed-Use Commercial (MUC) | | | |
| Multi-Family Residential (MFR) | One story | 35 feet | 25 feet |
| Small Lot Residential (SLR) | | | |
| Medium Lot Residential (MLR) | | | |
| Medium-Large Lot Residential (MLLR) | | | |
| Large Lot Residential (LLR) | | | |
| Rural Residential (RR) | | | |
| Estate Lot Residential | No minimum | 25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use. | 25 feet |
| Open Space (OS) | | | |

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

| STREET TYPE: | MAXIMUM BUILDING OR USE FOOTPRINT: | |
|---|---|----------------------------|
| | OVPA: | WWPA: |
| Government and Institutional (G&I) | No single commercial use shall occupy a footprint of more than 30,000 square feet ^{1*} | No maximum |
| 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 No maximum | |
| Medium Lot Residential (MLR) | | |
| Medium-Large Lot Residential (MLLR) | | |
| Large Lot Residential (LLR) | | |
| Rural Residential (RR) | | |
| Estate Lot Residential | | |
| Open Space (OS) | | |

354 ^{1*}Government buildings and schools are exempt from building area maximum.

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

| STREET TYPE: | VERTICAL DISTANCE OF FIRST-FLOOR SURFACE ELEVATION FROM THE STREET SIDEWALK'S SURFACE ¹ ELEVATION ² : | MINIMUM FIRST-FLOOR STORY HEIGHT | FIRST-FLOOR LOAD-BEARING SUPPORTS |
|--|---|---|---|
| Government and Institutional (G&I) | 30 inches maximum. | 12 feet | Columns and beams, no interior load bearing walls. A column shall be at least 10 feet away from another column or exterior load-bearing wall. |
| Vehicle-Oriented Commercial (VOC) | | 15 feet | |
| Mixed-Use Commercial (MUC) | | 15 feet | |
| Multi-Family Residential (MFR) | 5 feet minimum, except 30 inches for building area to <u>that is</u> used for commercial purposes. | 10 feet, except 15 feet for areas of the first-floor to be used for commercial space. | For commercial area, same as MUC. Not applicable for residential parts of the building. |
| Small Lot Residential (SLR) | Not applicable | Not applicable | Not applicable |
| Medium Lot Residential (MLR) | | | |
| <u>Medium-Large Lot Residential (MLLR)</u> | | | |
| Large Lot Residential (LLR) | | | |
| Rural Residential (RR) | | | |
| Estate Lot Residential | | | |
| Open Space (OS) | | | |

358 ¹For a sloped sidewalk, the street sidewalk's surface shall be determined as the elevation at the midpoint
 359 of the building.

360

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

| STREET TYPE: | MINIMUM FENESTRATION FOR THE FIRST STORY FAÇADE OF A BUILDING | | MINIMUM FENESTRATION FOR THE SECOND STORY AND ABOVE | |
|------------------------------------|---|---------------|---|---------------|
| | STREET-FACING: | ALLEY-FACING: | STREET-FACING: | ALLEY-FACING: |
| Government and Institutional (G&I) | 50 percent | 30 percent | 30 percent | |
| Vehicle-Oriented Commercial (VOC) | 70 percent | 40 percent | | |

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

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- (e) ~~Main-Entrance requirements.~~ Each building with building or Lot frontage along a ~~gGovernment and/~~ ~~institutional~~ Institutional, ~~vVehicle-oriented~~ ~~eCommercial~~, ~~mMixed-use~~ ~~eCommercial~~, or ~~mMulti-~~ ~~fFamily~~ 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 or any sidewalk, pathway, or pedestrian way at least four feet, ~~the~~ main ~~each~~ entrance shall be recessed from the building's façade no less than five feet.

Sec 104-22-6.020 Building Design Standards By Area

Except for single-family, two-family, three-family and four-family dwellings, the following regulations are applicable to the architecture and design of buildings in each area. Each area, as depicted in the applicable street regulating plan, has a unique architectural theme as provided herein. Each building, except those 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.

Sec 104-22-6.030 Old Town Eden Area Building Design Standards

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

- (a) **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.
- (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and cap, each of varying design features and building material.
- (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12-inch shift between adjacent rooflines. If the building will have a sloped roof, parapet walls shall be constructed to hide the roof slope.
- (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with

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

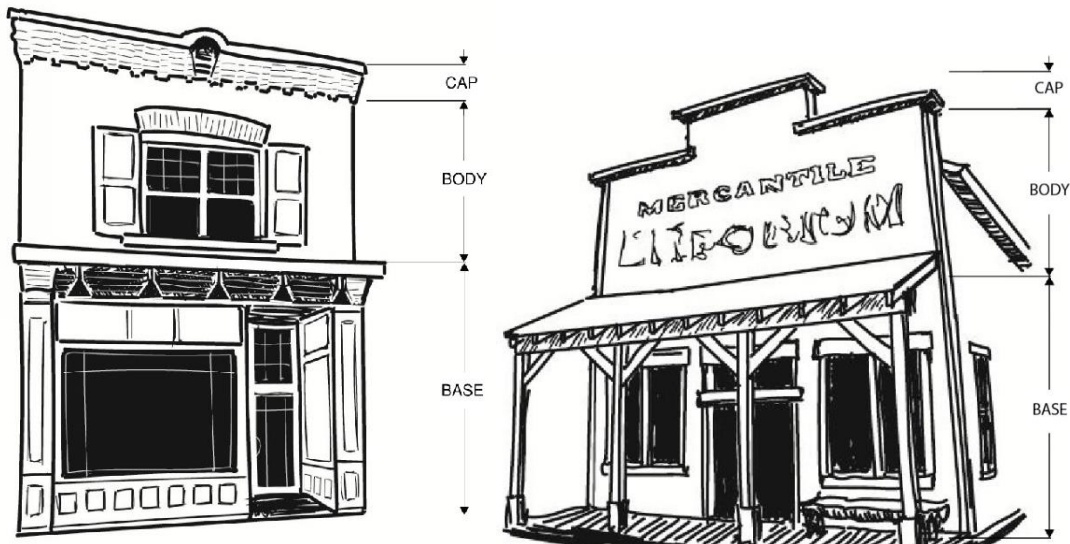
392 (e) **Building material.** Each building facade that faces the street shall consist of brick, or wood, or a faux
393 material that is hard to distinguish from real brick, or wood. Metal may be used for accent material. At
394 least one of the building materials used on the building façade shall also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

396 (f) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina, are allowed.
397 Other muted earth-tone paints may be used as long as they complement the age period. No more than
398 70 percent of a building's facade shall be white.

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



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Sec 104-22-6.040 New Town Eden Area and West Weber's 4700 Village Building Design Standards

408

In addition to applicable standards in this chapter, the following standards apply to all buildings in the New Town Eden Area [and in West Weber's 4700 Village](#):

409

410

(a) **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:

411

412

(1) Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.

413

(2) An **attached** shed-roof at a 4/12 or greater slope that is [attached to the side of the building but](#) not attached to the main roof structure.

414

415

(3) A clerestory or cupola.

416

(4) Gable-style dormer windows.

417

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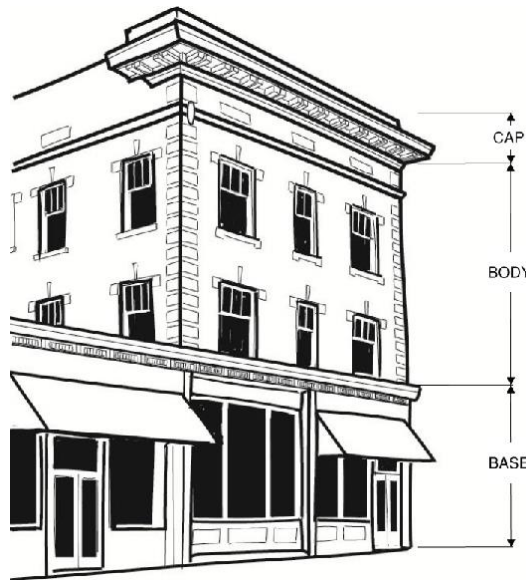
(c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.

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(d) **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

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423 and constructed to have a building base, building body, and varying building roofline, each having
 424 varying building materials or design techniques.

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

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

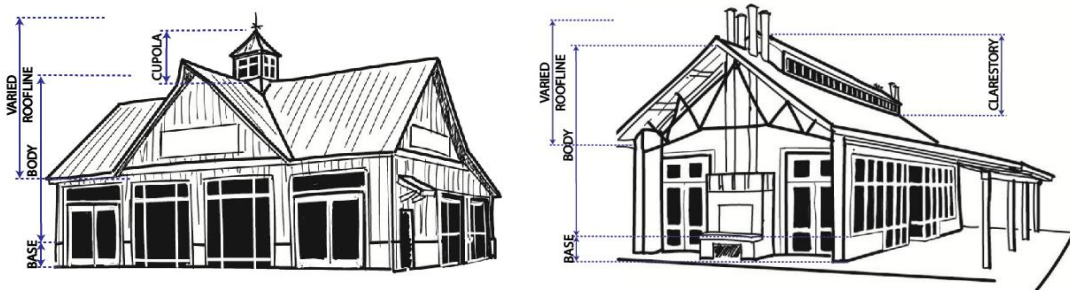
429 b. Metal siding may be used on the building's body, as long as the building's base is made of brick or
 430 stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and
 431 is treated to create a natural-appearing aged patina.

432 (f) **Colors.** At least two muted earth-tone colors are required. In the Eden Area, no more than 70 percent
 433 of a building's facade shall be white.

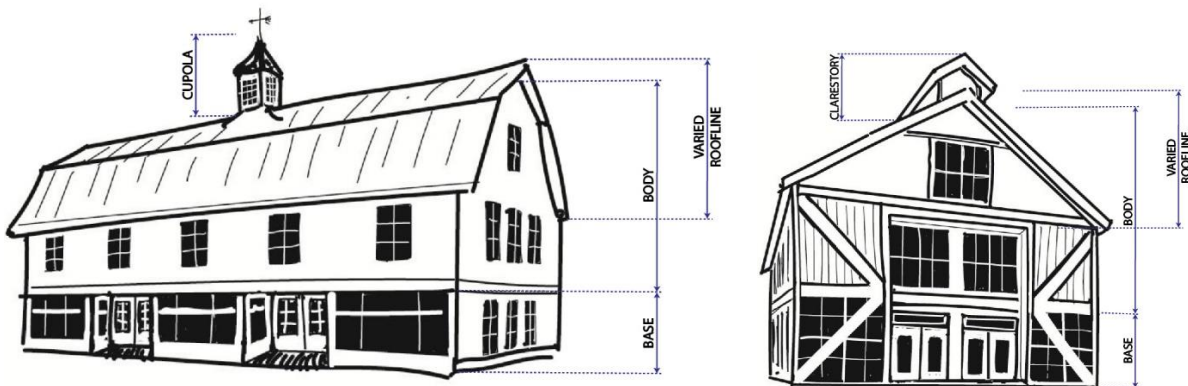
434 (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following
 435 images. Any conflict between details in the images and regulations in this chapter shall be
 436 interpreted in favor of the regulations in the chapter.



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440 **Sec 104-22-6.050 Nordic Valley Area Building Design Standards**

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

443 (a) **Design theme.** All buildings shall have architectural styling and materials that implement a modern
 444 interpretation of alpine design. A modern interpretation of alpine design includes a balance between

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- 445 modern alpine and classical alpine design features. The following design features are intended to
 446 provide minimum stylistic requirements to implement this design theme.
- 447 (b) **Building form.** A building’s street-facing façade shall be designed to have a base, body, and varying
 448 roofline, each of varying design features and building material.
- 449 (c) **Rooflines.** Buildings shall have varying rooflines of predominantly gabled roofs. Rooflines shall be
 450 broken every 100 feet, with no less than a 12 inch shift between adjacent rooflines that are on the same
 451 plane.
- 452 (d) **Building massing.** The wall massing of building facades shall be broken at least every 50 feet with
 453 no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed
 454 and constructed to have a building base, building body, and a varying building roofline.
- 455 (e) **Building material.** Building façade walls shall be finished with no less than two primary and one
 456 secondary type of building material. The primary building materials shall be real cut stone, glass, or
 457 wood siding or similar appearing siding with a natural wood finish. The secondary building materials
 458 include metal, wood, large-cut timbers, metal beams and columns, or concrete or other flat-surface
 459 building material which may be colored as allowed herein. At least one of the building materials used on
 460 the building façade shall also be used on all other sides of the building.
- 461 (1) Each building shall have at least 60 percent primary building material.
- 462 (2) The base of the building shall be at least 60 percent stone, except those areas occupied by
 463 transparent fenestration.
- 464 (3) Use of metal shall be limited to trim, balconies, railing, exposed structural components, and roofs.
- 465 (4) No more than ten percent of any building façade shall be exposed concrete.
- 466 (f) **Colors.** Muted earth-tone colors are required. No more than 30 percent of a building's facade shall be
 467 white.
- 468 (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following
 469 images. Any conflict between details in the images and regulations in this chapter shall be
 470 interpreted in favor of the regulations in the chapter.



Last updated 5/9/2023

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481 **Sec 104-22-7 ~~Street Types And~~ Street Design Standards**

482 **Sec 104-22-7.010 ~~Street Types And~~ Right-Of-Way Cross Sections and General Street Design**

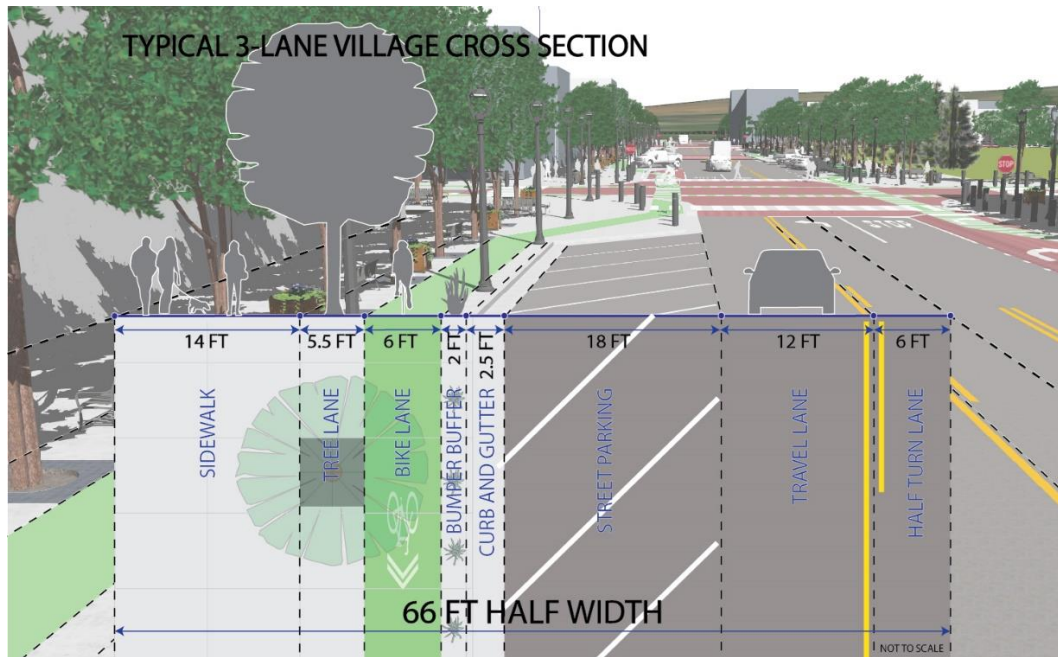
483 (a) ***Right-of-way dedication.*** As development occurs on each Lot or Parcel ~~lot or parcel~~, the owner shall
 484 dedicate area for public right-of-way with a width as depicted herein or as otherwise adopted, to form
 485 a Street-Block ~~block~~ pattern as depicted in the applicable street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

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

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

489 (1) ***Commercial street design.*** The dimensions and general design for a Governmental and
 490 Institutional street, Vehicle Oriented Commercial street, Mixed Use Commercial street, Multi-Family
 491 Residential street ~~governmental and institutional street, vehicle-oriented commercial street,~~
 492 ~~mixed-use commercial street, and multi-family residential street~~ is as follows:

493 a. ***Typical three-lane village cross section.*** A three-lane village street is required for all arterial
 494 and collector streets, as designated by the applicable general plan or master street plan. The
 495 design dimensions shall be as follows:

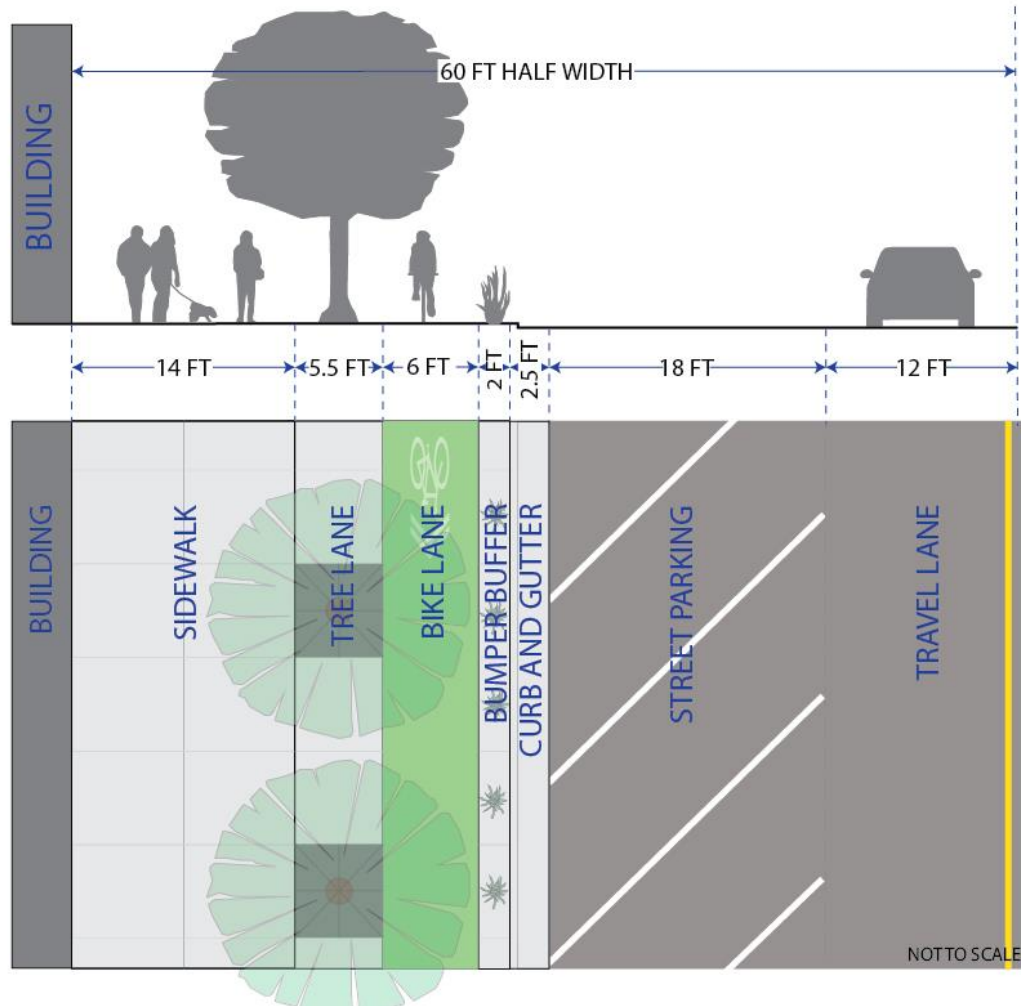


496 b.

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

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TYPICAL 2-LANE VILLAGE CROSS SECTION



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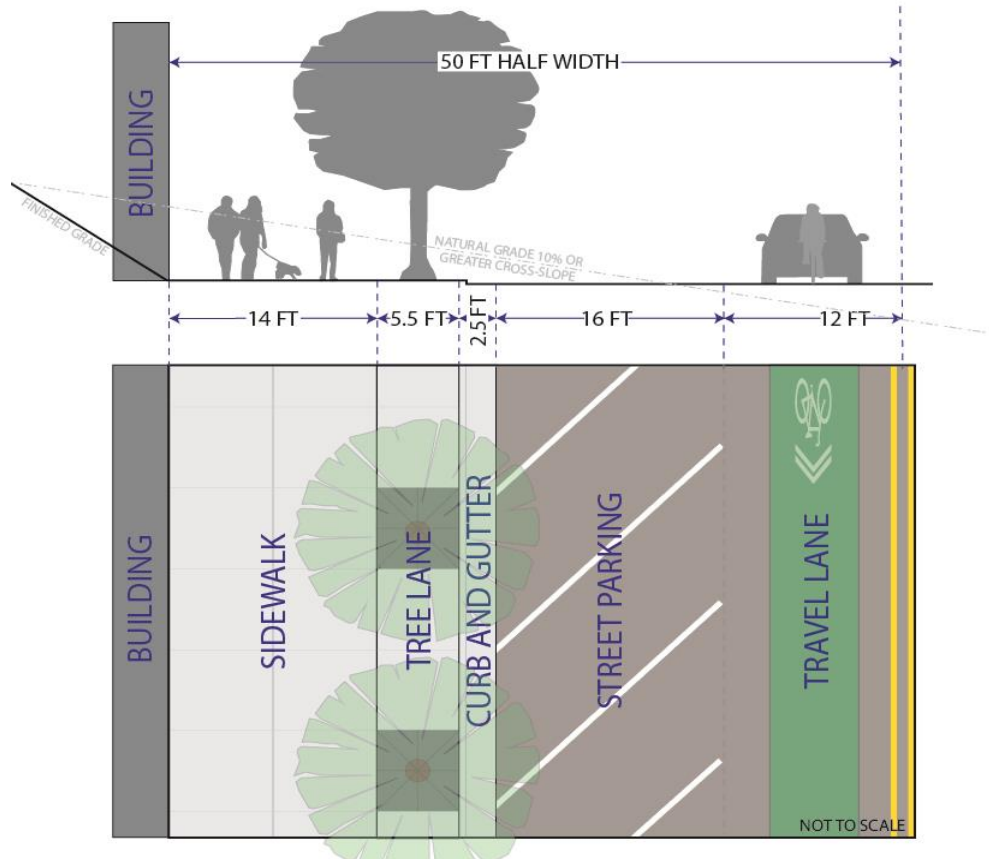
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- (2) **Commercial street design with challenging cross slopes.** Unless otherwise negotiated by development agreement, the design for a ~~governmental~~ Governmental and ~~institutional~~ Institutional street, ~~vehicle~~ Vehicle-oriented ~~Oriented~~ Commercial street, ~~mixed~~ Mixed-use ~~Use~~ Commercial street and ~~multi~~ Multi-family ~~Family residential~~ Residential street with a cross slope that is greater than 10 percent shall provide a 50 foot right-of-way half-width, with design dimensions as follows:

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VILLAGE CROSS SECTION - WITH CROSS SLOPE



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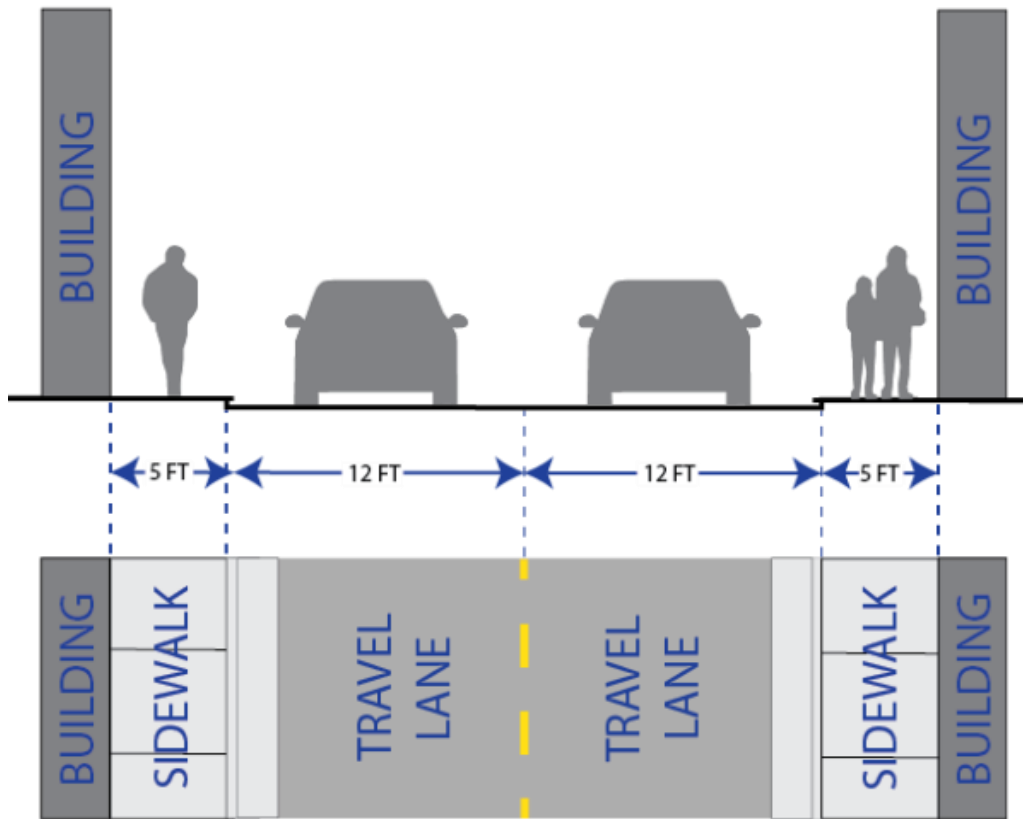
- a. ~~12-foot travel lane with a painted shared bike lane.~~
- b. ~~16-foot 45 degree angled parking.~~
- c. ~~2.5-foot curb and gutter.~~
- d. ~~5.5-foot tree lane.~~
- e. ~~14-foot sidewalk.~~

(3) ~~Commercial Mid-Block Alleys design.~~ As development occurs along a Governmental and Institutional street, Vehicle Oriented Commercial street, Mixed Use Commercial street, or Multi-Family Residential street designation, one or more mid-Block Alleys shall be designed and constructed in accordance with the following: ~~that side shall have at least one alley designed and constructed. The design for a governmental and institutional alley, vehicle-oriented commercial alley, mixed-use~~

- a. The general location of mid-Block Alleys are shown on each street regulating plan as lines with a lighter line weight than the lines that represent streets.
- b. A mid-Block Alley shall provide both vehicle and pedestrian access to and through the inside of a Street-Block. Specifically, they shall provide access to shared public parking lots, public or private parking garages, and other uses or buildings that are located in the middle of the Street-Block.
- c. When a mid-Block Alley connects through a Street-Block in which the Alley transitions to a residential street, the applicable design and construction standards shall also transition to a typical residential street standard.
- d. The Alley shall be dedicated for public use, but the operations and maintenance of it shall be the collective and equitable responsibility of all landowners whose parcels and/or parking areas gain access from it. An association of owners may be created to specify the details of the management thereof.

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- 531 e. Snow storage areas abutting an Alley shall be provided in the middle of each Street-Block of
- 532 sufficient size and configuration to easily accommodate the Alley's snow storage needs, as
- 533 determined by the County Engineer.
- 534 a.f. Regardless of an Alley's configuration displayed on the street regulating plan map, a mid-Block
- 535 Alley shall be located at a distance that is no greater than 330 feet and no less than 200 feet
- 536 from a street intersection or other mid-Block Alley intersection.
- 537 b.g. The mid-Block Alley's access to the street shall align with an existing or planned mid-Block Alley
- 538 on the opposite side of the street. If there is no existing or planned mid-Block Alley on the
- 539 opposite of the street, then the subject mid-Block Alley's access to the street shall be located in
- 540 a manner that provides reasonable opportunity for the creation of a future mid-Block Alley on
- 541 the opposite of the street.
- 542 e.h. The width of the mid-Block ~~commercial alley, and multi-family residential alley~~ Alley shall, at a
- 543 minimum, be designed is as follows:



- 544
- 545 (4) **Residential street design.** The design for all non-multi-family residential streets is as follows:
- 546 See provided in Section 106-4-5.

547

548 **Sec 104-22-7.020 Specific Street Design Standards**

549 For all Governmental and Institutional, Vehicle Oriented Commercial, Mixed Use Commercial, or Multi-

550 Family Residential mixed-use commercial, vehicle-oriented commercial, multi-family residential, and

551 government/institutional street street types, the following provisions shall apply. ~~Other~~ The following

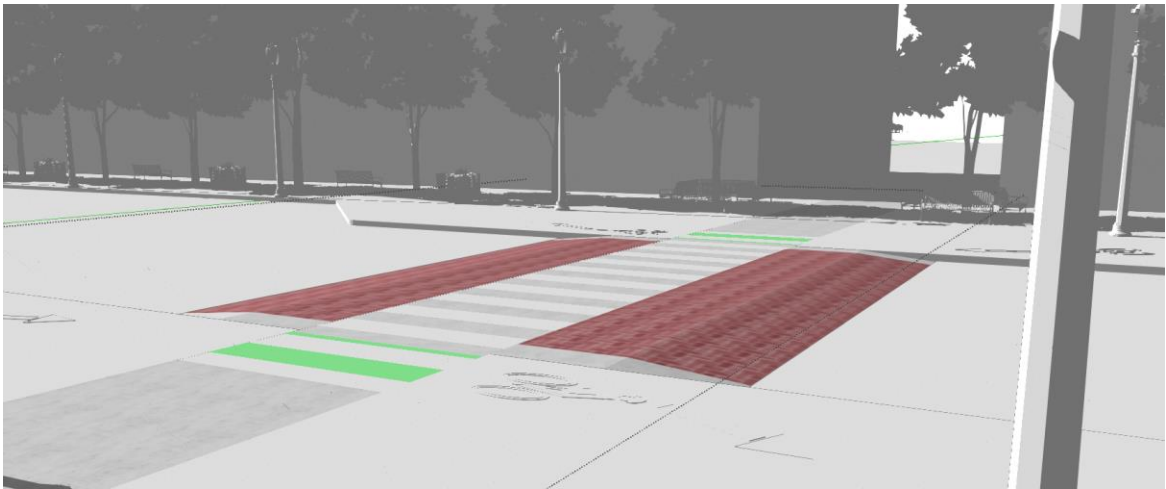
552 standards do not apply to non-multi-family residential streets unless explicitly stated herein. Otherwise, non-

553 multi-family residential streets shall follow adopted residential street design standards.

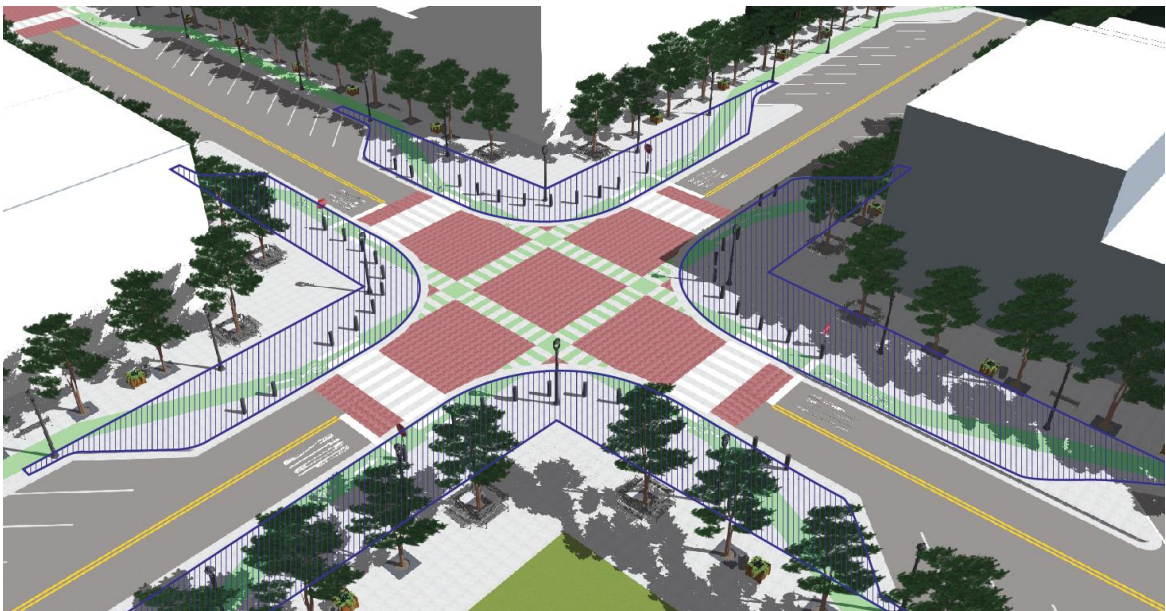
- 554 (a) **Pedestrian priority design.** The street shall be designed to prioritize pedestrian use. At primary points
- 555 of conflict between pedestrian uses and vehicle uses, the street facility shall be designed and
- 556 constructed to promote pedestrian safety, comfort, and efficiency.

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- 557 (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
 558 adjoining pedestrian-ways, whichever is higher. This shall include but is not limited to the installation
 559 of crosswalks and intersections that are raised to the same plane as the sidewalk or adjoining
 560 pathways. [An example of a raised crosswalk is illustrated as follows:](#)
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- 562
 563 (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety, street
 564 improvements at intersections, pedestrian crossings, and ~~mid-Block~~ ~~mid-block~~ [Alley](#)alleys, if
 565 different, shall be constructed with curb extensions that bulb out directly adjacent to the lane of
 566 travel. Bike lane widths shall not be obstructed or made narrower at any point along a curb extension
 567 bulb-out. Bulb-outs shall be designed to the specifications of this ordinance and the County
 568 Engineer, or as otherwise adopted. Where a bulb-out provides access to a ~~raised~~-pedestrian
 569 crosswalk, bollards [or other permanent features](#) shall be installed along the curve of the bulb-out to
 570 keep vehicles from entering the pedestrian-way. ~~Examples of bulb-outs are depicted in the images~~
 571 ~~above~~ [An example of curb extension bulb-outs is illustrated as follows:](#)
 572

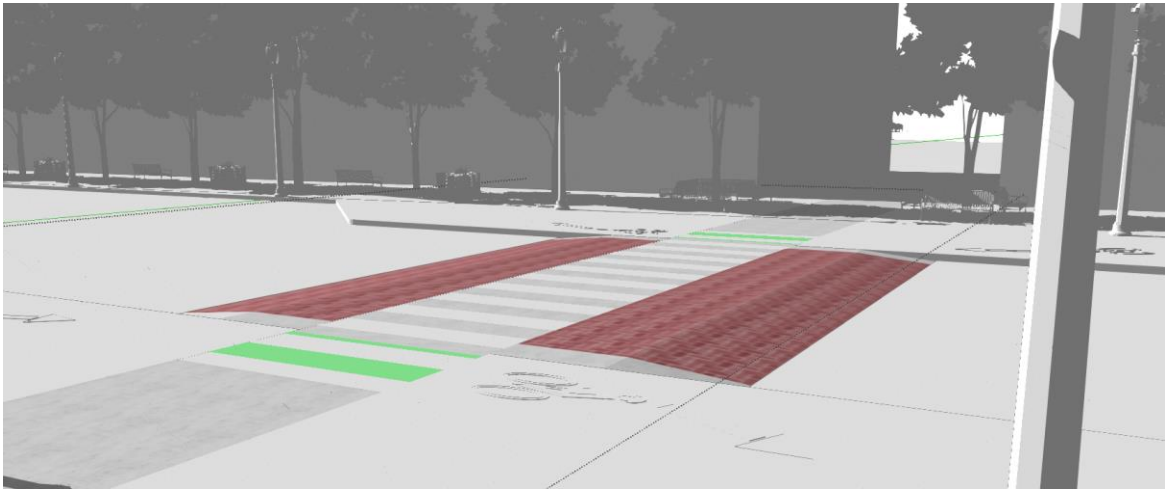


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 574 (3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective striping,
 575 crosswalks shall be constructed of stamped and colored concrete to provide clear contrast between
 576 the street and crosswalk.
 577 (4) **Mid-block Block crosswalk.** A [Street-Block](#) ~~block~~ that has a length that is greater than 330 feet, as
 578 measured from the center of each bounding intersection, shall be provided with a [mid-Block](#) ~~mid-~~

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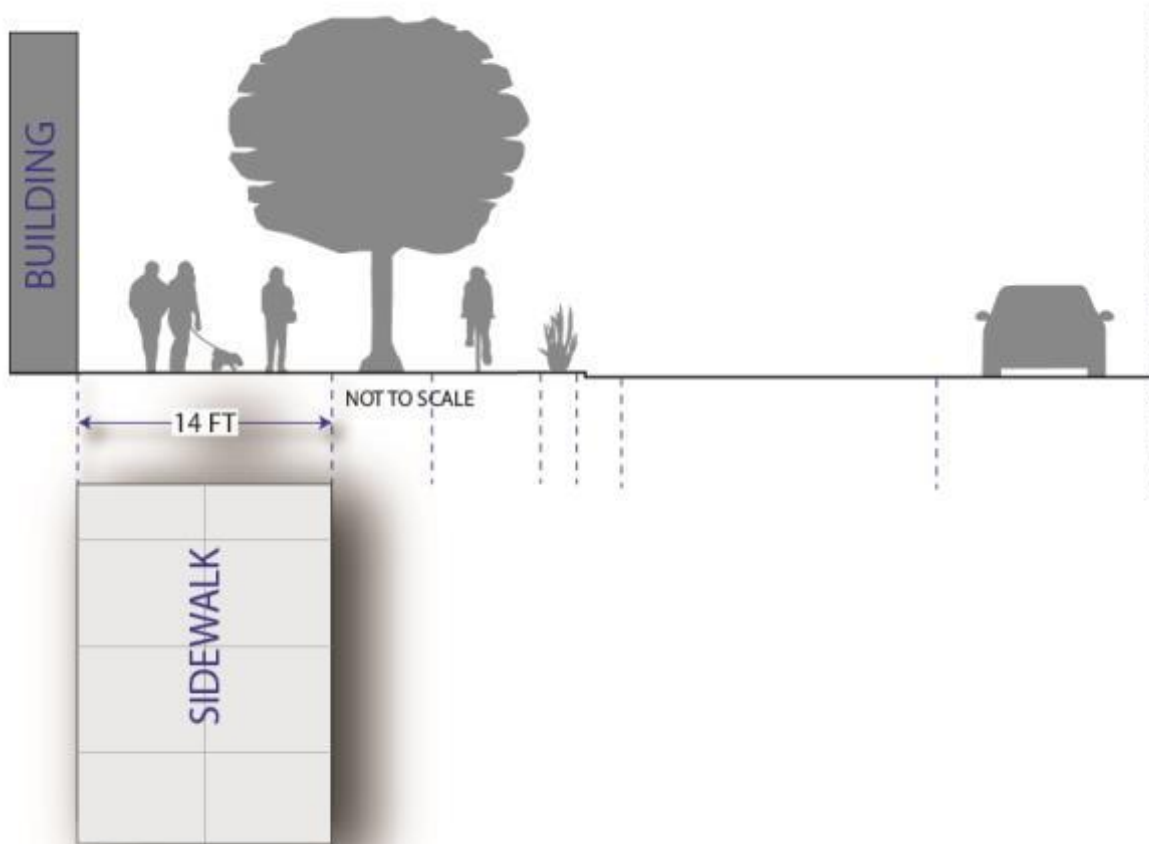
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~~block~~ crosswalk. Solar powered user-activated rapid flashing beacons shall be installed on mid-Block~~mid-block~~ crosswalk signage unless jurisdictionally controlled power is in the right-of-way at the location.



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



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(1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required sidewalk along any street ~~designated as residential except the multi-family residential street~~ that is very unlikely to have an adjacent building with first-floor street-level commercial space. The pathway

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[shall be designed as provided in Section 104-22-7.030.](#)

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



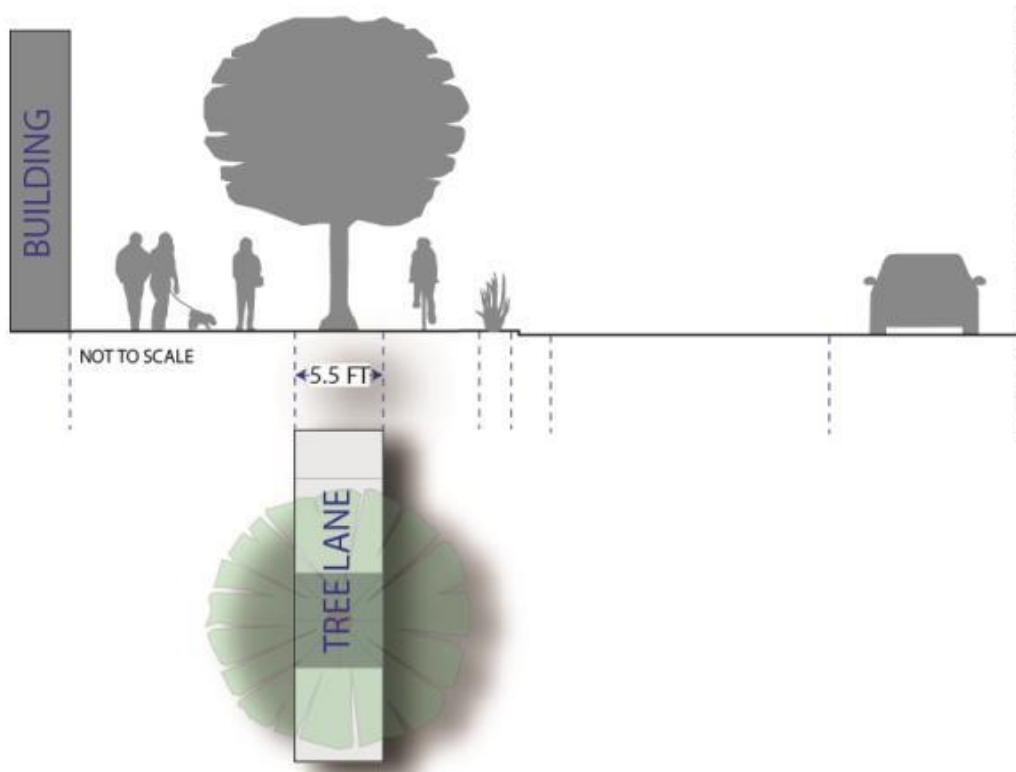
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- (c) **Street trees required.** As part of the required street improvements within this zone, street trees shall be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the street as the development and for the entire length of the development [Lot's](#) street frontage. Tree species shall be approved by the Planning Director and County Engineer as part of the review of the

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

608 (1) **Tree planting.** No street tree shall be planted within the clear view triangle as provided in Section
609 108-7-7, Section 106-4-5, or the American Association of State Highway and Transportation Officials
610 (AASHTO) standards. To provide continuous shade of the pedestrian areas, spacing between tree
611 trunks shall equal the average diameter of the specific tree species' canopy at maturity. However,
612 in the Nordic Valley Area, each [street bounding a Street-Block](#) shall have the same number of
613 trees that is equal to one tree per every 50 linear feet of street on both sides of the street, and the
614 trees may be grouped in clusters of no greater than ten trees, rather than equally spaced along the
615 right of way.



616 (2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance
617 entity is approved by the County to provide tree maintenance, a street tree shall be maintained by
618 the owner or proprietor of the property that is immediately adjacent to the street right-of-way where
619 the tree is located. A tree maintenance plan shall be submitted as part of the development review
620 for new development. Trees shall be pruned in a manner that gives at least a seven foot clearance
621 above the sidewalk and a 12 foot clearance above a bike lane or parking area, as depicted by the
622 following graphic:
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625 (d) **Bike facilities required.**

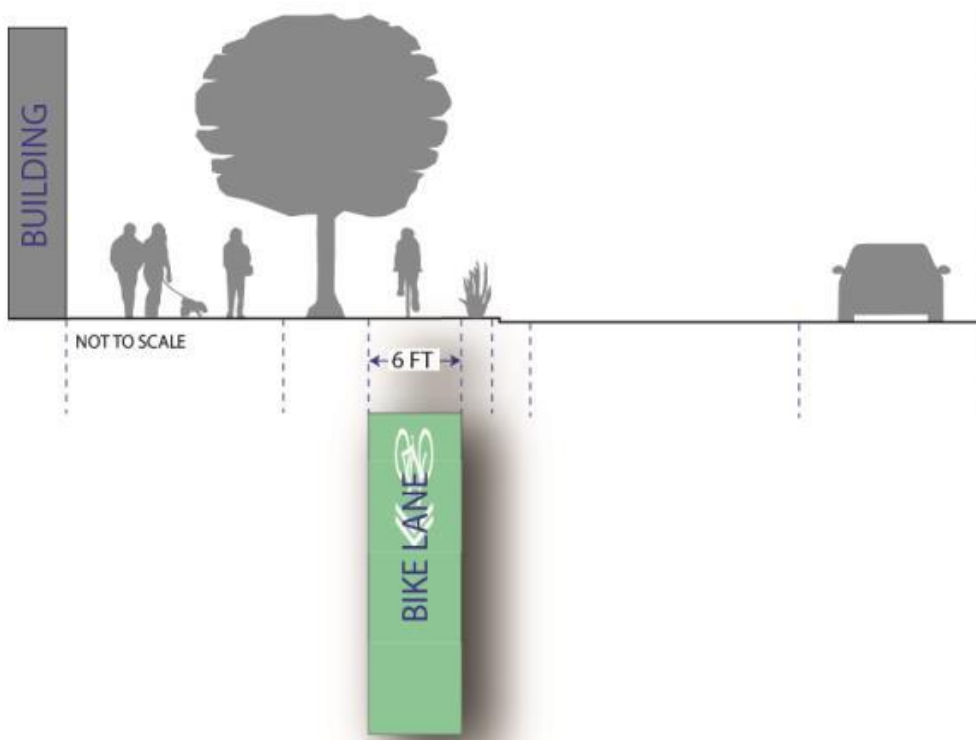
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- (1) **Separated bike lane.** Unless provided otherwise herein, a concrete bike lane that is six feet in width shall be installed as part of the required street improvements. The bike lane shall be on the same plane as the sidewalk, and shall be separated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

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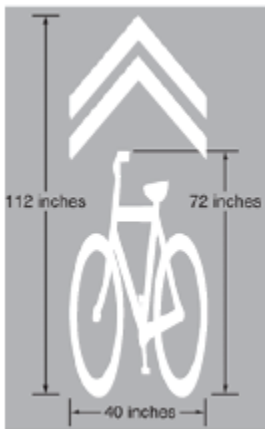
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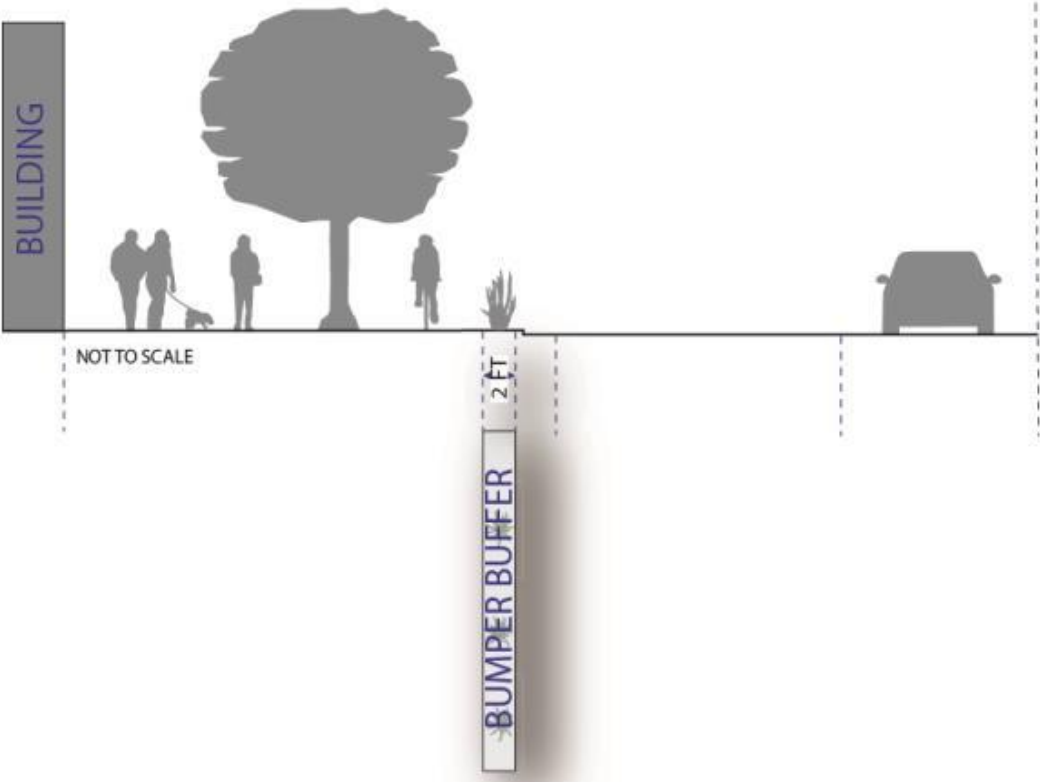
- (2) **Bike lane alternative.** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall be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



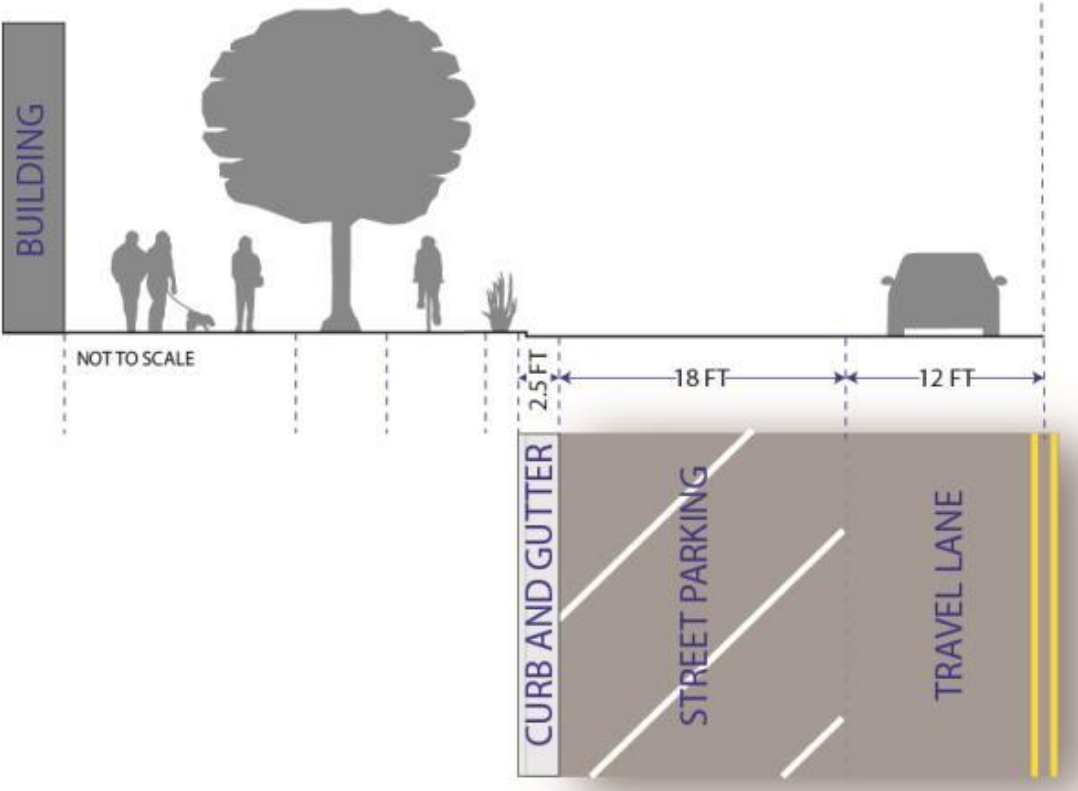
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- (e) **Street parking required.**
 - (1) **45-degree angle parking.** Each street shall be designed and constructed to provide 45- degree angled parking.
 - (2) **Street parking alternative.** When topography results in the inability to safely create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

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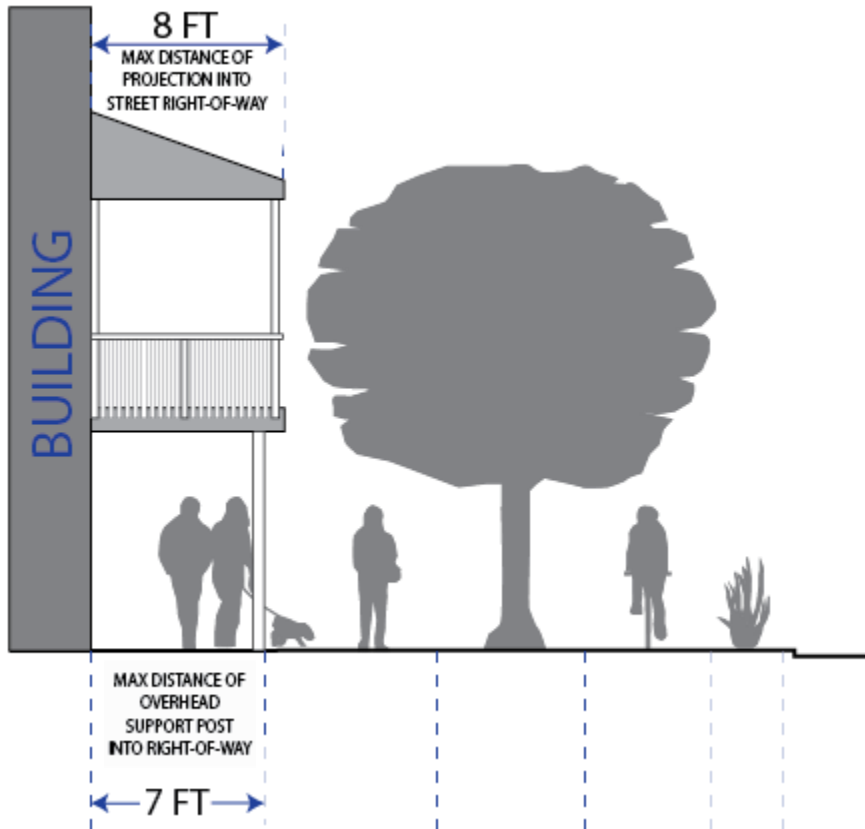
(f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each street and internal [Alley](#) alleyway in accordance with the County's standard curb and gutter cross sections

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646 and in a manner that accommodates the street designs herein.

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

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



654 (2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside
 655 dining, benches, bike racks, planters, and street sales and displays are permitted between street
 656 trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and
 657 they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.
 658

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

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

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

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668 **Sec 104-22-7.030 Pathway Location and Design Standards**669 (a) **Pathways and sidewalks, generally.**670 (1) Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-
671 motorized modes of transportation.672 (2) Pathways shall connect using the shortest distance reasonably possible.673 (3) Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks in
674 the general area, and for future planned pathways, as shown on an adopted pathway plan, general
675 plan, master trails plan, or other applicable adopted planning document.676 ~~(3)~~(4) Except for development along a Rural Residential or Estate Lot Residential street, each
677 development shall be configured so that the maximum pathway or sidewalk walking-distance
678 between a pathway or sidewalk intersection is 400 feet.679 a. This distance may be increased for a segment of a pathway that travels through a permanently
680 preserved open space area or an area very unlikely to ever develop.681 b. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another
682 pathway, sidewalk, or street that has pedestrian facilities.683 (5) A pathway or sidewalk stubbed from an adjacent property shall be connected to a pathway or
684 sidewalk within the subdivision.685 (6) Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a
686 stub to the subdivision boundary.687 (7) Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating
688 convenient and efficient access to nearby parcels that are likely to eventually be developed.689 (b) **Street-adjacent pathway.** Along each arterial, collector, and major neighborhood street, as provided in
690 an adopted general plan, master streets plan, or similar adopted document, a 10-foot wide hard-surfaced
691 pathway shall be installed.692 (1) When determining which side of the street the pathway is required, preference shall be given to the
693 side of the street that has optimal sun exposure during winter months.694 (2) The Planning Director may require a pathway be located on the other side of the street to support
695 pathway connectivity based on other factors such as existing or planned future pathways in the
696 vicinity and potential pedestrian conflicts.697 (3) The pathway shall be located within the street right-of-way unless expressly authorized otherwise
698 by the County Engineer. If not located within the street right-of-way, a pathway easement is required.699 (4) Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of at
700 least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with the top
701 of asphalt travel surface. The pathway shall be constructed of three inches of asphalt on eight inches
702 of base-course. Greater thickness may be required where it intersects a vehicle-way.703 (5) Example: *Street-Adjacent Pathway*

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

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

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(2) The pathway right-of-way may be reduced to 15 feet if both of the adjoining Lots or parcels are or will be single-family residential, and are deed-restricted to:

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a. Only allow a solid fence that is no greater than four-feet; or

713

b. Only allow a fence that is 30 percent open with the openings evenly distributed.

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

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(4) Example: Non-Street-Adjacent Pathway

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





721 (a) The following maps depict the adopted Street Regulating Plans for their respective areas. The plans
 722 illustrate the intended street layout of the area and the designated street types. The plan is intended to
 723 be a guide for the placement of streets and ~~mid-Block~~ ~~mid-block~~ ~~Alley~~ ~~alleys~~, and is not designed to
 724 be a guide for the placement of streets and ~~mid-Block~~ ~~mid-block~~ ~~Alley~~ ~~alleys~~, and is not designed to
 725 survey-level accuracy. ~~A mid-block alley shall be as close to the middle of the block as is practicable,~~
 726 ~~and the street~~ A street's placement shall be within 200 feet of the location depicted on these maps. A
 727 ~~mid-Block Alley, denoted on the maps with thinner line types intersecting with~~
 728 ~~Governmental/Institutional, Vehicle Oriented Commercial, Mixed Use Commercial, and Multi-Family~~
 729 ~~Residential streets, shall be provided as specified in Section 104-22-7.010.~~ A land owner proposing
 730 development in an area that a street or ~~Alley~~ ~~alley~~ is planned shall be responsible for dedicating the land
 and constructing the street or ~~Alley~~ ~~alley~~ improvements.

731 (b) [The legend for each street regulating plan is as follows:](#)

STREET TYPES AND AMENITIES

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

COMMUNITY FEATURES

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

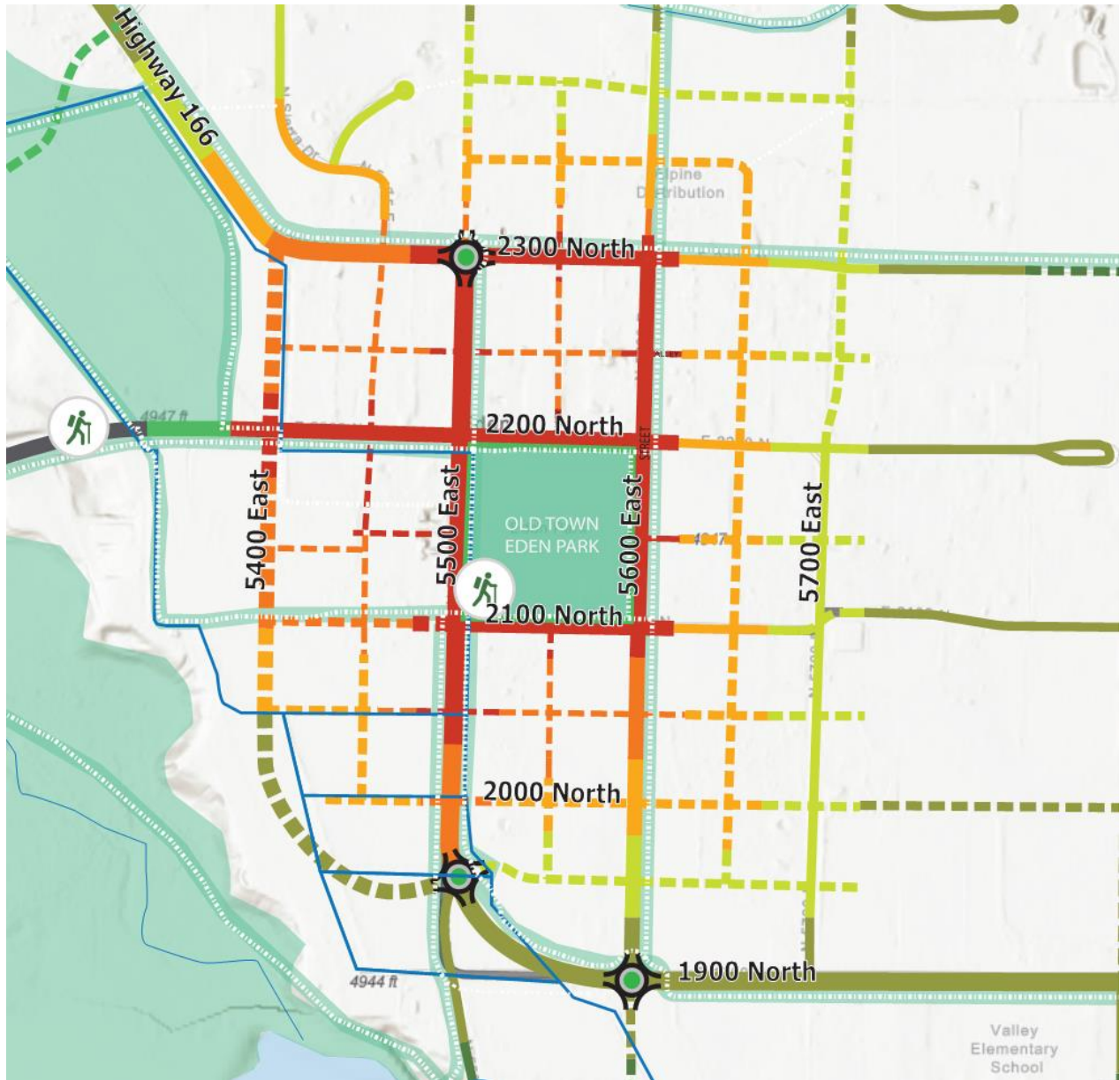
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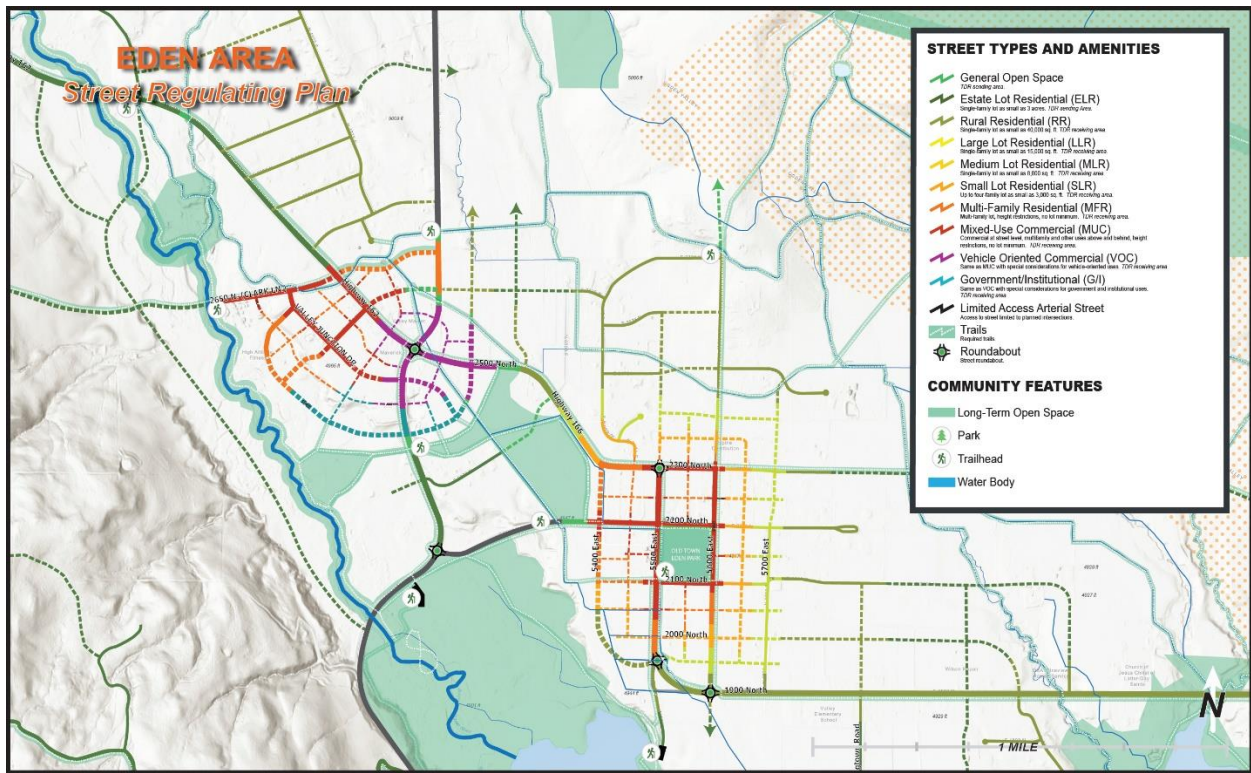
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[Sec 104-22-8.010 Old Town Eden Area Street Regulating Plan Map.](#)



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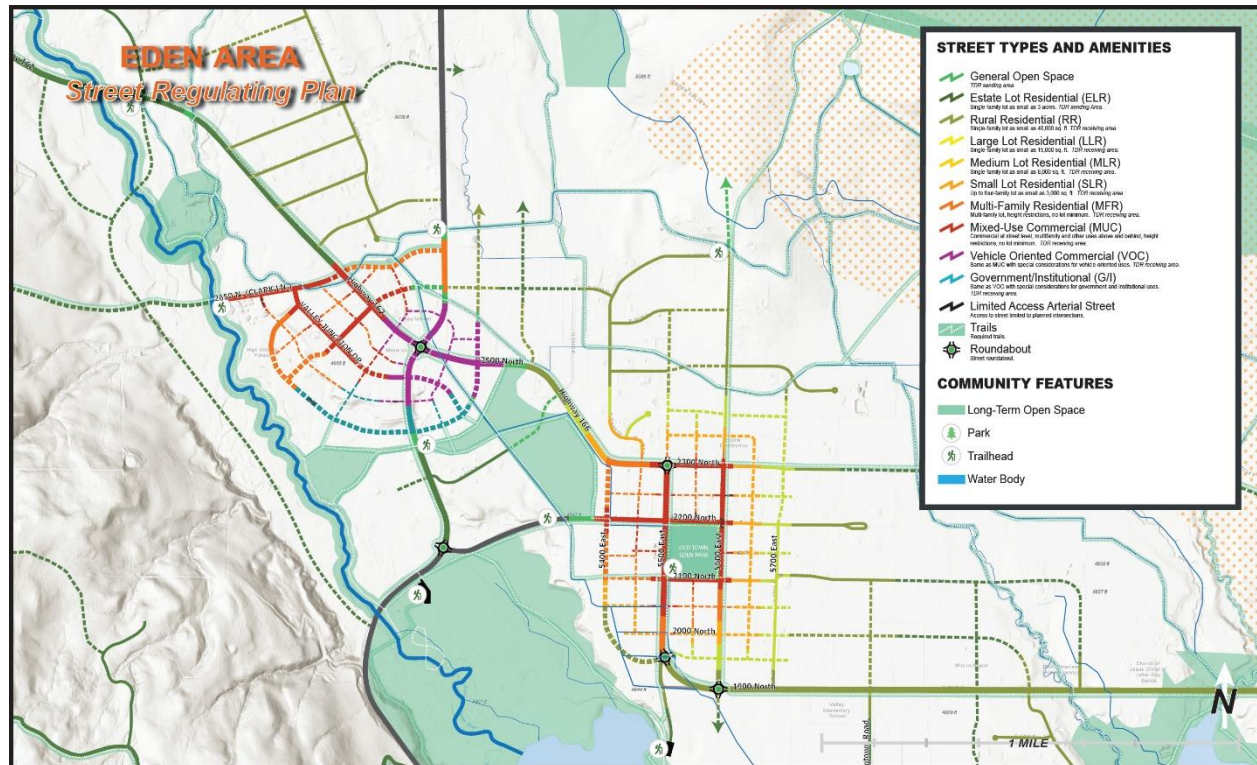
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739 **Sec 104-22-8.020 New Town Eden Area Street Regulating Plan Map.**



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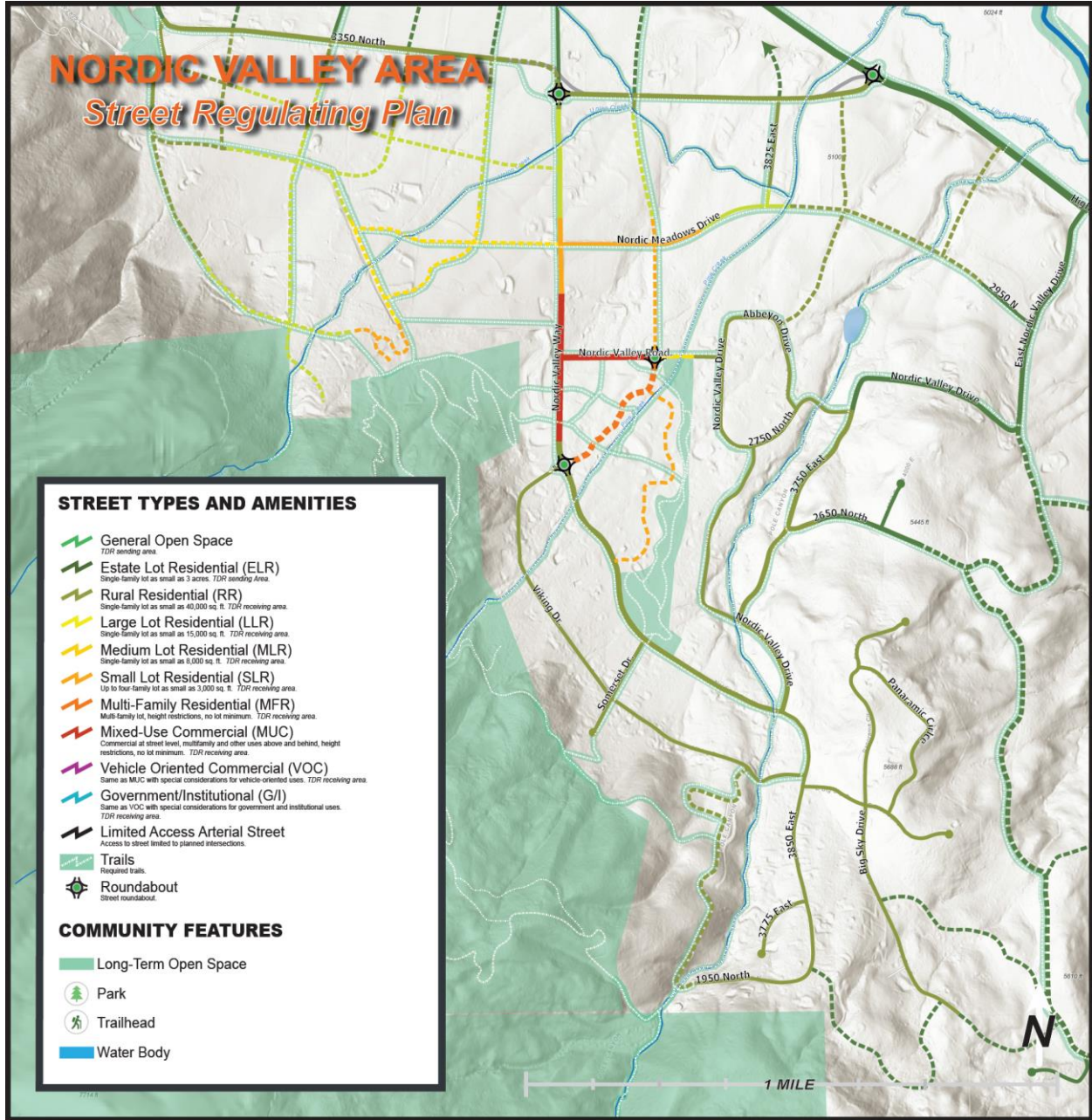


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Sec 104-22-8.030 Nordic Valley Area Street Regulating Plan Map.

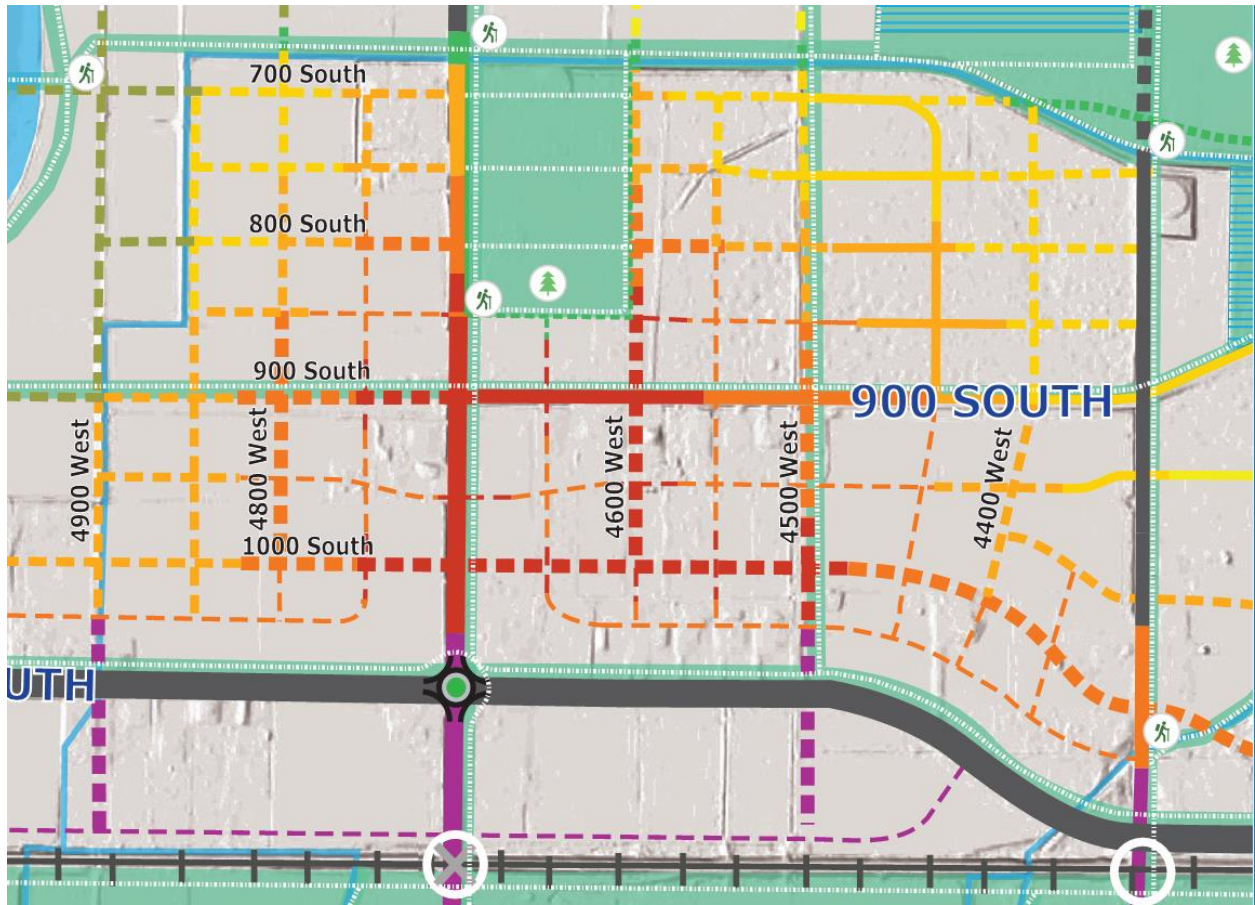


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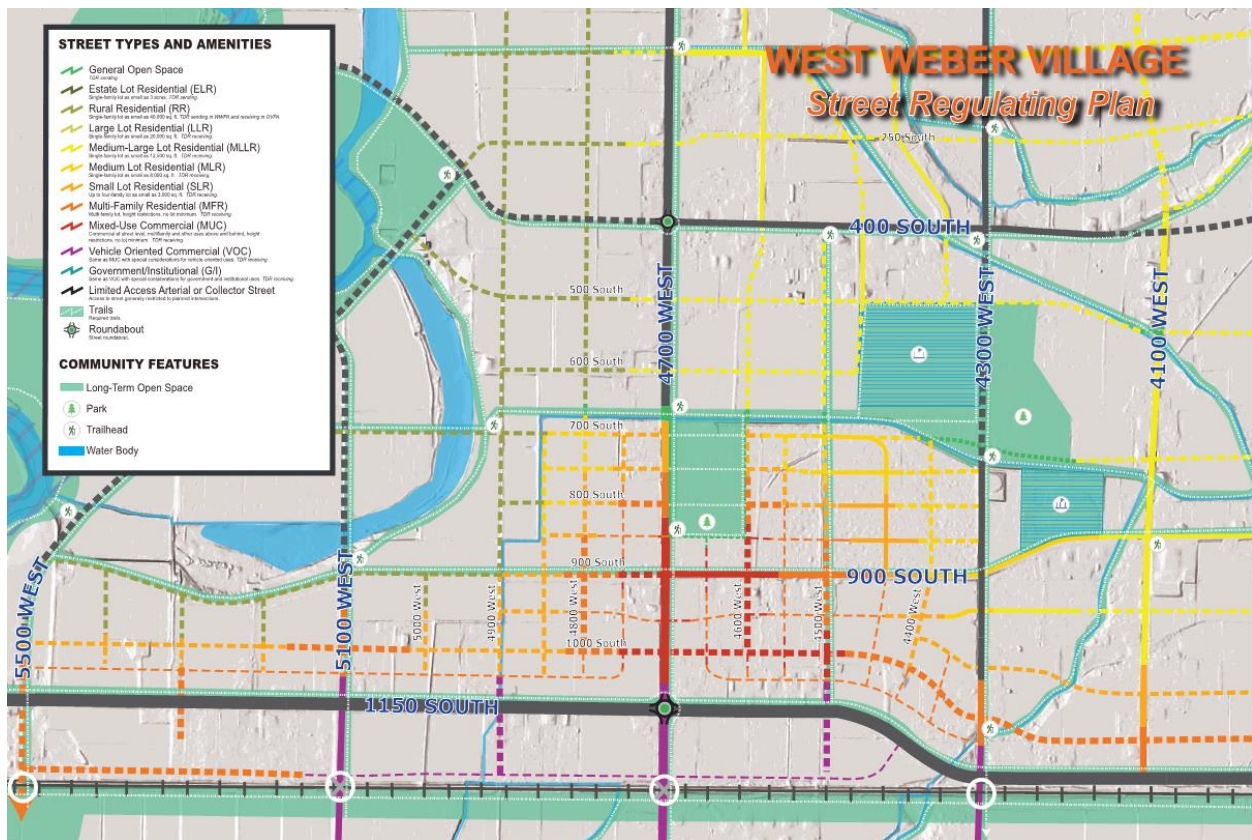
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[Sec 104-22-8.040 West Weber's 4700 Area Street Regulating Plan Map.](#)



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

(a) **Parking required.** Each application for development shall include a parking plan that demonstrates that sufficient parking will be provided by the on-street parking immediately fronting adjacent to the building-lot or an off-street parking lot or garage within 1000 feet of the building. On-street parking not adjacent to the Lot's street-frontage shall not be counted.

(1) **Internal Street-Block shared public parking.** Each business or use that will have patrons, customers, clients, or similar, shall provide an off-street public parking lot or garage.

a. Use of this parking lot or garage shall be shared by all landowners and business owners within the Street-Block. In extremely inequitable circumstances, the Land Use Authority may allow a land or business owner to specifically exclude parking for patrons, customers, clients, or similar of other land or business owners if those other land or business owners within the Street-Block have not provided their own proportionate contribution toward shared public parking within the Street-Block.-

b. Each public parking area located within the Street-Block 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 adjoining 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. Cross access and cross access easements are required pursuant to Subsection (h) of this section.

(2) **Alternative to shared internal Street-Block public parking.** If multiple land or business owners within a Street-Block create an alternative shared public parking plan that provides for equal or better off-street public parking for the same Street-Block than otherwise required by Subsection (a)(1) of this section, then the provisions of Subsection (a)(1) that run contrary may be waived. However, in no case shall parts of Subsection (a)(1) be waived in a manner that prevents or restricts an existing or future land or business owner's opportunity and obligation to contribute to and enjoy the benefits of the shared public parking within the Street-Block at full buildout.

(3) **Internal Street-Block private parking.** Nothing in this subsection (a) shall be construed to

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- 780 [prohibit a landowner from creating a private parking lot or garage as long as the shared public](#)
 781 [parking requirements, obligations, and opportunities specified herein are satisfied.](#)
- 782 **(b) Employee and residential parking.** [On-street parking shall not be included toward minimum parking](#)
 783 [needed for employees or for any residential use. Employee parking and the minimum required](#)
 784 [residential parking shall be located off-street within the same Street-Block as the use.](#)
- 785 ~~(a)(c) **Parking lot surface.** All parking lots shall be hard-surface asphalt or concrete, or other improved~~
 786 ~~surface otherwise approved by the County Engineer and local fire authority. **Street parking not adjacent**~~
 787 ~~**to the lot's Lot's street frontage shall not be counted in determining that sufficient parking has been**~~
 788 ~~**provided.**~~
- 789 ~~(b)(d) **Parking flexibility.** Except for residential uses, the Land Use Authority may reduce the minimum~~
 790 ~~parking spaces required if sufficient evidence suggests that the required number of spaces is excessive~~
 791 ~~for the building and proposed use or uses therein.~~
- 792 ~~(e)(e) **Parking related to a change of use.** If a change of use occurs, more parking may be required if~~
 793 ~~the new use merits it, as determined by the Land Use Authority. The applicant proposing to change the~~
 794 ~~use shall be required to provide the additional off-street parking within 1000 feet of the use.~~
- 795 ~~**Residential parking.** The minimum required parking for a residential use shall be located off-street within~~
 796 ~~the same block as the residential use.~~
- 797 ~~(d)(f) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces, and a~~
 798 ~~five-foot wide landscape planting area that runs the depth of the parking row shall be located at each~~
 799 ~~end of a parking row.~~
- 800 ~~(e)(g) **Parking structure design standards.** When located adjacent to a vehicle-oriented commercial,~~
 801 ~~mixed use commercial, or multi-family residential street, a parking structure shall have first-floor street-~~
 802 ~~level commercial space along the street's frontage. However, for a corner ~~lot~~Lot, this requirement~~
 803 ~~applies to the façade that is adjacent to the more prominent street, as determined by the land use~~
 804 ~~authority; the other façade shall have the same for no less than fifty percent of that façade's street~~
 805 ~~frontage. The other fifty percent, and the area of the parking structure above the street level commercial~~
 806 ~~space, shall have a street-facing facade that disguises the parking structure to generally look like other~~
 807 ~~buildings in the area.~~
- 808 ~~(f)(h) **Cross-access and cross-access easement.** For all ~~parcels or lots~~Lots or Parcels along a~~
 809 ~~Governmental and Institutional street, Vehicle Oriented Commercial street, Mixed Use Commercial~~
 810 ~~street, Multi-Family Residential street~~governmental or institutional, vehicle-oriented commercial, mixed-~~~~
 811 ~~~~use commercial, _or multi-family residential street,~~ providing access to adjacent existing or future~~
 812 ~~development without the need to access the public right-of-way is required. This access shall be~~
 813 ~~provided by a mid-Block Alley~~mid-block alley, where shown on a street regulating plan,~~ or other alley~~
 814 ~~Alley or shared driveway as may be deemed necessary by the ~~_L~~and Use authorityAuthority. ~~When~~~~
 815 ~~~~If not in conflict with mid-Block Alley requirements herein, when~~ no new alleyAlley access is deemed~~
 816 ~~necessary because an alleyAlley access or street access is already provided to the Lot or Parcel~~lot or~~~~
 817 ~~~~parcel~~ through another Lot or Parcel~~lot or parcel,~~ then a cross-access easement shall be provided along~~
 818 ~~adjoining lot lines, as follows:~~
- 819 a. A cross access easement shall provide an easement to all landowners in the Street-Block ~~block~~
 820 ~~that develop along a Governmental and Institutional street, Vehicle Oriented Commercial street,~~
 821 ~~Mixed Use Commercial street, Multi-Family Residential street~~governmental or institutional, vehicle-~~~~
 822 ~~~~oriented commercial, mixed-use commercial, or multi-family residential street~~ that is framing the~~
 823 ~~Street-Block~~block.~~ The easement shall allow ingress and egress to these other ~~lots~~-Lots or~~
 824 ~~Pparcels, including ingress and egress infrastructure.~~
- 825 b. At a minimum, each developed Lot or Parcel~~lot or parcel~~ shall have two points of ingress and
 826 egress, at least one of which shall be stubbed to adjacent property where practicable. Except that
 827 a private parking area is allowed to only provide a single access as long as it does not block the
 828 accessibility to other areas within the Street-Block~~block~~ that are or could be used for public parking.
- 829 ~~c. ~~Each parking area that is located within the block and that will be open to the public for public~~~~
 830 ~~~~parking shall be designed to extend to the parcel boundary and shall provide a cross access~~~~
 831 ~~~~easement along all sides of the parking area abutting the adjacent ~~lot~~Lot(s) or ~~parcel~~Parcel(s) in a~~~~
 832 ~~~~manner that allows the adjoining Lot or Parcel~~lot or parcel~~ owner to extend that public parking area~~~~

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- 833 ~~seamlessly into their parcel.~~
- 834 ~~d.c.~~ When locating a cross-access easement or designing the cross-access infrastructure, good faith
835 efforts shall be made to coordinate the location and design with the adjoining land owner.
- 836 ~~e.d.~~ The Planning Director may require the cross-access to be located in a manner that optimizes
837 ~~internal block~~ traffic circulation within the Street-Block.
- 838 ~~f.e.~~ Construction of the cross-access infrastructure shall be completed prior to the issuance of a
839 certificate of occupancy for any structure on the Lot or Parcel~~lot or parcel~~, or a completion bond
840 may substitute for completion if allowed by the County Engineer.
- 841 ~~g.f.~~ When a Lot or Parcel~~lot or parcel~~ is being developed that abuts an existing cross-access easement
842 or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on
843 the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access
844 infrastructure shall be constructed to the same standard as, or better than, the existing cross-
845 access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the
846 title of all affected properties, along with a perpetual operation and maintenance agreement
847 between the property owners that specifies, at a minimum, that the infrastructure will be operated
848 and maintained by the property owners in a manner that is safe and usable for two-way vehicle
849 traffic.
- 850 ~~h.g.~~ If property owners fail to operate or maintain cross-access infrastructure that was required by the
851 County under this section, the County may pursue enforcement measures as provided in this Land
852 Use Code.

853

Sec 104-22-10 Signage

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

857

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

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

- 864 ~~(a) For a lot or parcel rezoned to the Form-Based Zone from a zone that allows residential dwelling units,~~
865 ~~the base density, as defined in Title 101, Chapter 2, shall be the same as the density that was allowed~~
866 ~~in the prior zone. This shall be documented by recording a covenant to the lot or parcel that provides a~~
867 ~~calculation of the base density. The covenant shall run with land, and be between the owner and the~~
868 ~~County.~~
- 869 ~~(b) Additional residential dwelling units are permitted on any lot that has street frontage on, or gains primary~~
870 ~~access from, any street type in the street regulating plan except an Estate Lot Residential street and a~~
871 ~~general open space street. However, no additional density is allowed unless the landowner has~~
872 ~~successfully negotiated the reallocation of an equal number of dwelling unit rights from another lot or~~
873 ~~parcel that has an available dwelling unit right, as determined by the lot or parcel's base density and~~
874 ~~adjusted for any previous dwelling unit right reduction or addition. The reallocation shall be made by~~
875 ~~recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be~~
876 ~~between the owner and the County. Each covenant shall document the applicable lot or parcel's~~
877 ~~calculated base density; the number of dwelling units already developed on the lot or parcel; the number~~
878 ~~of dwelling unit rights subtracted from, or added to, the base density by any means; and the number of~~
879 ~~dwelling unit rights remaining for the lot or parcel.~~
- 880 ~~(c) Residential dwelling unit rights may be transferred to a lot or parcel in a FB Zone from any lot or parcel~~
881 ~~in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-~~
882 ~~1, FR-3, RMH-1-6, CVR-1, and FB.~~

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

(a) **Transferable development rights, generally.** To increase or decrease Residential Development Rights on a Lot or Parcel in the FB Zone, the following apply:

(1) **Transferred density.**

a. **Rights to be transferred, location.** Additional Residential Development Rights are permitted to be transferred to any Lot or Parcel in the Form-Based zone, also known as the receiving property, that has street frontage on, or gains primary access from, any street type in the street regulating plan except an Estate Lot Residential street, a General Open Space street, and, in the Western Weber Planning Area, a Rural Residential street. In addition, no additional Residential Development Rights shall be transferred to a Lot or Parcel designated as open space on the street regulating plan.

b. **No right exists until transfer is complete.** No additional Residential Development Right exists on the a receiving property until after the landowner has successfully completed the transfer of an equal number of Residential Development Rights from another Lot or Parcel that has the available number of Residential Development Rights being pursued.

c. **Rights available for transfer.** A Residential Development Right is deemed available for transfer from a sending Lot or Parcel if the sending Lot or Parcel's Base Density calculation, together with adjustments for any previous Residential Development Right reduction or addition, demonstrates that the Residential Development Right could be developed on the lot or parcel in a manner that complies with the provisions of this Land Use Code. A Residential Development Right reduction or addition is any of the following:

i. Use of the Residential Development Right for construction of a residential unit onsite.

ii. Transfer of a Residential Development Right to another Lot or Parcel.

iii. Receipt of a Residential Development Right from another Lot or Parcel.

iv. Restriction of the construction, development, or subdivision of or on the Lot or Parcel for residential purposes as provided in County laws not otherwise in this Land Use Code, State or Federal laws, regulations, or restrictions; private contracts, covenants, or restrictions; conservation or preservation easements or agreements, or any other lawful development restriction or prohibition that clearly and specifically makes the Residential Development Right unbuildable on the Lot or Parcel. This shall include any lawful development restriction or prohibition applied to the property on or before January 1, 2022, regardless of whether that restriction exists at present.

d. **Completing a transfer.** The reallocation shall be completed by recording a Notice of Transfer Document to each affected Lot or Parcel.

i. Each Notice of Transfer Document shall run with the land.

ii. Each Notice of Transfer Document shall document the applicable Lot or Parcel's estimated initial density; the number of Dwelling Units already developed on the Lot or Parcel; the number of Residential Development Rights subtracted from, or added to, the initial density by any other means; and the number of Residential Development Rights remaining for the Lot or Parcel.

(2) **County review of transfer.** A landowner may submit a request for approval of a transfer of Residential Development Rights at any time. Planning Division Staff shall review each request for compliance with applicable regulations. If the transfer is merited by this ordinance, Planning Staff shall prepare a Notice of Transfer Document for each affect Lot or Parcel in a form as approved by the County Attorney's Office.

a. A transfer is not complete until a notice of transfer has been signed by each affected landowner of record for each affected Lot or Parcel, the reviewing staff, and the Planning Division Director, and then recorded to each affected Lot or Parcel in the Office of the County Recorder.

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b. Approval of a Subdivision's preliminary plat or a Design Review that is based on the receipt of transferred Residential Development Rights is conditioned, by reference herein, on the applicable transfers being completed. Approval is void if the transfer is not completed.

c. No final plat application shall be approved or recorded and no building permit shall be submitted or approved until after the transfer(s) are complete.

(3) **Banking of Residential Development Rights.** A Lot or Parcel within the Form-Based Zone may be used to bank Residential Development Rights. These rights may be held on the Lot or Parcel until they are either constructed on the Lot or Parcel, or transferred to another eligible Lot or Parcel within the Form-Based Zone. There is no limit to the number of Residential Development Rights that can be transferred to a Lot or Parcel in the Form-Based Zone. However, the number of Residential Development Rights actually constructed on the parcel shall be limited by what can actually be constructed in compliance with the requirements and standards of this chapter, as well as any other applicable provision of this Land Use Code.

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

(1) **Initial density.** A Lot or Parcel rezoned to the Form-Based Zone from a zone that allow(s)(ed) dwelling units shall have an initial density that is equal to the Lot or Parcel's Base Density, as defined in Title 101, Chapter 2, that was allowed in the prior zone.

(2) **Transfer allowances and limitations.** Residential Development Rights may be transferred to a Lot or Parcel in a FB 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 FB.

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

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

(1) **Initial density.** A Lot or Parcel rezoned to the Form-Based Zone from a zone that allow(s)(ed) dwelling units shall have an initial density that is equal to the Lot or Parcel's **gross area divided by 15,000 square feet.**

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

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

Sec 104-22-12 Workforce Housing

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

(a) **No transfer required.** Workforce housing dwelling units will not be deducted from the Lot or parcel's Parcel's development rights and ~~is~~ are not required to be established through transferable development rights as long as the number does not equal more than 15 percent of the development's total number of market-rate dwelling units.

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

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

b. In the event the provision for the required workforce housing results in the inability to realize the

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982 number of dwelling units that would otherwise be allowed if workforce housing was not required,
 983 then the applicable minimum lot development standards in the development may be reduced to
 984 no less than half of the applicable minimum lot development standard.

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

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

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

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

1000 (4) **Floor area in lieu.** Along a Governmental and Institutional street, Vehicle Oriented Commercial
 1001 street, Mixed Use Commercial street, Multi-Family Residential street, and Small Lot Residential
 1002 street, G&I, VOC, MUC, MFR and SLR streets, floor area, in a size and configuration that is capable
 1003 of supporting dwelling units in an amount that is equal to or greater than five percent of the non-
 1004 workforce housing units being developed, shall be donated, with stubbed utilities, to the Weber
 1005 Housing Authority for the purpose of meeting this requirement.

1006 (c) **Workforce housing location.** The required housing units, Lots, or floor area provided for workforce
 1007 housing may be located outside of the proposed development as long as they are located along ~~but~~
 1008 ~~no greater than one-quarter mile from a G&I, VOC, or MUC~~ a Governmental and Institutional, Vehicle
 1009 Oriented Commercial, Mixed Use Commercial, Multi-Family Residential, Small Lot Residential, Medium
 1010 Lot Residential, or Medium-Large Lot Residential street designation in an area governed by the same
 1011 street regulating plan map, or within one mile of a commercial or manufacturing ~~CV-1, CV-2, or CVR-1~~
 1012 zone in the same planning area.

1013 (d) **Weber housing authority.** Eligibility and long-term monitoring of qualification for workforce housing is
 1014 the responsibility of the Weber Housing Authority.

Attachment B: Planning Commission Staff Report



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss and/or take action on an application to amend the Form-Based Village zoning ordinance along with other sections of the Weber County Land Use Code to add provisions that implement a West Weber Village Area street regulating plan, and provide related clerical edits and policy adjustments deemed necessary by the Western Weber Planning Commission and the Ogden Valley Planning Commission.

Applicant: Weber County

Agenda Date: Tuesday, April 11, 2023

File Number: ZTA 2022-06

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: RG

Applicable Ordinances

§101-2: Definitions
§104-22: Form-Based Zone (FB)

Legislative Decisions

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

Summary and Background

The Western Weber General Plan calls for the creation of village centers at key intersections in the area. One such area is on 4700 West and involves both the 1200 South and 900 South intersections. To facilitate the implementation of this provision in the general plan, staff and the Planning Commission have been working on amendments to the Form-Based zone over the last several months. The amendments create a street regulating plan that will guide the form, function, and design of a future diverse mixed use commercial village. In compliance with the general plan, which suggests that new development should pay tribute to the rural roots of the community, the Planning Commission has chosen the agrarian architectural styling that is currently adopted for the New Town Eden area.

The necessary FB zone amendments may affect the Ogden Valley Planning Area as well. The proposal was introduced to the Ogden Valley Planning Commission for their input. In reviewing the proposed amendments, the Ogden Valley Planning Commission also took this opportunity to make other desired amendments to the FB zone, including reducing allowed building height, reducing moderate income housing requirements, revamping the TDR approval process, as well as adjusting other provisions that will better help them implement the FB zone in their area.

The attached Exhibit A contains the revised draft proposal of the FB zone that was created through this effort.

Policy Analysis

Policy Considerations:

Form-Based Zone (FB) Amendments (See Exhibit A):

Definitions:

The definition of alley is proposed to be revised and two definitions are being created to help implement TDRs. They are “transfer of development rights” and “transferable development right.” References to “development right” and “residential development right” are also proposed.

General Revisions:

The proposal suggests reorganizing some of the sections so reading the ordinance flows better. More context regarding street regulating plans and street types are being moved closer to the beginning of the zone chapter. One of the bigger changes is the addition of a new street type. This street type is called a “medium-large lot residential” (MLLR) street. This street type will facilitate lots that are 12,500 square feet, which is between the medium lot residential (MLR) of 8000 square foot lots, and the large lot residential (LLR), which provides 20,000 square foot lots.

Land Use Table:

The land use tables were adjusted to provide for the new street type. Both planning commissions wanted further restrictions on short-term rentals that what was previously in the FB zone. The proposal removes the allowance for short-term rentals from single-family residential areas.

Lot Development Standards:

Both planning commissions paid special attention to lot development standards. New provisions not only add the new MLLR street type with associated lot standards, they better provide for potential development of land-locked parcels within a street-block, they address the challenges of front-facing garage doors on narrow lots, they add missing standards for accessory buildings, and they reduce the allowed height in commercial areas and require a building step-back from the street right-of-way,

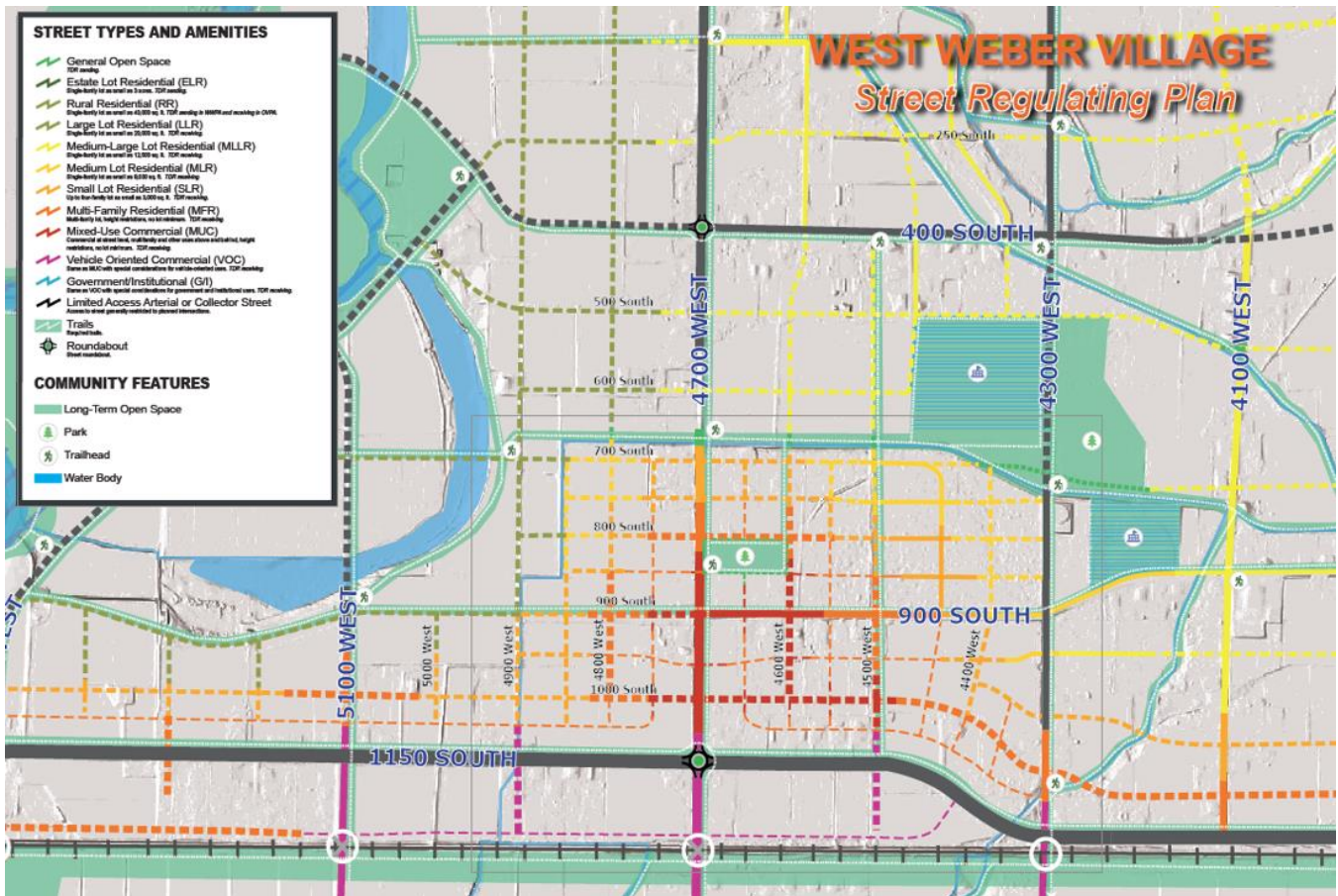
Street Design Standards:

Street design standards are proposed to be amended to include a three-lane street cross section for use on highways such as 1200 S and 4700 W., provide better standards and regulations regarding mid-block alleys and pedestrian crossings, enhance illustrations to provide better context of the implementation of the standards, and provide significant improvements to the provisions requiring pathways and pathway connectivity both on-street and off.

Street Regulating Plans:

The proposal creates a new West Weber Village Area street regulating plan map that depicts the future configuration and layout of each street type as they relate to the future of area. The Nordic and Eden maps are being adjusted to standardize line work, colors, and icons in order to provide efficiencies in mapping and regulating.

Proposed West Weber Village street regulating plan:



Parking and Internal Block Access:

The parking and internal block access section is proposed to be revamped to better provide for needed off-street parking in the middle of the block without enabling individual landowners within the block to inhibit the shared burden of providing public parking, and to enable better internal block circulation.

Transferable Development Rights:

Most of the transferable development rights section is being rewritten. The general context and application of the section is the same, but the section has to be divided to provide alternative allowances in the Western Weber Planning Area. In the Ogden Valley, no transfer bonuses are allowed. In the Western Weber, a 1:3 transfer bonus is being proposed for any landowner that moves residential rights from agricultural land to a property in the Form-Based zone.

Further, the Ogden Valley Planning Commission has expressed desire to limit transferring development rights from certain sensitive lands. The Ogden Valley Planning Commission also does not want to allow the banking of development rights and they want to be the authority over approving TDRs, rather than keeping verification and approval at the staff-level. These additional regulations are currently only proposed to apply to the Ogden Valley Planning Area.

Workforce Housing:

The Ogden Valley Planning Commission desires to change the workforce housing requirements to not require workforce housing contribution in larger lot developments, and to only allow workforce housing to be located in the commercial, multi-family, and small-lot residential areas. Ogden Valley Planning Commission also has requested a cap on how much of any one development can be devoted to workforce housing.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. In 2022, the Western Weber General Plan was adopted after a significant public involvement process. See **Figure 2** below for the West Weber Village area of the Future Land Use Map.

Figure 2: West Weber Village, as depicted in the Western Weber General Plan



The proposed adjustments to the Form-Based Village zoning ordinance helps to implement numerous goals and objectives of the General Plan including the following:

2

GOAL 2 – COMMERCIAL: In areas planned for mixed-use commercial, provide zoning or other regulatory tools that enable the creation of a community village that offers a wide variety of multi-family housing and commercial opportunities, and focuses on attractive building, site, and street design more than land uses.

LAND USE PRINCIPLE 2.2: In areas planned for mixed-use commercial, provide zoning or other regulatory tools that enable the creation of a community village that offers a wide variety of multi-family housing and commercial opportunities, and focuses on attractive building, site, and street design more than land uses.

- **Land Use Action Item 2.2.1:** Enable the creation of a mixed-use commercial regulatory tool in areas generally depicted in *Map 5: Future Land Use*. Consider using a form-based code to help shape the general appearance of buildings and provide appropriate street design requirements. Explore the form and function of each area during the small area planning specified in *Community Character Action Item 2.1.1*. See also *Land Use Action Item 2.3.1*.
- **Land Use Action Item 2.2.3:** Ensure development regulations provide for pedestrian priority in these areas. Design streets in a manner that signals to drivers that pedestrians are present and have priority use of the street. Ensure site plans provide efficient and direct pedestrian access to businesses and buildings from the street right-of-way.

LAND USE PRINCIPLE 2.3: In areas planned for vehicle-oriented commercial land uses, provide zoning or other regulatory tools that better support the creation of vehicle-oriented commercial opportunities, but still allow residential opportunities above the first story. Automobile oriented areas should not be designed as automobile dependent communities.

- **Land Use Action Item 2.3.1:** Enable the creation of vehicle-oriented commercial land uses in areas generally depicted in the *Map 5: Future Land Use*. In concert with mixed-use commercial *Land Use Action Item 2.2.1*, consider using a form-based code to help shape the general appearance of buildings and provide appropriate street design requirements. Explore the form and function of each area during the small area planning specified in *Community Character Action Item 2.1.1*.
- **Land Use Action Item 2.3.2:** Design streets in a manner that signals to drivers that pedestrians may be present. Balance the need for street thoroughfare efficiencies and pedestrian safety. Ensure site plans provide efficient and direct pedestrian access to businesses and buildings from the street right-of-way.
- **Land Use Action Item 4.2.2:** During small area planning, as provided in *Community Character Item 2.1.1*, identify with farm operators the lands that should be preserved for agricultural uses. In concert with *Land Use Principle 5.1*, pursue a transfer or purchase of development rights program to permanently remove the density from the farmland and transfer it into **village** areas or other more appropriate areas.

The residents of the Western Weber Planning Area recognize that housing attainability is essential to the stability of sustainable communities. Residents want housing options that provide for the housing needs and desires of a diverse, vibrant, and inclusive population. Residents recognize that current housing options and supply are so constrained that housing affordability is becoming unattainable for newer families that are less economically established, as well as the aging population that might be on fixed incomes. Housing choices should be attainable for people at various incomes, ages, and stages of life. Locating higher housing densities in close proximity to walkable **village** areas and better transportation options will help secure access to opportunities for many, and providing other areas in which medium and large-lot single-family neighborhoods can organically evolve will provide for the rest.

Motion for positive recommendation with changes:

I move we forward a positive recommendation to the County Commission for File #ZTA2022-06, a county-initiated application to amend the Form-Based zone and related amendments, as provided in Exhibit A, **but with the following additional edits and corrections:**

Example of ways to format a motion with changes:

1. *Example: In Section 104-12-3(f), remove short-term rentals as a permitted use.*
2. *Example: On line number _____, it should read: _____ state desired edits here _____.*
3. Etc.

I do so with the following findings:

Example findings:

1. *The changes are supported by the Western Weber General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan*
3. *The changes will enhance the general health, safety, and welfare of Western Weber residents.*
4. *[Example: allowing short-term rentals runs contrary to providing affordable long-term rental opportunities]*
5. *[Example: etc]*

Motion to table:

I move we **table** action on File #ZTA2022-06, a county-initiated application to amend the Form-Based zone and related amendments, **to [_____ state a date certain _____], so that:**

Examples of reasons to table:

- *We have more time to review the proposal.*
- *Staff can get us more information on [_____ specify what is needed from staff _____].*
- *The applicant can get us more information on [_____ specify what is needed from the applicant _____].*
- *More public noticing or outreach has occurred.*
- *[_____ add any other desired reason here _____].*

Motion to recommend denial:

I move we forward a recommendation for **denial** to the County Commission for File #ZTA2022-06, a county-initiated application to amend the Form-Based zone and related amendments. **I do so with the** following findings:

Examples findings for denial:

- *The proposal is not adequately supported by the General Plan.*
- *The proposal is not supported by the general public.*
- *The proposal runs contrary to the health, safety, and welfare of the general public.*
- *The area is not yet ready for the proposed changes to be implemented.*
- *[_____ add any other desired findings here _____].*

Exhibits

- A. Proposed Amendments to the Form-Based (FB) zoning ordinance (Redlined Copy).

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**WEBER COUNTY
ORDINANCE NUMBER 2022-_____**

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

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

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

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

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

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

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

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

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

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

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

- 1 **Part II Land Use Code**
- 2 ...
- 3 **Title 101 General Provisions**
- 4 ...
- 5 **Chapter 101-2 Definitions**
- 6 ...
- 7 **Sec 101-2-2 AI-Definitions**
- 8 **Alley.** The term "**alley**~~Alley~~" means a public thoroughfare ~~less than 26 feet wide~~of less width than the
- 9 ~~typical public street right-of-way, and which provides access to the inside of a Street-Block where no~~
- 10 ~~street is otherwise planned or required.~~
- 11
- 12 **Sec 101-2-19 R Definitions**

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

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

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

17 ...

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

19 ...

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

23 [Transfer of development rights.](#) The term "transfer of development rights," means the removal of a
 24 residential development right from one lot or parcel which is then transferred to a different lot or parcel.

25 [Transferable development right.](#) The term "transferable development right" also known herein as a
 26 "TDR," means the ~~removal-transfer of the a development right to develop property~~ from one Llot or Pparcel
 27 ~~to another, that is then transferred to a different lot or parcel.~~

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

32 ...

33 **Title 104 Zones**

34 ...

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

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

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

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

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

49

50 **Sec 104-22-2 Applicability**

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

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

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60 (c) **Street regulating plan.** The applicable regulations herein are specific to the street type, as designated
 61 by the applicable street regulating plan. New development within the Form-Based Zone shall comply
 62 with the applicable street regulating plan. Development of any property along a street or that gains
 63 primary access from that street shall comply with the street design requirements, as provided in Section
 64 104-22-7, and the building design standards in Section 104-22-6, for the specific type of street. A list
 65 and explanation of each street type is provided in ~~Section 104-22-7~~ [Subsection \(e\) of this section](#).

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

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

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

A government/institutional street or ~~alley~~ [Alley](#) has street-front buildings that are intended to
~~serve the traveling public~~ [provide the same as a Vehicle-Oriented Commercial Street, and](#)
~~provide.~~ [The primary purpose of the street is preferential areas](#) for the siting of government or
 public-service oriented buildings ~~that~~ [fronting](#) the street. Public-service oriented buildings may
 include any governmental, nonprofit, or for-profit school as long as the school provides the
 same K-12 educational courses required by the State of Utah, or a school that is an accredited
 institution of higher education. Hospitals or other medical services buildings, including medical,
 dental, or mental-health offices, laboratories, or similar public-health related offices, a public
 transportation facility or a multimodal transportation hub are also intended to be street-
 adjacent. Except for a public transportation facility, pickup and drop off areas shall be located
 to the rear of the building.

Commented [E1]: This entire section has been moved up to here from 104-22-7 to provide earlier reading of street types prior to reading other sections of code.

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

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

71 (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.

72 (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.

73 (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~~

Commented [E2]: Moved to mid-block alley to Sec 104-22-7.010

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81 ~~connect to adjoining residential streets. Where they connect, the applicable standards~~
 82 ~~shall change to residential street standards. Snow removal for an alley is the~~
 83 ~~responsibility of all landowners, collectively, or an HOA, that have a parking area that has~~
 84 ~~an access from the alley.~~

85 ~~(6)~~(5) **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.

86 ~~(7)~~(6) **Medium-lot residential street.**

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

87 ~~(8)~~(7) **Medium-large-lot residential street.**

A medium-large-lot residential street has street-front single family buildings similar to medium-lot residential street facades but on lots with greater area.

88 ~~(9)~~(8) **Large-lot residential street.**

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

89 ~~(10)~~(9) **Rural residential street.**

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

90 ~~(11)~~(10) **Estate lot residential street.**

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

91 ~~(12)~~(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.

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

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

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

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

| | | | | | | | | | | |
|---|---|---|---|---|---|----------|---|---|---|-------------|
| G | V | M | M | S | M | <u>M</u> | L | L | E | SPECIAL |
| & | O | U | F | L | L | <u>L</u> | L | R | L | REGULATIONS |
| I | C | C | R | R | R | <u>R</u> | R | R | O | |

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| | | | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Grain storage elevator. | N | N | N | N | N | N | N | N | N | N | P | P | 10-acre minimum lot- <u>Lot or Parcel</u> area required. |
| Greenhouse and nursery. Sales are limited to plants produced on the premises. | P | P | N | N | N | N | N | N | P | P | P | P | |
| Manure spreading, drying and sales. | N | N | N | N | N | N | N | N | N | N | P | P | |
| Wildlife sanctuaries. A wildlife sanctuary. | N | N | N | N | N | N | N | N | N | N | P | P | 10-acre minimum lot- <u>Lot or Parcel</u> area required. |

Sec 104-22-3.030 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 Parcel.



| | | | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Animal grazing. Animal grazing, as defined in Title 101 Chapter 2. | N | N | N | N | N | N | N | N | N | P | P | P | |
| Apiary. The keeping of bees. | N | N | N | N | C | P | P | P | P | P | P | P | |
| Aquaculture, animal related. The raising and potential harvesting of water animals or water plants. | N | N | N | N | N | N | N | N | P | P | P | P | |
| Aviary. The raising of birds. | N | N | N | N | N | P | P | P | P | P | P | P | No onsite slaughtering permitted. |
| Corral or stable. A corral, stable, or building for the keeping of agricultural animals or fowl. | N | N | N | N | N | N | N | 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 | N | N | P | P | P | P | 10-acre minimum lot- <u>Lot or Parcel</u> area required. |

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

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



| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|--|
| 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 | 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 | N | |

Last updated 4/6/2023

| | | | | | | | | | | | | |
|--|---|---|---|---|---|---|----------|---|---|---|---|--|
| Entertainment facility, outdoor. An outdoor entertainment facility, as defined in Title 101, Chapter 2. | C | C | N | N | N | N | <u>N</u> | 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 | <u>N</u> | N | N | N | N | |
| Amusement park. Amusement park. | C | C | N | N | N | N | <u>N</u> | 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 | <u>N</u> | 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 | <u>P</u> | P | P | P | P | 2-Acre minimum Lot or Parcel lot or parcel area required. |
| Campgrounds or picnic areas, commercial. A commercial campground or picnic area. | N | N | N | N | N | N | <u>N</u> | C | C | C | C | See Section 104-22-4. 2-Acre minimum Lot or Parcel lot or parcel area required. |
| Dude ranch. A dude ranch, as defined in Title 101 Chapter 2. | N | N | N | N | N | N | <u>N</u> | N | P | P | C | 10-acre minimum Lot or Parcel lot or parcel area required. |
| Golf course. Golf course. | N | N | N | N | N | N | <u>N</u> | 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 | <u>P</u> | 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 | <u>P</u> | P | P | P | P | |
| Recreation lodge. A recreation lodge, as defined in Title 101, Chapter 2. | P | P | P | P | P | N | <u>N</u> | N | N | C | N | |
| Recreational resort. A recreational resort, as defined in Title 101, Chapter 2. | P | P | P | N | N | N | <u>N</u> | N | N | N | N | |
| Shooting range or training course. A shooting range. | C | C | N | N | N | N | <u>N</u> | N | N | N | C | See Section 104-22-4. Five-acre minimum Lot or Parcel lot or parcel area required for an outdoor range. |
| Ski area. A ski area and associated skiing facilities such as lifts, lift towers, and ski runs and trails. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | |
| Ski lodge and associated services | N | N | P | P | N | N | <u>N</u> | N | N | N | P | When accessory to an allowed ski area. |
| Swimming pools, private. A private swimming pool. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | |
| Trails. Trails for skiing, equestrian uses, hiking, biking, and similar. | P | P | P | P | P | P | <u>P</u> | P | P | P | P | |
| Zoo. | P | P | N | N | N | N | <u>N</u> | N | N | N | P | 10-acre minimum Lot or Parcel lot or parcel area required. |

Last updated 4/6/2023

111

112 Sec 104-22-3.050 Animal Services and Uses.

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

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

113

114 Sec 104-22-3.060 Food, Beverage, and Other Products Sales for Human Consumption.

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

| Food Preparation and Services: | | | | | | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--|
| Alcoholic beverage production. The production, manufacturing, brewing, and wholesale sales of alcoholic beverages. | P | P | N | N | N | N | N | N | N | N | N | N | N | N | N | |

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| | | | | | | | | | | | | |
|--|---|---|---|---|---|---|----------|---|---|---|---|---|
| Bakery, delicatessen, or catering, large. Bakery or other food preparation services primarily intended for offsite consumption. | P | P | N | N | N | N | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | 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 | <u>N</u> | N | N | N | N | This use shall not include onsite slaughtering. |

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

| Retail, Food, and Drug: Products Primarily for Offsite Consumption | | | | | | | | | | | | |
|--|---|---|---|---|---|---|----------|---|---|---|---|---|
| Candy or confectionary store. The sales of candy, sweets, snacks, and small batch bakery goods and desserts. | P | P | P | P | N | N | <u>N</u> | N | N | N | N | |
| Drugstore or pharmacy. | P | P | P | P | N | N | <u>N</u> | N | N | N | N | If applicable, see drive up (drive-thru) window requirements of Section 104-22-4. |
| Grocery store. A grocery store 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 | <u>N</u> | N | N | N | N | |
| Produce stand, commercial. A commercial produce stand intended for the sales of agricultural products. | P | P | P | P | N | N | <u>N</u> | N | P | P | P | |

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| | | | | | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Public storage facilities. Storage facilities used by a governmental entity. | P | C | N | N | N | N | N | N | N | N | N | N | N | N | N |
| Visitors center. A tourism visitor's center or offices. | P | P | P | P | N | N | N | N | N | N | N | N | N | N | N |
| Worship facility. A church, synagogue or similar building used for regular religious worship. | P | P | P | P | P | P | P | P | P | P | P | P | P | N | N |

117

118 **Sec 104-22-3.080 Office uses.**

| | | | | | | | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-----|---------------------|--|
| G & I | V O C | M U C | M F R | S L R | M L R | M L R | L L R | L L R | R L R | E L R | O 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 | N | N | N | N | N |
| Bank or financial institution. A bank or other financial institution. | P | P | P | N | N | N | N | N | N | N | N | N | N | N | This use shall not include payday loan services. |
| Medical or dental office. A medical or dental office for routine out-patient care. | P | P | P | N | N | N | N | N | N | N | N | N | N | N | N |
| Office, generally. Office or studio space for office or studio uses not otherwise listed herein, in which goods or merchandise are not commercially created, exchanged or sold, and that operates with typical office equipment in a relatively quiet and nonintrusive manner. | P | P | P | N | N | N | N | N | N | N | N | N | N | N | N |

119

120 **Sec 104-22-3.090 Residential Uses.**

| | | | | | | | | | | | | | |
|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-----|---------------------|--|
| G & I | V O C | M U C | M F R | S L R | M L R | M L R | L L R | L L R | R L R | E L R | O 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 | P | P | N | N | N | See Section 104-22-4, and TDR requirements of 104-22-11 |
| Dwelling, two-family. A two-family dwelling, as defined by Title 101, Chapter 2. | N | N | N | P | P | N | N | N | N | N | N | N | N | N | |
| Dwelling, three-family. A three-family dwelling, as defined by Title 101, Chapter 2. | N | N | N | P | P | N | N | N | N | N | N | N | N | N | |
| Dwelling, four-family. A four-family dwelling, as defined by Title 101, Chapter 2. | N | N | N | P | P | N | N | N | N | N | N | N | N | N | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|--|
| Dwelling, multi-family. A multi-family dwelling, as defined by Title 101, Chapter 2. | P | P | P | P | N | N | N | N | N | N | N | N | |
| Dwelling unit. A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building. | P | P | P | P | N | N | N | N | N | N | N | N | |
| Hotel, motel, lodginghouse, condominium rental apartment (condo-tel) or timeshare condominium. A hotel, motel, lodginghouse, condominium rental apartment (condo-tel), or timeshare condominium. This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use. | P | P | P | P | N | N | N | N | N | N | N | N | |
| Residential facility for elderly persons. | P | P | P | P | P | P | P | P | P | P | P | N | See requirements of Section 104-22-4, and TDR requirements of 104-22-11 |
| Residential facility for handicapped persons. | P | P | P | P | P | P | P | P | P | P | P | N | See requirements of Section 104-22-4, and TDR requirements of 104-22-11 |
| Residential facility for troubled youth. | P | P | P | P | P | P | P | P | P | P | P | N | See requirements of Section 104-22-4, and TDR requirements of 104-22-11 |
| Short-term rental. A short-term rental. | P | P | P | N | N | N | N | N | N | N | N | N | See Title 108, Chapter 11 |
| Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof. | P | P | P | P | P | P | P | P | P | P | P | N | Must comply with See "dwelling" requirements of Section 104-22-4, and Section 104-22-12. |

121

122

Sec 104-22-3.090 Sales with Retail Storefront.

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

SPECIAL REGULATIONS

| | | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|---|---|---|
| Agricultural implement sales or repair. A facility that sells or repairs agricultural implements. | C | C | N | 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 | 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 | N | See Section 104-22-4. |
| Nursery, commercial. A plant nursery, with associated greenhouses | P | C | N | N | N | N | N | N | N | N | P | See Section 104-22-5 for maximum lot-Lot coverage by buildings. |

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| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--|
| for retail sales of plants and accessory products. | | | | | | | | | | | | | | |
| 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 | 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 | N | N | N | |

123

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

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

SPECIAL REGULATIONS

| | | | | | | | | | | | | |
|--|---|---|---|---|---|---|---|---|---|---|---|--|
| Christmas tree sales. The temporary siting of an outdoor Christmas tree sales establishment. | P | P | C | N | 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 | 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 | N | C | See Section 108-13-3 and Section 104-22-4. |

125

126 **Sec 104-22-3.110 Services.**

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

SPECIAL REGULATIONS

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|--|
| Dry cleaning, laundry, or linen cleaning establishment. The professional cleaning of laundry and linens. | P | P | P | P | N | N | N | N | N | N | 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 | |

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|---|---|---|---|---|---|---|---|---|---|---|---|------------------------|
| G | V | M | M | S | M | M | L | L | R | E | O | SPECIAL REGULATIONS |
| I | O | U | F | L | L | L | L | R | R | L | S | |

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

131

132

Sec 104-22-3.140 Vehicle-oriented uses.

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|------------------------|
| G | V | M | M | S | M | M | L | L | R | E | O | SPECIAL REGULATIONS |
| I | O | U | F | L | L | L | L | R | R | L | S | |

| | | | | | | | | | | | | |
|---|----------|---|---|---|---|---|---|---|---|---|---|-----------------------|
| 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. | O | N | N | | | | | | | | | |
| | V | N | N | | | | | | | | | |
| | P | | | N | N | N | N | N | N | N | N | |
| | A | | | | | | | | | | | |
| | W | P | P | | | | | | | | | |
| | W | | | | | | | | | | | |

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|---|--------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | P A | | | | | | | | | | | | | | | | | |
| 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 | N | N | N | N | N | N |

133

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

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

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

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

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

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

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

151 (c) **Perpetual building maintenance agreement.** Other than single-family dwellings and their accessory
 152 buildings. ~~When~~ a building is set back less than ten feet from a property line, a perpetual building
 153 maintenance agreement is required between the building owner and the affected adjacent property
 154 owner, which shall allow for construction and maintenance of the side or rear of a commercial building,
 155 and shall:

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

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

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

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

162

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

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

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

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

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

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- 175 (b) **Automobile repair of any kind.** Refer to paragraph (b~~a~~) of this section.
- 176 (c) **Automobile sales, rentals, or service.** Refer to paragraph (b~~a~~) of this section.
- 177 (d) **Boat sales or service.** Refer to paragraph (b~~a~~) of this section.
- 178 (e) **Campgrounds or picnic areas, commercial.** A commercial campground or picnic area shall comply
 179 with Title 108, Chapter 20. If located along any street in the FB zone except open space, an opaque
 180 fence or wall shall surround the use. Vegetation screening shall be planted on the outside of the fence
 181 or wall to allow the use to blend in with surrounding uses. A drip irrigation system shall be installed to
 182 ensure long-term viability of the vegetation.
- 183 (f) **Car wash.** Where allowed, a car wash is subject to the following restrictions:
 - 184 (1) Operation hours are only allowed between 6:00 a.m. and 10:00 p.m.
 - 185 (2) There shall not be more than four washing bays for a manual spray car wash.
 - 186 (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet, reserving street
 187 frontage for buildings that provide street-facing commercial facades.
 - 188 (4) The off-street vehicle spaces or queues required shall be as follows:
 - 189 a. One bay car wash, four spaces in the approach lane;
 - 190 b. Two bay car wash, three spaces in the approach lane for each wash bay;
 - 191 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.
- 192 (g) **Corral or stable.** This use shall be located no less than 100 feet from a public street and not less than
 193 25 feet from any side or rear lot line
- 194 (h) **Dwelling or dwelling unit.** The regulations for a dwelling unit use listed in the land use table are as
 195 follows:
 - 196 (1) **Construction standards.** A dwelling unit on a government and institutional, vehicle-oriented, mixed
 197 use commercial, or multi-family residential street shall be constructed to a multifamily residential
 198 standard in accordance with the International Building Code.
 - 199 (2) **Dwelling unit location.** A dwelling unit proposed along a government and institutional, vehicle-
 200 oriented commercial, or a mixed-use commercial street shall be located on a [Lot or Parcel](#)~~lot~~ as
 201 follows:
 - 202 a. Above or behind any street-level commercial space; or
 - 203 b. Behind a building that provides street-level commercial space, or if no such building exists at
 204 the time of application, behind the area reserved for street-level commercial space as otherwise
 205 required herein. The location shall provide for the existing and future planned street layout of
 206 the area, including the future street-level commercial space that will face future streets, and
 207 internal ~~Street-Block~~~~block~~ ~~alleyways~~~~Alleys~~.
 - 208 (3) **Two, three, four, and multi-family residential:** Unless one of the units is owner occupied, a two,
 209 three, four, or multi-family residential building shall be operated and maintained by a professional
 210 management company that specializes in multi-family residential property management.
 - 211 (4) **Density allowance and transferable development rights.** No dwelling units in excess of the base
 212 density, as defined by Title 101, Chapter 2, and as provided in Section 104-22-11, are allowed in
 213 the Form-Based Zone except when in compliance with the transferable development rights
 214 requirements of Section 104-22-11.
- 215 (i) **Family food production.**
 - 216 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
 217 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys,
 218 five ducks, five geese, or five pigeons.
 - 219 a. No more than four sets of Group B animals or fowl may be kept on a [Lot or Parcel](#)~~lot or parcel~~
 220 that is less than 40,000 square feet.

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- 221 b. No more than six combined sets of Group A animals and Group B animals or fowl may be kept
 222 on a [Lot or Parcel](#)~~lot or parcel~~ that is less than two acres. The same applies to a [Lot or Parcel](#)~~lot~~
 223 ~~or parcel~~ greater than two acres, except that an additional six combined sets of Group A and
 224 Group B animals or fowl may be kept per each additional acre greater than two.
- 225 (j) **Gas or fuel station.** A gas or fuel canopy shall not be located closer to a public street right-of-way,
 226 excluding a [mid-Block Alley](#)~~mid-block~~, than 60 feet. The canopy shall be located to the rear of the
 227 convenience store associated with the canopy.
- 228 (k) **General retail sales, small items.** This use is any store that primarily retails or rents items to be
 229 physically taken by the customer from the store, when those items weigh less than 80 lbs, including
 230 product packaging, or that are small enough to fit in a typical passenger vehicle. The use is limited to
 231 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of items intended to be
 232 explosive or hazardous to human health, safety, or welfare is permitted.
- 233 (l) **General retail sales, large items.** This use is any store that primarily retails or rents items to be
 234 physically taken by the customer from the store, when those items weigh more than 80 lbs, including
 235 product packaging, or that are too large to fit in a typical passenger vehicle. This use may include an
 236 outdoor sales yard of no greater than 6,000 square feet as long as it is completely surrounded by an
 237 opaque wall. No sales of items intended to be explosive or hazardous to human health, safety, or welfare
 238 is permitted.
- 239 (m) **Office uses.** A use listed in the "office uses" table may only be located above or behind first-floor street-
 240 level commercial space, reserving the street frontage for first-floor street-level commercial space. A local
 241 recreation and tourism office devoted to providing services, information, and events primarily for visitors
 242 to the Ogden Valley is exempt from this requirement provided that it is open and accessible to all
 243 members of the public.
- 244 (n) **Shooting range or training course, indoor or outdoor.** The facility shall provide designated shooting
 245 positions for which ballistic backstops are designed. No shooting is allowed except in these designated
 246 shooting positions. All sides down range of a shooting position shall have a non-ricochet ballistic
 247 backstop, including overhead and on the ground or floor, capable of containing all errant bullets. For an
 248 outdoor range, the overhead backstop may be a series of baffles. Approval shall be subject to the
 249 requirements and conditions of the local fire authority. The range operator shall be onsite at all times
 250 shooting is occurring.
- 251 ~~Short-term rental, owner-occupied. The residence shall be the owner's primary residence, be taxed~~
 252 ~~as such, and the owner shall have owned the residence for at least two years prior to submitting a Land~~
 253 ~~Use Permit for the owner-occupied short-term rental. Additionally, the owner must be present at all times~~
 254 ~~in which the property is being rented on a short-term basis.~~
- 255 (o) **Self-storage.** Self-storage is only allowed if located on the same [Lot or Parcel](#)~~lot or parcel~~ with a building
 256 that has street-facing commercial space. The use shall comply with the following:
- 257 (1) Storage units shall be located behind or above building area that provides a first-~~story~~-[floor](#) street-
 258 facing commercial façade and related commercial space. The building providing street-facing
 259 commercial space shall appear from the exterior as if office or residential space is offered in the
 260 area housing the storage units.
- 261 (2) If located in a separate onsite building than the building providing first-~~story~~-[floor](#) street-facing
 262 commercial space specified herein, the separate building shall be located behind the building with
 263 first-~~story~~-[floor](#) street-level commercial space, and shall be no wider than the building providing first-
 264 ~~story~~-[floor](#) street-level commercial space.
- 265 (3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property
 266 line, and shall be completely obscured from view from any public right-of-way.
- 267 (p) **Ski area.** This use may include ancillary equipment and structures such as snow making equipment,
 268 snow grooming equipment, maintenance facilities, trail and wayfinding signage, ski lifts, ski fences, ticket
 269 booths, concession stands, restroom facilities, food and beverage sales, ski patrol facilities, emergency
 270 response facilities, and similar uses commonly found in ski areas. Outdoor storage and maintenance of
 271 ski related equipment is allowed provided that it is screened from view of the general public. Ski area
 272 trail wayfinding signage are exempt from other signage requirements of this Land Use Code. Any lighting
 273 associated with said signage is subject to the requirements of Section 108-16.

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- 274 (q) **Temporary building or use.** The building or use shall be removed upon completion or abandonment
 275 of the construction work.
- 276 (r) **Tire shop.** Refer to paragraph (b~~a~~) of this section.
- 277 (s) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it be
 278 stationary for more than four days at a time.

279

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

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

285 (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 |
| <u>Medium-Large Lot Residential (MLLR)</u> | <u>12,500 square feet</u> |
| Large Lot Residential (LLR) | 20,000 square feet |
| Rural Residential (RR) | 40,000 square feet |
| Estate Lot Residential | 3 acres |
| Open Space (OS) | No minimum |

Commented [E3]: This a quarter-acre(ish)

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

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

| STREET TYPE: | MINIMUM LOT WIDTH AND STREET FRONTAGE: |
|--|--|
| Government and Institutional (G/I) | 12 feet |
| Vehicle-Oriented Commercial (VOC) | |
| Mixed-Use Commercial (MUC) | |
| Multi-Family Residential (MFR) | |
| Small Lot Residential (SLR) | 30 feet ¹ |
| Medium Lot Residential (SLR) | 50 feet ¹ |
| <u>Medium-Large Lot Residential (MLLR)</u> | <u>60 feet¹</u> |
| Large Lot Residential (LLR) | 100 feet |
| Rural Residential (RR) | 150 feet |
| Estate Lot Residential | |
| Open Space (OS) | No minimum |

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¹ Unless located at least 30 feet behind the front-most part of the Dwelling, one or more front-facing garage door(s) shall have a cumulative width no greater than 18 percent of the width of the Lot.

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

Commented [E4]: Standard one-car garage door is 8-10 feet wide. Standard two-car is 16-18 feet wide. 18 percent, generally, allows the following lot width to front-facing garage door width ratios:

0-45': No front-facing garage doors.
 45-89': single car front-facing door.
 89'-177': double car front-facing door.
 100'-177': triple car front-facing door.
 177'-etc: quadruple car – etc.

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(c) Front lot-line and street setback.

| STREET TYPE: | FIRST-FLOOR STREET-LEVEL COMMERCIAL BUILDING FAÇADE ¹ | | | ALL OTHER BUILDING FAÇADES | | |
|---|--|---|-----------------------------------|--|---------------------------------------|-------------------------------------|
| | MINIMUM FRONT LOT-LINE STREET SETBACK: | MAXIMUM FRONT LOT-LINE STREET SETBACK | MIN FRONT LOT LINE STREET SETBACK | MINIMUM FRONT LOT-LINE STREET SETBACK: | MAXIMUM FRONT LOT-LINE STREET SETBACK | MIN FRONT LOT LINE STREET SETBACK |
| Government and Institutional (G/I) | No minimum | 5 feet, or 20 feet if providing public dining or gathering space. ^{2*} | No minimum | 460 feet ^{3*} | No maximum | No minimum |
| Vehicle-Oriented Commercial (VOC) | | | | | | |
| Mixed-Use Commercial (MUC) | | | | | | |
| Multi-Family Residential (MFR) | | | | 5 feet | 10 feet ^{2*} | |
| Small Lot Residential (SLR) | Not Applicable | | | 5 feet ⁵ | No maximum | 5 feet |
| Medium Lot Residential (SLR/MLR) | | | | 20 feet ^{4,5} | 30 feet | 20 feet⁴ |
| Medium-Large Lot Residential (MLLR) | | | | | | |
| Large Lot Residential (LLR) | Not Applicable | | | 30 feet | No maximum | |
| Rural Residential (RR) | | | | | | |
| Estate Lot Residential (ELR) | | | | | | |
| Open Space (OS) | | | | | | |

308 ¹[Building façade is permitted above the first-floor street-level commercial area, provided compliance with maximum height and use regulations.](#)

309 ^{2*}[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.](#)

310 ^{3**}[Except for a public dining or gathering space public plaza, this setback distance shall remain clear from permanent building improvements or significant financial investments until or unless a first-floor street-level commercial building facade is constructed that meets the five-foot maximum building setback. Any parking provided in this area shall not be included in the overall parking calculations.](#)

311 ^{4***}[This minimum may be reduced to 15 feet if the lot's only vehicle access is over a side or rear lot line adjacent to an Alley that complies with Section 106-2-2.100 of this Land Use Code.](#)

312 ⁵[No parking area, pad, or driveway within the front setback shall be less than 20 feet deep when measured from the Front Lot Line.](#)

320

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

| STREET TYPE: | MINIMUM SIDE LOT-LINE SETBACK | | MAXIMUM SIDE LOT-LINE SETBACK: |
|-------------------------------------|---|---|--|
| | MAIN BUILDING: | ACCESSORY BUILDING: | |
| Government and Institutional (G/I) | No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1 | | No maximum. ² Any space between buildings shall be open for pedestrian passage to internal block areas, unless designed, constructed, and actively used (when weather permits) for outdoor dining, shopping, or other street activities that are open to the public. |
| Vehicle-Oriented Commercial (VOC) | | | |
| Mixed-Use Commercial (MUC) | | | |
| Multi-Family Residential (MFR) | | | |
| Small Lot Residential (SLR) | 5 feet | Same as main building, except 1 foot if located at least 6 feet in rear of main building. | No maximum |
| Medium Lot Residential (MLR) | | | |
| Medium-Large Lot Residential (MLLR) | 10 feet ¹ | | |
| Large Lot Residential (LLR) | 10 feet | | |
| Rural Residential (RR) | | | |
| Estate Lot Residential (ELR) | | | |
| Open Space (OS) | | | |

322 ¹ This minimum may be reduced to 5 feet if the lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley that complies with Section 106-2-2.100 of this Land Use Code.

323 ² Any space between buildings shall be open for pedestrian passage to internal Street-Block areas, unless designed, constructed, and actively used (when weather permits) for outdoor dining, shopping, or other street activities that are open to the public.

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

| STREET TYPE: | MINIMUM REAR LOT-LINE SETBACK FOR MAIN BUILDING: | MINIMUM REAR LOT-LINE SETBACK FOR ACCESSORY BUILDING |
|-------------------------------------|---|--|
| Government and Institutional (G/I) | No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1 | |
| Vehicle-Oriented Commercial (VOC) | | |
| Mixed-Use Commercial (MUC) | | |
| Multi-Family Residential (MFR) | | |
| Small Lot Residential (SLR) | 5 feet | 1 foot |
| Medium Lot Residential (MLR) | 20 feet | 1 foot |
| Medium-Large Lot Residential (MLLR) | 20 feet | 1 foot |
| Large Lot Residential (LLR) | 30 feet | 1 foot |
| Rural Residential (RR) | | |
| Estate Lot Residential | | |
| Open Space (OS) | | |

330

331 (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) | 80-85 percent | 4 |
| Medium Lot Residential (MLR) | 50 percent | 1 ^{1*} |
| Medium-Large Lot Residential (MLLR) | 40 percent | 1 ^{1*} |
| Large Lot Residential (LLR) | 30 percent | 1 ^{1*} |

Commented [E5]: OVPC requested this be reduced to provide a more aesthetically pleasing break between dwellings – especially if they are rows of townhomes.

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

332 ^{1*} This does not include ~~Not including~~ an accessory dwelling unit, as provided in Section 108-19.

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

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

339 _____

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

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

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

344

345 (a) **Height.**

| STREET TYPE: | MINIMUM MAIN BUILDING HEIGHT | MAXIMUM MAIN BUILDING HEIGHT | MAXIMUM ACCESSORY BUILDING HEIGHT |
|-------------------------------------|-------------------------------------|---|-----------------------------------|
| Government and Institutional (G&I) | 25 feet | 40 feet, except 35 feet and no more than two stories for any part of a building within 30 feet of a public street. 50 feet | 25 feet |
| Vehicle-Oriented Commercial (VOC) | | | |
| Mixed-Use Commercial (MUC) | One story | 35 feet | 25 feet |
| Multi-Family Residential (MFR) | | | |
| Small Lot Residential (SLR) | | | |
| Medium Lot Residential (MLR) | | | |
| Medium-Large Lot Residential (MLLR) | | | |
| Large Lot Residential (LLR) | | | |
| Rural Residential (RR) | | | |
| Estate Lot Residential | No minimum ne | 25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use. | 25 feet |
| Open Space (OS) | | | |

Commented [E6]: Requested by OVPC.

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

| STREET TYPE: | MAXIMUM BUILDING OR USE FOOTPRINT: | |
|-------------------------------------|---|------------|
| | OVPA: | WWPA: |
| Government and Institutional (G&I) | No single commercial use shall occupy a footprint of more than 30,000 square feet ^{1*} | No maximum |
| 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) | | |
| Medium-Large Lot Residential (MLLR) | | |
| Large Lot Residential (LLR) | | |
| Rural Residential (RR) | | |
| Estate Lot Residential | | |
| Open Space (OS) | | |

348 ^{1*}Government buildings and schools are exempt from building area maximum.

349

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

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

352 ¹For a sloped sidewalk, the street sidewalk's surface shall be determined as the elevation at the midpoint
 353 of the building.

354

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

| STREET TYPE: | MINIMUM FENESTRATION FOR THE FIRST STORY FAÇADE OF A BUILDING | | MINIMUM FENESTRATION FOR THE SECOND STORY AND ABOVE | |
|------------------------------------|---|---------------|---|---------------|
| | STREET-FACING: | ALLEY-FACING: | STREET-FACING: | ALLEY-FACING: |
| Government and Institutional (G&I) | 50 percent | 30 percent | 30 percent | |
| Vehicle-Oriented Commercial (VOC) | 70 percent | 40 percent | | |

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

356
 357 (e) **Main-Entrance requirements.** Each building with building or Lot frontage along a gGovernment-and/
 358 institutionalInstitutional, vVehicle-oOriented eCommercial, mMixed-uUse eCommercial, or mMulti-
 359 fFamily street shall be provided with a main entrance that faces the street. Except when the building is
 360 set back from the street right-of-way or any sidewalk, pathway, or pedestrian way at least four feet, ~~the~~
 361 maineach entrance shall be recessed from the building's façade no less than five feet.

362
 363 **Sec 104-22-6.2 Building Design Standards By Area**

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

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

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

- 374 (a) **Design theme.** All buildings shall have architectural styling and materials that resemble historic
 375 commercial main-street buildings in the Western United States that were inexistence between 1880 and
 376 1910. Each new building shall provide diversity and varietyin building design, architectural features,
 377 and building material that set each building apartfrom adjacent buildings.
- 378 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and cap, each
 379 of varying design features and building material.
- 380 (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12-inch shift between adjacent
 381 rooflines. If the building will have a sloped roof, parapet walls shall be constructed to hide the roof slope.
- 382 (d) **Building massing.** The wall massing of building facades shall be broken at least every40 feet with

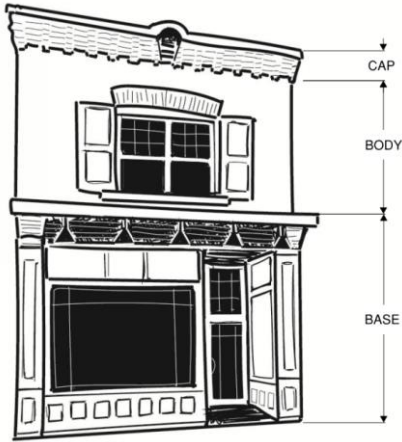
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383 no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed
384 and constructed to have a building base, building body, and varying building roofline, each having
385 varying building materials or design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

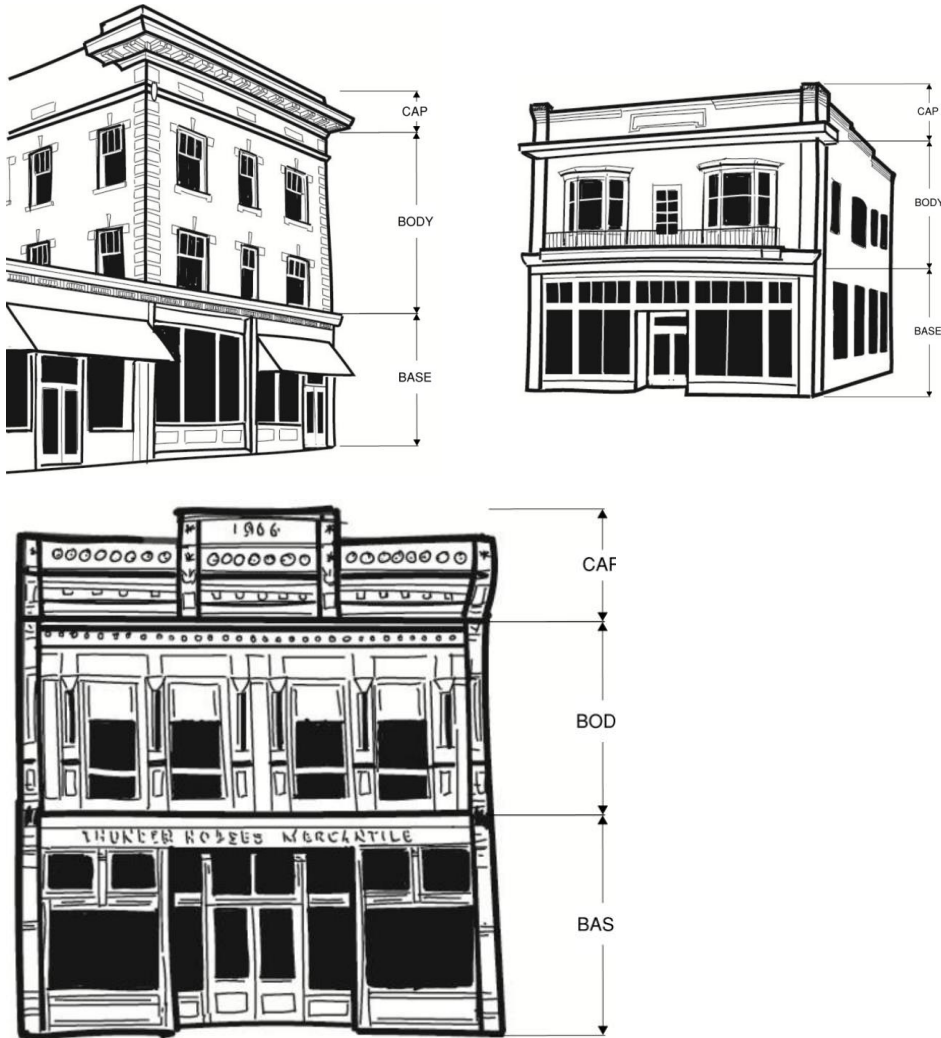
386 (e) **Building material.** Each building facade that faces the street shall consist of brick, or wood, or a faux
387 material that is hard to distinguish from real brick, or wood. Metal may be used for accent material. At
388 least one of the building materials used on the building façade shall also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

390 (f) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina, are allowed.
391 Other muted earth-tone paints may be used as long as they complement the age period. No more than
392 70 percent of a building's facade shall be white.

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



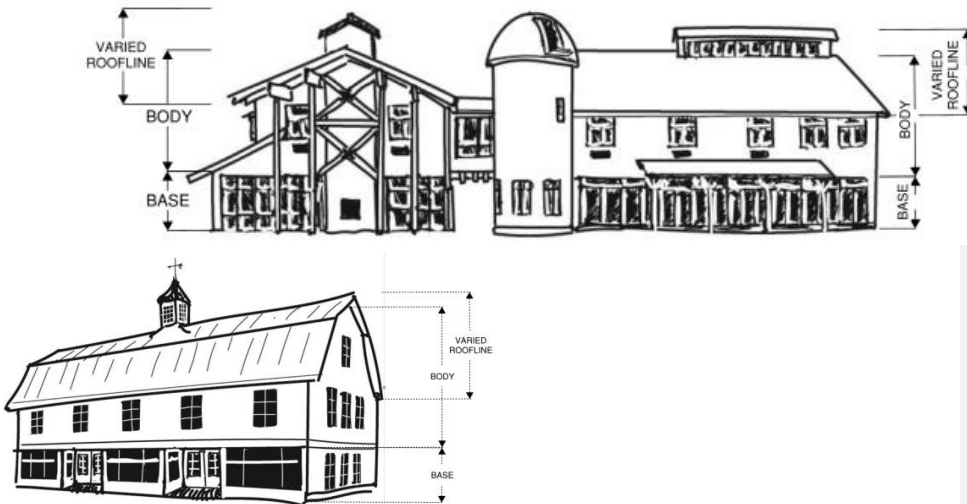
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- 396
- 397 **Sec 104-22-6.4 New Town Eden Area and West Weber's 4700 Village Building Design Standards**
- 398 In addition to applicable standards in this chapter, the following standards apply to all buildings in the New
- 399 Town Eden Area:
- 400 (a) **Design theme.** All buildings shall have architectural styling and materials that implement agrarian-style
- 401 architecture. Agrarian-style architecture shall incorporate at least two of the following four options:
- 402 (1) Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.
- 403 (2) An attached shed-roof at a 4/12 or greater slope that is not attached to the main roof structure.
- 404 (3) A clerestory or cupola.

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



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

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

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

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

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

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

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

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

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

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

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

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

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



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

Sec 104-22-7.010 Street Types And Right-Of-Way Cross Sections and General Street Design

- (a) **Right-of-way dedication.** As development occurs on each Lot or Parcel ~~lot or parcel~~, the owner shall dedicate area for public right-of-way with a width as depicted herein or as otherwise adopted, to form a Street-Block ~~block~~ pattern as depicted in the applicable street regulating plan.
- (b) **Drawings required.** Each application for development shall provide engineered construction drawings of the street improvements required herein.
- (c) **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:
 - a. Typical three-lane village cross section. A three-lane village street is required for all arterial and collector streets, as designated by the applicable general plan or master street plan. The design dimensions shall be as follows:

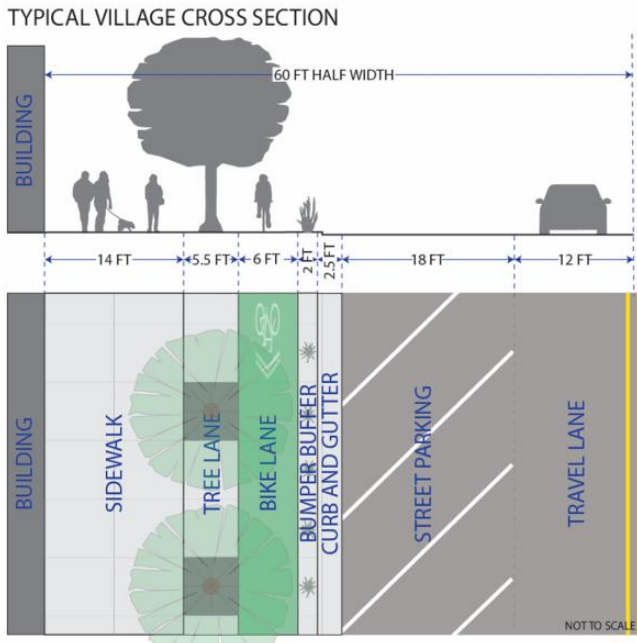
Commented [E7]: Adding a 3-lane standard



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

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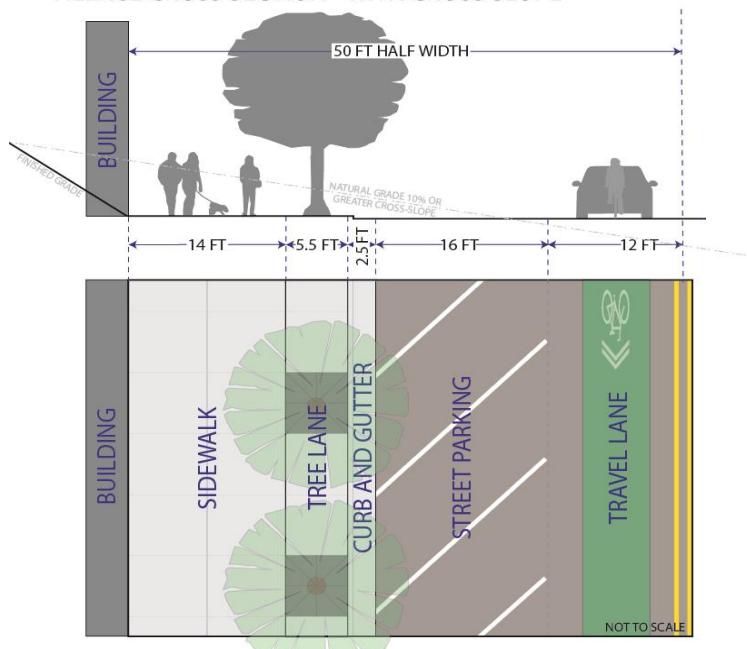
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- (2) **Commercial street design with challenging cross slopes.** Unless otherwise negotiated by development agreement, the design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street and multi-family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

Commented [E8]: Verify consistency throughout

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VILLAGE CROSS SECTION - WITH CROSS SLOPE



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

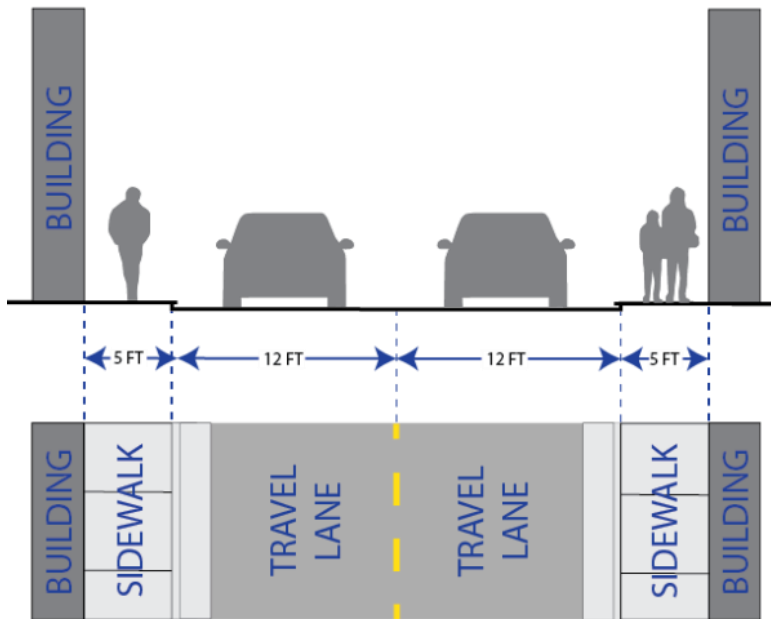
- (3) **Commercial Mid-Block Alleys design.** As development occurs along a G/I, VOC, MUC, or MFR street designation, one or more mid-Block Alleys shall be designed and constructed in accordance with the following: ~~that side shall have at least one alley designed and constructed. The design for a governmental and institutional alley, vehicle-oriented commercial alley, mixed-use~~
- a. The general location of mid-Block Alleys are shown on each street regulating plan as lines with a lighter line weight than the lines that represent streets.
 - b. A mid-Block Alley shall provide both vehicle and pedestrian access to and through the inside of a Street-Block. Specifically, they shall provide access to public shared parking lots, public or private parking garages, and other uses or buildings that are located in the middle of the Street-Block.
 - c. When a mid-Block Alley connects through a Street-Block in which the Alley transitions to a residential street, the applicable design and construction standards shall also transition to a typical residential street standard.
 - d. The Alley shall be dedicated for public use, but the operations and maintenance of it shall be the collective and equitable responsibility of all landowners whose parcels and/or parking areas gain access from it. An association of owners may be created to specify the details of the management thereof.
 - e. Snow storage areas abutting an Alley shall be provided in the middle of each Street-Block of

Commented [E9]: Inserted image makes this unnecessary.

Commented [E10]: Ensure this references the shared parking lot requirements below.

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- 515 [sufficient size and configuration to easily accommodate the Alley's snow storage needs, as](#)
 516 [determined by the County Engineer.](#)
- 517 [a.f. Regardless of an Alley's configuration displayed on the street regulating plan map, a mid-Block](#)
 518 [Alley shall be located at a distance that is no greater than 330 feet and no less than 200 feet](#)
 519 [from a street intersection or other mid-Block Alley intersection.](#)
- 520 [b.g. The mid-Block Alley's access to the street shall align with an existing or planned mid-Block Alley](#)
 521 [on the opposite side of the street. If there is no existing or planned mid-Block Alley on the](#)
 522 [opposite of the street, then the subject mid-Block Alley's access to the street shall be located in](#)
 523 [a manner that provides reasonable opportunity for the creation of a future mid-Block Alley on](#)
 524 [the opposite of the street.](#)
- 525 [e.h. The width of the mid-Block ~~commercial alley, and multi-family residential alley~~ Alley shall, at a](#)
 526 [minimum, be designed](#) is as follows:



- 527
- 528 (4) **Residential street design.** The design for all non-multi-family residential streets is as follows:
 529 See [provided in](#) Section 106-4-5.

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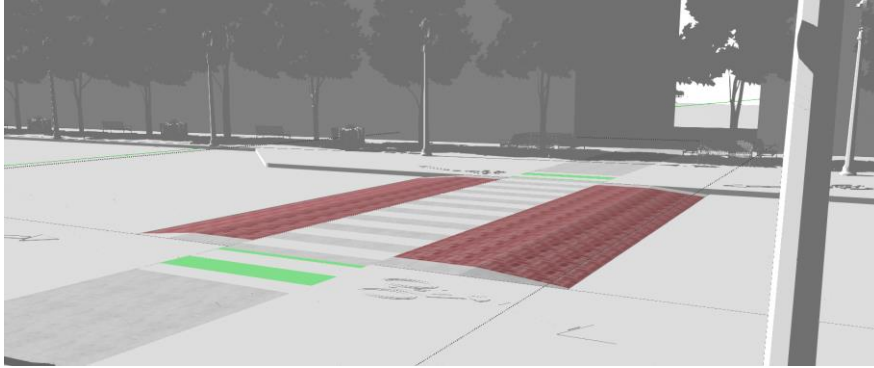
531 **Sec 104-22-7.020 Specific Street Design Standards**

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

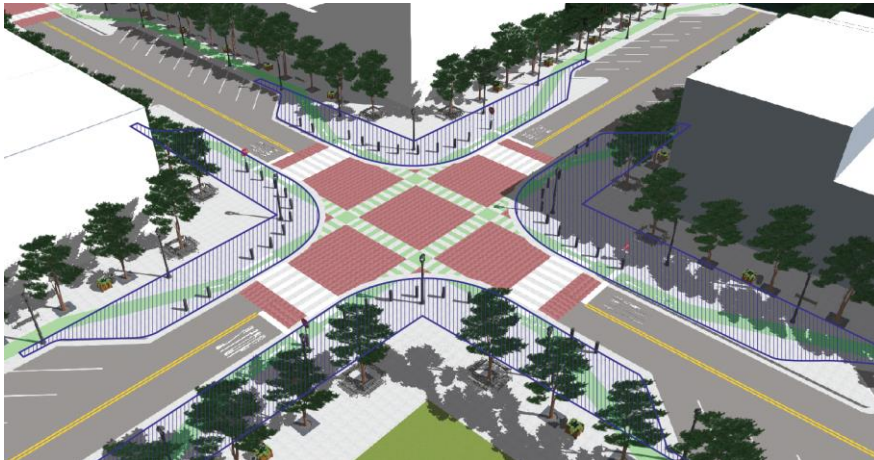
- 536 (a) **Pedestrian priority design.** The street shall be designed to prioritize pedestrian use. At primary points
 537 of conflict between pedestrian uses and vehicle uses, the street facility shall be designed and
 538 constructed to promote pedestrian safety, comfort, and efficiency.
- 539 (1) **Raised crosswalks.** Where a pedestrian-way intersects with a vehicle-way, the pedestrian-way
 540 shall be raised at least six inches above the grade of the vehicle-way, or to the level of the

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541 adjoining pedestrian-ways, whichever is higher. This shall include but is not limited to the installation
 542 of crosswalks and intersections that are raised to the same plane as the sidewalk or adjoining
 543 pathways. [An example of a raised crosswalk is illustrated as follows:](#)



544
 545 (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety, street
 546 improvements at intersections, pedestrian crossings, and ~~mid-Block~~ ~~mid-block~~ ~~Alley~~ alleys, if
 547 different, shall be constructed with curb extensions that bulb out directly adjacent to the lane of
 548 travel. Bike lane widths shall not be obstructed or made narrower at any point along a curb extension
 549 bulb-out. Bulb-outs shall be designed to the specifications of this ordinance and the County
 550 Engineer, or as otherwise adopted. Where a bulb-out provides access to a ~~raised~~ pedestrian
 551 crosswalk, bollards [or other permanent features](#) shall be installed along the curve of the bulb-out to
 552 keep vehicles from entering the pedestrian-way. ~~Examples of bulb-outs are depicted in the images~~
 553 ~~above~~ [An example of curb extension bulb-outs is illustrated as follows:](#)



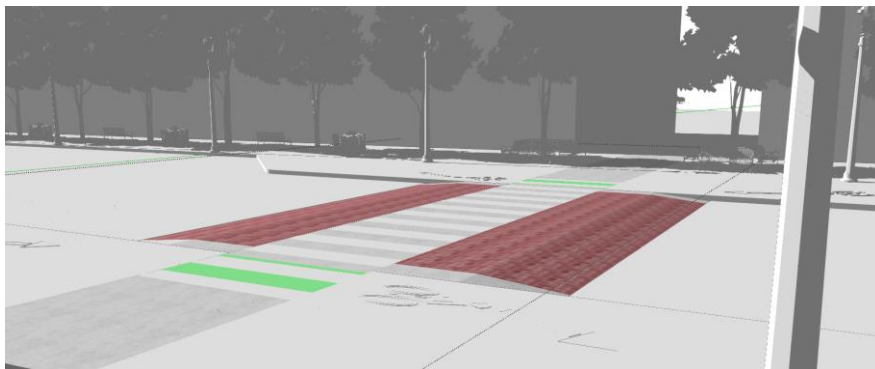
555
 556 (3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective striping,
 557 crosswalks shall be constructed of stamped and colored concrete to provide clear contrast between
 558 the street and crosswalk.

559 (4) **Mid-block Block crosswalk.** A ~~Street-Block~~ ~~block~~ that has a length that is greater than 330 feet, as
 560 measured from the center of each bounding intersection, shall be provided with a ~~mid-Block~~ ~~mid-~~
 561 ~~block~~ crosswalk. Solar powered user-activated rapid flashing beacons shall be installed on ~~mid-~~
 562 ~~Block~~ ~~mid-block~~ crosswalk signage [unless jurisdictionally controlled power is in the right-of-way at](#)

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[the location.](#)



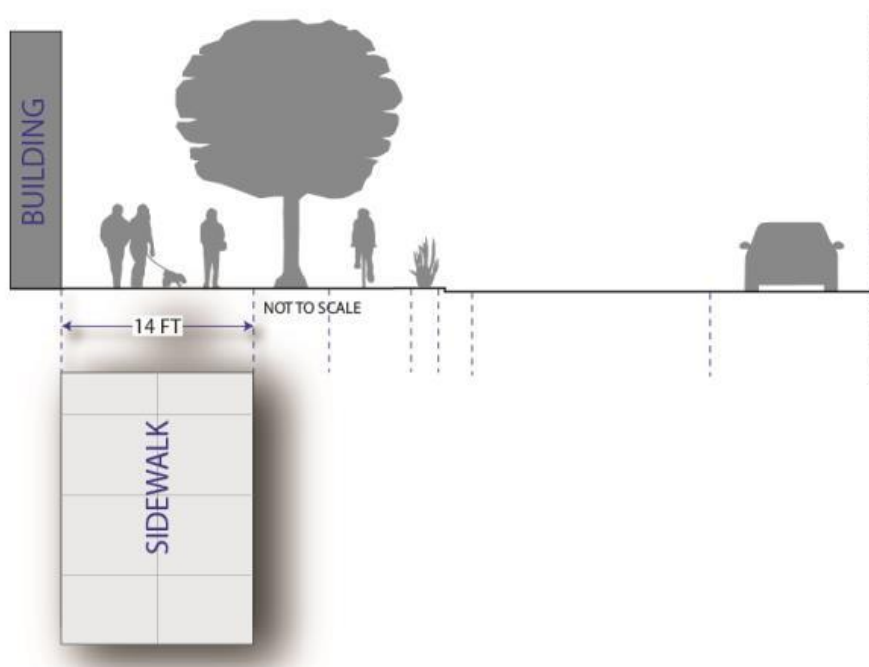
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- (b) **Sidewalk required.** As part of the required street improvements within the FB Zone, a sidewalk shall be installed in the designated sidewalk area, as depicted in Section 104-22-7.010 and as illustrated as follows, on the side of the street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

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- (1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required sidewalk along any street ~~designated as residential except the multi-family residential street that is very unlikely to have an adjacent building with first-floor street-level commercial space.~~ [The pathway shall be designed as provided in Section 104-22-7.030.](#)

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Last updated 4/6/2023

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

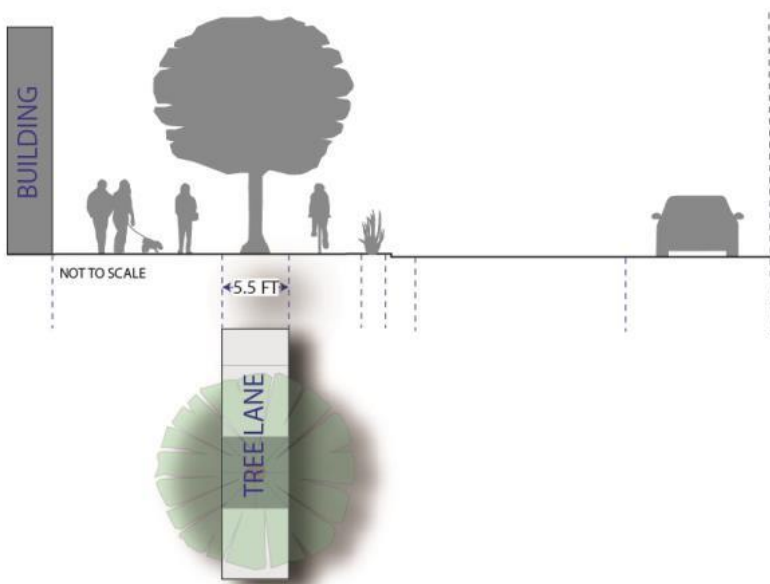


- 579
580 (c) **Street trees required.** As part of the required street improvements within this zone, street trees shall
581 be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the
582 street as the development and for the entire length of the development [Lot's](#) street frontage. Tree
583 species shall be approved by the Planning Director and County Engineer as part of the review of the
584 development. A street tree plan shall be submitted as part of a development application and shall be
585 accompanied by a letter from a certified arborist or landscape architect, certifying that the proposed tree

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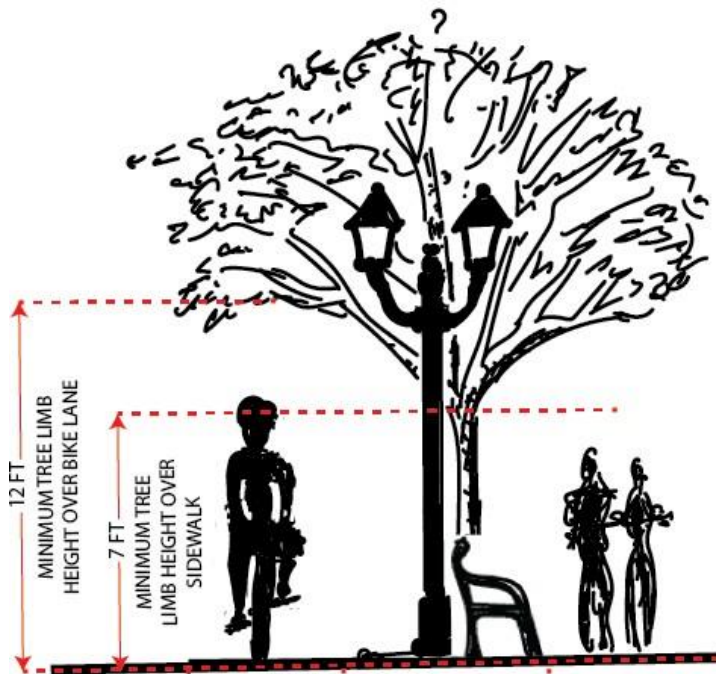
586 type is suitable considering site conditions and local climate. The plan shall include planting methods
587 that are specific to the site conditions. Planting methods shall provide means of protecting the longevity
588 of the tree and the street infrastructure. Street trees shall be provided with a permanent watering
589 method with irrigation infrastructure installed underground.

590 (1) **Tree planting.** No street tree shall be planted within the clear view triangle as provided in Section
591 108-7-7, Section 106-4-5, or the American Association of State Highway and Transportation Officials
592 (AASHTO) standards. To provide continuous shade of the pedestrian areas, spacing between tree
593 trunks shall equal the average diameter of the specific tree species' canopy at maturity. However,
594 in the Nordic Valley Area, each [street bounding a Street-Block](#) shall have the same number of
595 trees that is equal to one tree per every 50 linear feet of street on both sides of the street, and the
596 trees may be grouped in clusters of no greater than ten trees, rather than equally spaced along the
597 right of way.



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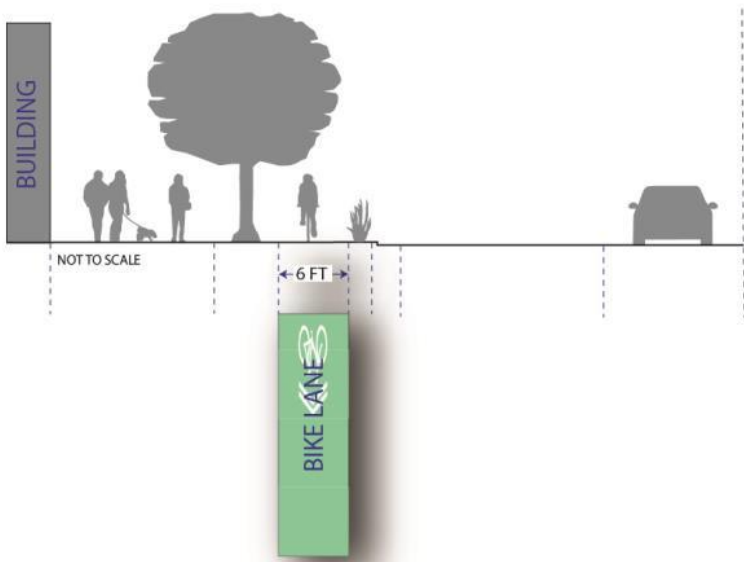


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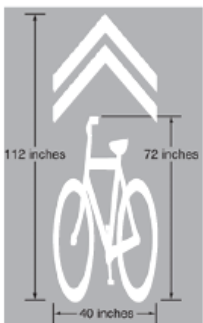
607 (d) **Bike facilities required.**

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

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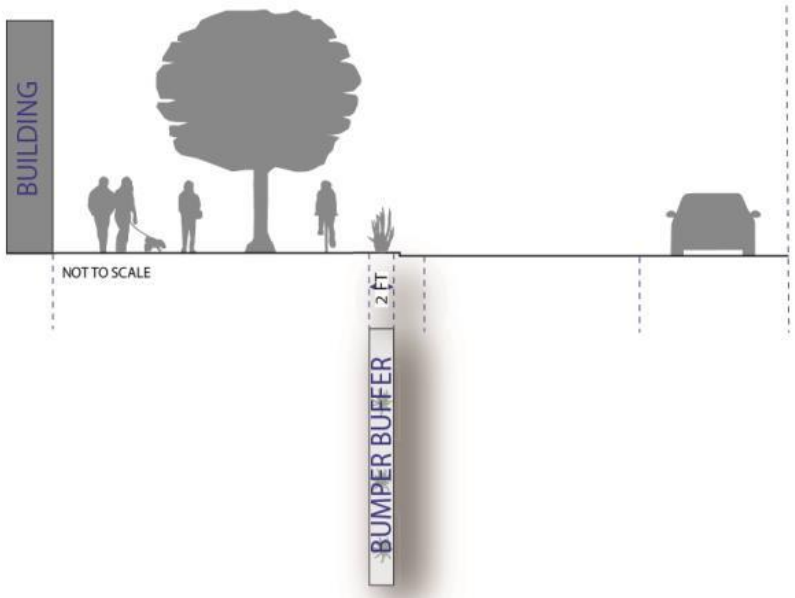


- 611
- 612 (2) **Bike lane alternative.** When topography results in the inability to safely create sufficient street right-
- 613 of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle
- 614 travel lane. In these cases, a five-foot wide retroreflective green bike lane shall be applied to the
- 615 center of the lane, and marked with retroreflective sharrows as depicted by the following graphic:

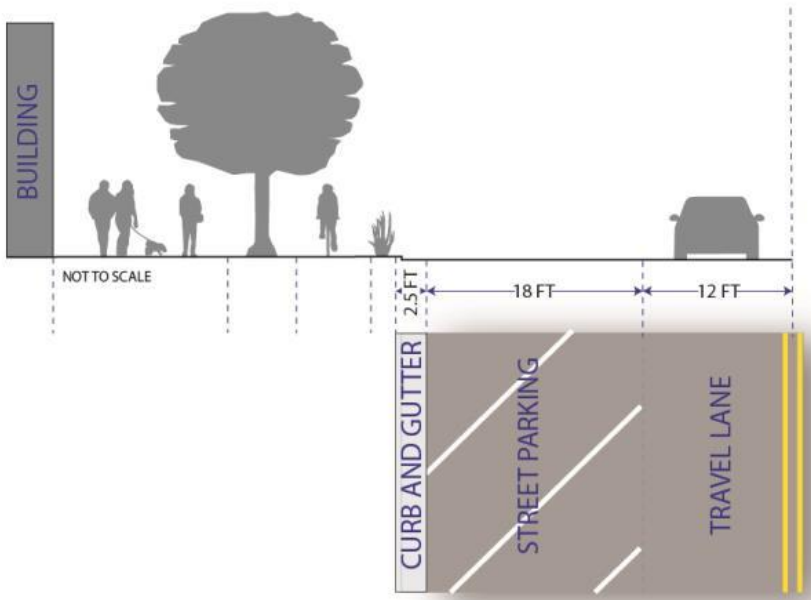


- 616
- 617 (e) **Street parking required.**
- 618 (1) **45-degree angle parking.** Each street shall be designed and constructed to provide 45- degree
- 619 angled parking.
- 620 (2) **Street parking alternative.** When topography results in the inability to safely create sufficient street
- 621 width, the County Engineer has discretion to allow a parallel street-parking design instead.
- 622 (3) **Parking bumper buffer.** A three-foot parking buffer shall be provided between the bikelane and
- 623 the curb for vehicle bumper overhang. Vegetation may be in this buffer.

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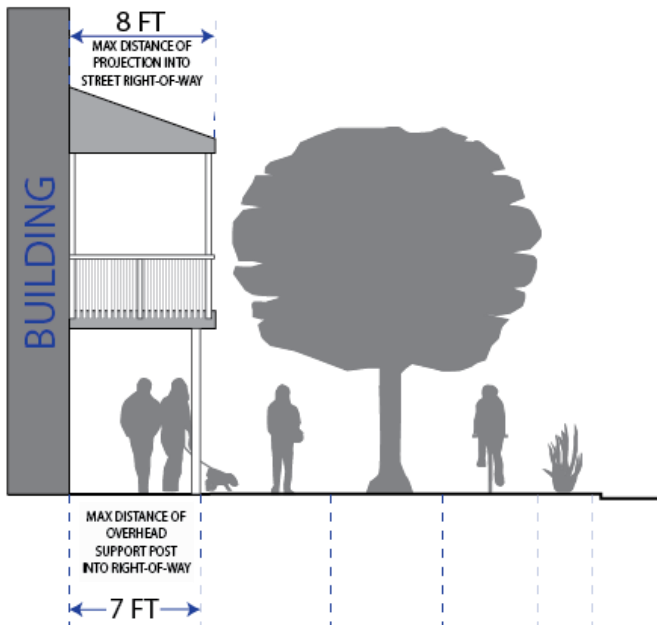
626 (f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each
627 street and internal [Alley](#)alleyway in accordance with the County's standard curb and gutter cross sections

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628 and in a manner that accommodates the street designs herein.

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

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



636 (2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside
 637 dining, benches, bike racks, planters, and street sales and displays are permitted between street
 638 trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and
 639 they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.
 640

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

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

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

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

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

652 (1) Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-
653 motorized modes of transportation.

654 (2) Pathways shall connect using shortest distance reasonably possible.

655 (3) Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks in
656 the general area, and for future planned pathways, as shown on an adopted pathway plan, general
657 plan, master trails plan, or other applicable adopted planning document.

658 ~~(3)~~(4) Except for development along a Rural Residential or Estate Lot Residential street, each
659 development shall be configured so that the maximum pathway or sidewalk walking-distance
660 between a pathway or sidewalk intersection is 400 feet.

661 a. This distance may be increased for a segment of a pathway that travels through a permanently
662 preserved open space area or an area very unlikely to ever develop.

663 b. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another
664 pathway, sidewalk, or street that has pedestrian facilities.

665 (5) A pathway or sidewalk shall connect to any pathway or sidewalk stubbed from adjacent developed
666 property.

667 (6) Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a
668 stub to the subdivision boundary.

669 (7) Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating
670 convenient and efficient access to nearby parcels that are likely to eventually be developed.

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

674 (1) When determining which side of the street the pathway is required, preference shall be given to the
675 side of the street that has optimal sun exposure during winter months.

676 (2) The Planning Director may require a pathway be located on the other side of the street to support
677 pathway connectivity based on other factors such as existing or planned future pathways in the
678 vicinity and potential pedestrian conflicts.

679 (3) The pathway shall be located within the street right-of-way unless expressly authorized otherwise
680 by the County Engineer. If not located within the street right-of-way, a pathway easement is required.

681 (4) Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of at
682 least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with the top
683 of asphalt travel surface. The pathway shall be constructed of three inches of asphalt on eight inches
684 of base-course. Greater thickness may be required where it intersects a vehicle-way.

685 (5) Example: *Street-Adjacent Pathway*

Commented [E11]: OVPC requested exception from this rule for larger lot developments.

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

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





703 (a) The following maps depict the adopted Street Regulating Plans for their respective areas. The plans
 704 illustrate the intended street layout of the area and the designated street types. The plan is intended to
 705 be a guide for the placement of streets and ~~mid-Block~~mid-block Alleyalleys, and is not designed to
 706 survey-level accuracy. ~~A mid-block alley shall be as close to the middle of the block as is practicable,~~
 707 ~~and the street~~ A street's placement shall be within 200 feet of the location depicted on these maps. A
 708 ~~mid-Block Alley, denoted on the maps with thinner line types intersecting with~~
 709 ~~Governmental/Institutional, Vehicle Oriented Commercial, Mixed Use Commercial, and Multi-Family~~
 710 ~~Residential streets, shall be provided as specified in Section 104-22-7.010.~~ A land owner proposing
 711 development in an area that a street or Alleyalley is planned shall be responsible for dedicating the land
 712 and constructing the street or Alleyalley improvements.

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

STREET TYPES AND AMENITIES

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

COMMUNITY FEATURES

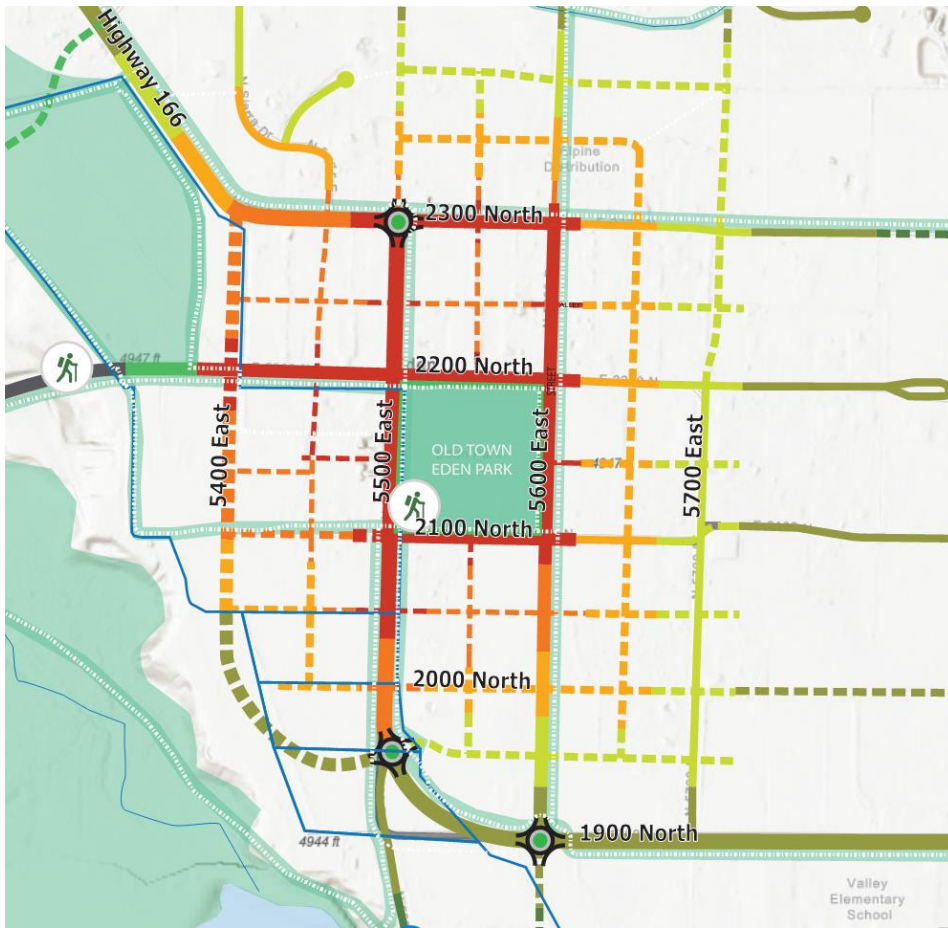
-  **Long-Term Open Space**
-  **Park**
-  **Trailhead**
-  **Water Body**

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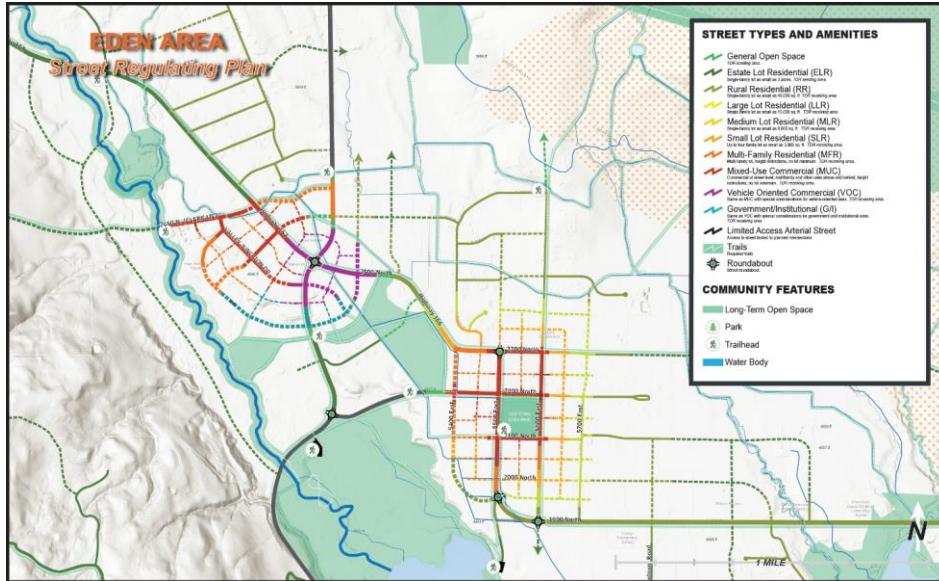
Last updated 4/6/2023

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



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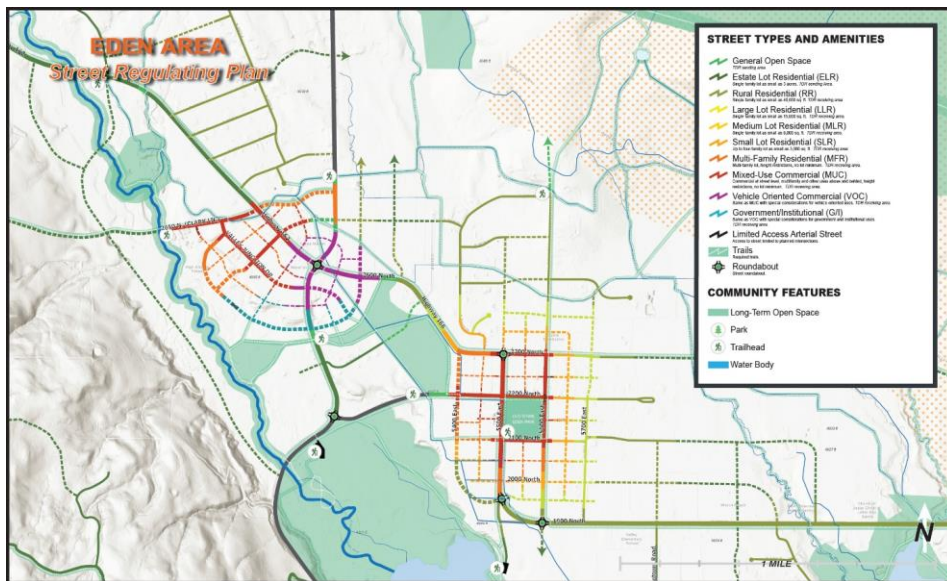
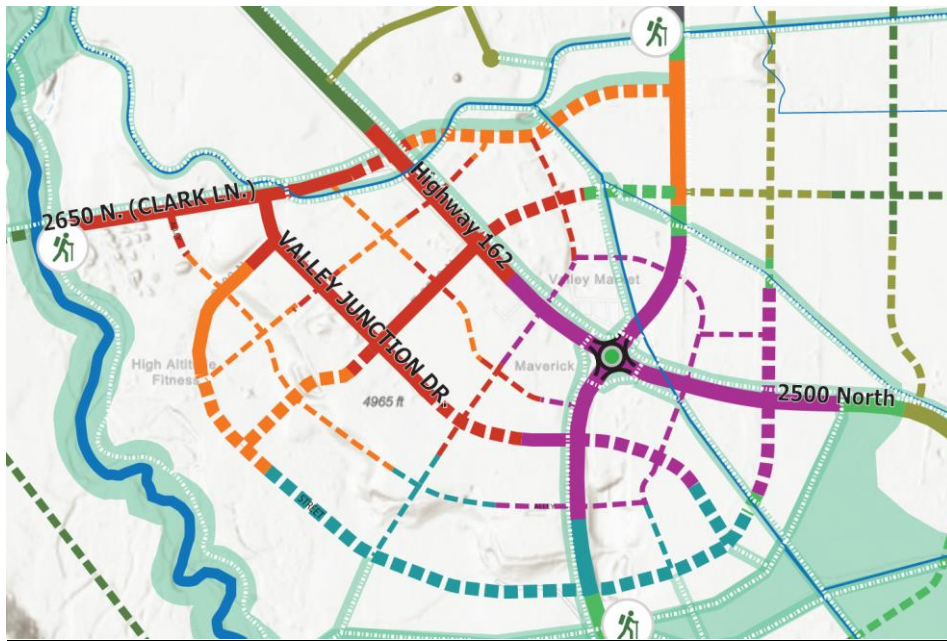
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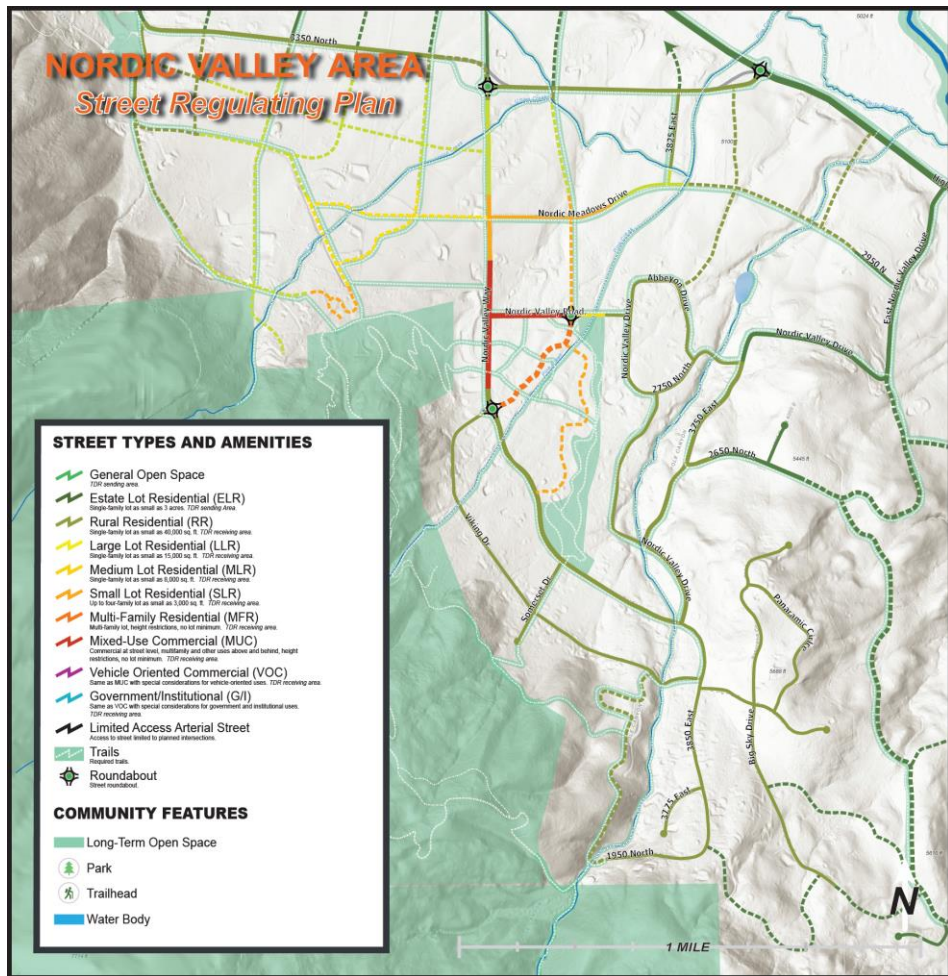
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Sec 104-22-8.020 New Town Eden Area Street Regulating Plan Map.



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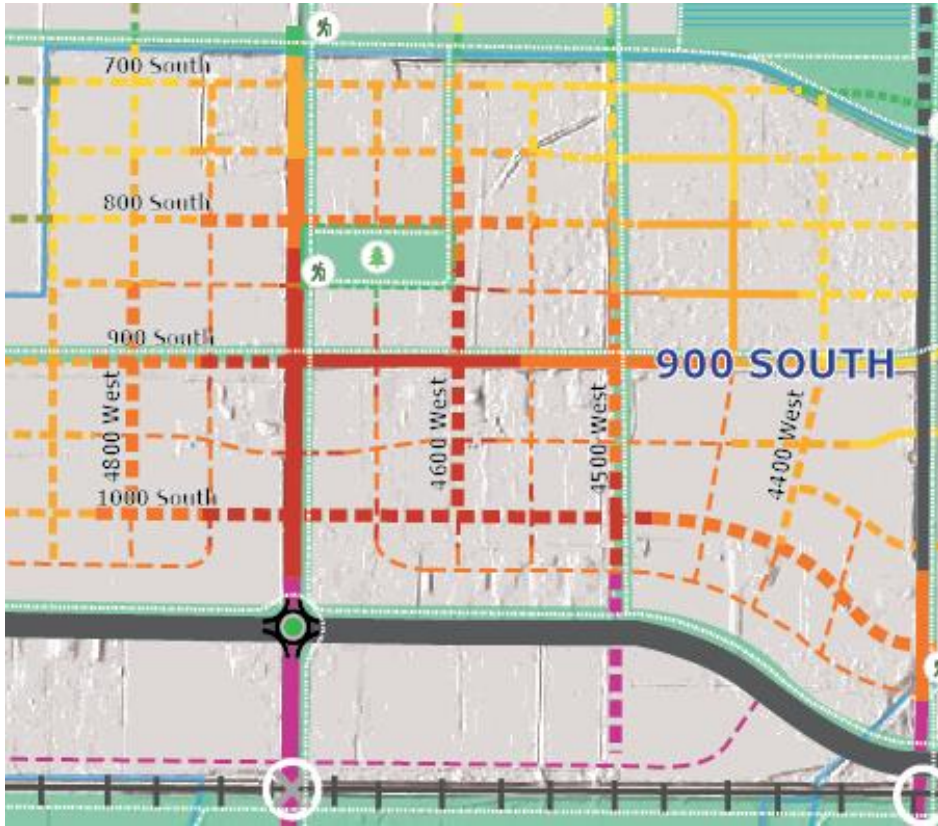
726 **Sec 104-22-8.030 Nordic Valley Area Street Regulating Plan Map.**
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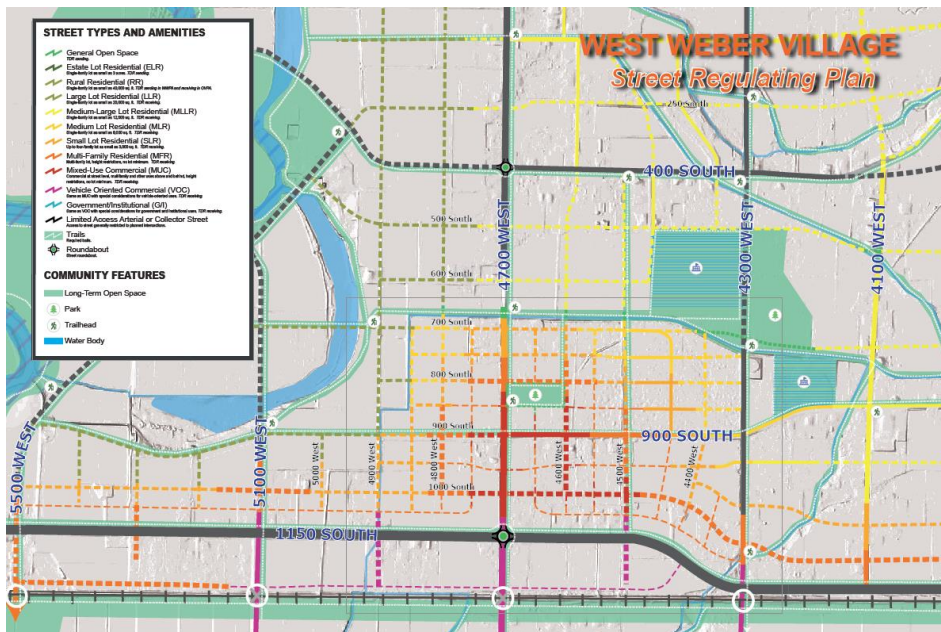
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730 [Sec 104-22-8.040 West Weber's 4700 Area Street Regulating Plan Map.](#)



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

(a) **Parking required.** Each application for development shall include a parking plan that demonstrates that sufficient parking will be provided by the on-street parking immediately fronting adjacent to the building-lot or an off-street parking lot or garage within 1000 feet of the building. On-street parking not adjacent to the Lot's street-frontage shall not be counted.

(1) **Internal Street-Block shared public parking.** Each business or use that will have patrons, customers, clients, or similar, shall provide an off-street public parking lot or garage. Use of this parking lot or garage shall be shared by all landowners and business owners within the Street-Block, provided, however, that those other land or business owners within the Street-Block have provided their own respective contribution toward shared public parking within the Street-Block. Each public parking area located within the Street-Block 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. Cross access and cross access easements are required pursuant to Subsection (h) of this section.

(2) **Alternative to shared internal Street-Block public parking.** If multiple land or business owners within a Street-Block create an alternative shared public parking lot plan that provides for equal or better off-street public parking for the Street-Block than those otherwise required by Subsection (a)(1) of this section, then the provisions of Subsection (a)(1) that run contrary may be waived; provided, however, that all parts of Subsection (a)(1) that have not been adequately considered for other land or business owners within the Street-Block not participating in the parking plan, or within the future Street-Block once fully developed, shall still be required.

(3) **Internal Street-Block private parking.** Nothing in the subsection (a) shall be construed to prohibit a landowner from creating a private parking lot or garage as long as the shared public parking requirements herein are satisfied.

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762 (b) Employee and residential parking. On-street parking shall not be included toward minimum parking
 763 needed for employees or for any residential use. Employee parking and the minimum required
 764 residential parking shall be located off-street within the same Street-Block as the use.

765 (a)(c) Parking lot surface. All parking lots shall be hard-surface asphalt or concrete, or other improved
 766 surface otherwise approved by the County Engineer and local fire authority. ~~Street parking not adjacent~~
 767 ~~to the lot's Lot's street frontage shall not be counted in determining that sufficient parking has been~~
 768 ~~provided.~~

769 (b)(d) Parking flexibility. Except for residential uses, the Land Use Authority may reduce the minimum
 770 parking spaces required if sufficient evidence suggests that the required number of spaces is excessive
 771 for the building and proposed use or uses therein.

772 (e)(e) Parking related to a change of use. If a change of use occurs, more parking may be required if
 773 the new use merits it, as determined by the Land Use Authority. The applicant proposing to change the
 774 use shall be required to provide the additional off-street parking within 1000 feet of the use.

775 Residential parking. ~~The minimum required parking for a residential use shall be located off-street within~~
 776 ~~the same block as the residential use.~~

Commented [E12]: Moved this to a couple paragraphs above and included employee parking as well.

777 (e)(f) Parking lot trees. A surface parking lot shall have one tree for each four parking spaces, and a
 778 five-foot wide landscape planting area that runs the depth of the parking row shall be located at each
 779 end of a parking row.

780 (e)(g) Parking structure design standards. When located adjacent to a vehicle-oriented commercial,
 781 mixed use commercial, or multi-family residential street, a parking structure shall have first-floor street-
 782 level commercial space along the street's frontage. However, for a corner ~~lot~~Lot, this requirement
 783 applies to the façade that is adjacent to the more prominent street, as determined by the land use
 784 authority; the other façade shall have the same for no less than fifty percent of that façade's street
 785 frontage. The other fifty percent, and the area of the parking structure above the street level commercial
 786 space, shall have a street-facing facade that disguises the parking structure to generally look like other
 787 buildings in the area.

788 (f)(h) Cross-access and cross-access easement. For all ~~parcels or lots~~Lots or Parcels along a
 789 governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family
 790 residential street, providing access to adjacent existing or future development without the need to
 791 access the public right-of-way is required. This access shall be provided by a ~~mid-Block Alley~~mid-block
 792 ~~alley, where shown on a street regulating plan,~~ or other ~~alley~~Alley or shared driveway as may be
 793 deemed necessary by the ~~Land use~~Use authorityAuthority. ~~When if not in conflict with mid-Block Alley~~
 794 ~~requirements herein, when~~ no new ~~alley~~Alley access is deemed necessary because an ~~alley~~Alley
 795 access or street access is already provided to the ~~Lot or Parcel~~lot or parcel through another ~~Lot or~~
 796 ~~Parcel~~lot or parcel, then a cross-access easement shall be provided along adjoining lot lines, as follows:

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

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

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

Commented [E13]: Moved this to parking paragraph above.

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

813 ~~e.d.~~ The Planning Director may require the cross-access to be located in a manner that optimizes

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814 ~~internal block~~ traffic circulation within the Street-Block.

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

818 g.f. When a Lot or Parcel~~lot or parcel~~ is being developed that abuts an existing cross-access easement
 819 or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on
 820 the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access
 821 infrastructure shall be constructed to the same standard as, or better than, the existing cross-
 822 access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the
 823 title of all affected properties, along with a perpetual operation and maintenance agreement
 824 between the property owners that specifies, at a minimum, that the infrastructure will be operated
 825 and maintained by the property owners in a manner that is safe and usable for two-way vehicle
 826 traffic.

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

830

831 **Sec 104-22-10 Signage**

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

834

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

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

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

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

850 (2) Transferred density. Additional ~~residential~~ Residential ~~dwelling~~ Development ~~units~~ Rights are
 851 permitted on any lot that has street frontage on, or gains primary access from, any street type in
 852 the street regulating plan except an Estate Lot Residential street, a general ~~General~~ open ~~Open~~
 853 space ~~Space~~ street, and, in the Western Weber Planning Area, a Rural Residential street. However,
 854 no additional ~~density~~ Residential Development Right is allowed ~~unless~~ until after the landowner has
 855 successfully ~~negotiated~~ completed the ~~reallocation~~ transfer of an equal number of Residential
 856 dwelling unit~~Development~~ Rights from another Llot or PParcel that has ~~an~~ the available number of
 857 Residential dwelling unit~~Development~~ Rights being pursued, ~~as determined by~~ A Residential
 858 Development Right is deemed available for transfer if the Llot or Pparcel's Base ~~D~~ensity
 859 calculation, and together with adjusted ~~adjustments~~ for any previous Residential Development
 860 dwelling unit right ~~Right~~ reduction or addition, demonstrates that the Residential Development Right
 861 could be developed on the lot or parcel given compliance with the provisions of this Land Use Code.
 862 A Residential Development Right reduction or addition is any of the following:

863 a. Use of the Residential Development Right for construction of a residential unit onsite.

864 b. Transfer of a Residential Development Right to another Lot or Parcel.

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- 865 c. Receipt of a Residential Development Right from another Lot or Parcel.
- 866 d. Restriction of the construction, development, or subdivision of or on the Lot or Parcel for
 867 residential purposes as provided in County laws not otherwise in this Land Use Code, State or
 868 Federal laws, regulations, or restrictions; private contracts, covenants, or restrictions;
 869 conservation or preservation easements or agreements, or any other lawful development
 870 restriction or prohibition that makes the Residential Development Right unbuildable on the Lot
 871 or Parcel.
- 872 e. The reallocation shall be ~~made completed~~ by recording a Notice of Transfer Document
 873 ~~covenant~~ to each affected Lot or Parcel~~lot or parcel~~.
- 874 i. Each Notice of Transfer Document ~~covenant~~ shall run with the land ~~and be between the~~
 875 ~~owner and the County~~.
- 876 i.ii. Each Notice of Transfer Document ~~covenant~~ shall document the applicable ~~lot~~ Lot or
 877 ~~P~~ parcel's ~~calculated-estimated~~ base ~~Base density~~ Density; the number of ~~dwelling~~ Dwelling
 878 ~~units~~ Units already developed on the ~~lot~~ Lot or ~~P~~ parcel; the number of Residential
 879 ~~Development~~ dwelling-unit ~~R~~ ights subtracted from, or added to, the ~~base~~ Base density
 880 ~~Density~~ by any other means; and the number of ~~dwelling-unit~~ Residential Development
 881 ~~R~~ ights remaining for the ~~L~~ ot or ~~P~~ parcel.
- 882 (a)(b) Ogden Valley Planning Area Form-Based Zone transfers.
- 883 (1) Transfer allowances and limitations. Residential Development Rights may be transferred to a
 884 Lot or Parcel in a FB Zone from any Lot or Parcel in the following zones within the Ogden Valley
 885 Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FB.
- 886 (2) Transfer ratio. The transfer ratio shall be one to one. This means for every one Residential
 887 Development Right transferred from a sending Lot or Parcel in the Ogden Valley Planning Area,
 888 one is allowed to be constructed on a receiving Lot or Parcel within the FB Zone.
- 889 (3) Transfer calculation and review. In the Ogden Valley, the Planning Commission is the review
 890 authority for transferable development rights. An application for Subdivision or Design Review that
 891 is submitted with the intention of receiving transferred Residential Development Rights shall be
 892 reviewed by the Planning Commission.
- 893 a. Calculating Base Density. When calculating a sending Lot or Parcel's Net Developable Area,
 894 the follow areas shall be considered area Unsuitable for Development, and thereby not
 895 included in the Lot or Parcel's Base Density:
- 896 i. Slopes over 40 percent.
- 897 ii. Wetlands as mapped by the Army Corp of Engineers.
- 898 iii. Area within stream corridor setbacks; and
- 899 iv. Floodplains.
- 900 b. Review. In addition to other process and requirements in this Land Use Code, after receiving
 901 recommendation form Planning Staff, the Planning Commission shall review each Subdivision
 902 and Design Review application to verify the proposal to Transfer Residential Development
 903 Rights complies with this subsection. The Planning Commission's approval of the Design
 904 Review or the Subdivision's preliminary plat constitutes the Planning Commission's approval
 905 of the proposed transfer(s). After approval of the Subdivision's preliminary plat or Design
 906 Review, staff shall record the approved transfers as otherwise provided in this Section. No final
 907 plat application shall be approved and no building permit shall be submitted until after the
 908 transfer(s) has been approved by each landowner and recorded to each parcel's title in the
 909 Office of the County Recorder.
- 910 (4) Banking of Residential Development Rights not allowed. Transferred rights may be held on the
 911 receiving Lot or Parcel until they are constructed on the Lot or Parcel. No transferred Residential
 912 Development Rights is permitted to be transferred to another Lot or Parcel. No more Residential
 913 Development Rights should be transferred to a Lot or Parcel than can actually be constructed on
 914 the Lot or Parcel given compliance with the requirements and standards of this chapter, as well as
 915 any other applicable provision of this Land Use Code. If excess Residential Development Rights

Commented [E14]: This means it is the landowner's responsibility to not transfer more than the land can actually handle, not necessarily the County's. If too much is transferred, the excess is forfeit.

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916 are transferred to a Lot or Parcel than can actually be constructed, the excess Residential
 917 Development Rights are forfeit.

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

919 (1) **Transfer allowances and limitations.** A Residential Development Right may be transferred to a
 920 Lot or Parcel in a FB Zone from any Lot or Parcel in the following zones within the West-Central
 921 Weber area: A-1, A-2, and A-3. Unless negotiated otherwise in a development agreement, a
 922 transfer from any Lot or Parcel is prohibited if the Lot or Parcel received a rezone after January 1,
 923 2023 that increased the Base Density.

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

927 (3) **Transfer calculation and review.** A landowners may submit a request for approval of a transfer
 928 of Residential Development Rights at any time. Planning Division Staff shall review each request
 929 for compliance with applicable regulations. If the transfer is merited, Planning Staff shall prepare a
 930 Notice of Transfer Document for each affect Lot or Parcel in a form as approved by the County
 931 Attorney's Office.

932 a. A transfer is not complete until a notice of transfer has been signed by each affected landowner
 933 of record for each affect Lot or Parcel, the reviewing staff, and the Planning Division Director,
 934 and then filed to the title of each affected Lot or Parcel in the Office of the County Recorder.

935 b. Approval of a Subdivision's preliminary plat or a Design Review that is based on the receipt of
 936 transferred Residential Development Rights is conditioned, by reference herein, on the
 937 applicable transfers being complete. Approval is void if the transfer is not completed.

938 c. No final plat application shall be approved or recorded and no building permit shall be submitted
 939 or approved until after the transfer(s) are complete.

940 ~~(3)~~(4) **Banking of Residential Development Rights.** A Lot or Parcel within the Form-Based
 941 Zone in the West-Central Weber area may be used to bank Residential Development Rights. These
 942 rights may be held on the Lot or Parcel until they are either constructed on the Lot or Parcel, or
 943 transferred to another eligible Lot or Parcel. There is no limit to the number of Residential
 944 Development Rights that can be transferred to a Lot or Parcel in the Form-Based Zone. However,
 945 the number of Residential Development Rights actually constructed on the parcel shall be limited
 946 by what can be constructed given compliance with the requirements and standards of this chapter,
 947 as well as any other applicable provision of this Land Use Code.

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

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

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

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

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

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

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

965 (1) **Building and reservation of dwelling units.** Dwelling units, in an amount that is equal to or

Commented [E15]: Requested by the OVPC.

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

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

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- 966 greater than five percent of the non-workforce housing units being developed, shall be constructed
 967 and deed restricted for workforce housing;
- 968 (2) **Fee in lieu.** In lieu of building affordable housing units, a fee equaling up to two percent of the
 969 dwelling unit's market value, shall be paid for each dwelling unit constructed. This shall be
 970 implemented by a covenant recorded on title of each dwelling unit, and shall be paid at the time a
 971 building permit is issued, or prior to the transfer of the property's title after the dwelling unit has
 972 been completed;
- 973 (3) **Buildable lot in lieu.** In lieu of building affordable housing units, a lawfully subdivided ~~lot~~ Lot or
 974 Lots in a size and configuration that is capable of supporting dwelling units in an amount that is
 975 equal to or greater than 10 percent of the non-workforce housing units being developed, shall be
 976 donated, with stubbed utilities, to the Weber Housing Authority for the purpose of meeting this
 977 requirement; or
- 978 (4) **Floor area in lieu.** Along G&I, VOC, MUC, MFR and SLR streets, floor area, in a size and
 979 configuration that is capable of supporting dwelling units in an amount that is equal to or greater
 980 than five percent of the non-workforce housing units being developed, shall be donated, with
 981 stubbed utilities, to the Weber Housing Authority for the purpose of meeting this requirement.
- 982 (c) **Workforce housing location.** The required housing units, Lots, or floor area provided for workforce
 983 housing may be located outside of the proposed development as long as they are located along -but
 984 no greater than one-quarter mile from a G&I Governmental/Institutional, VOC Vehicle Oriented
 985 Commercial, or MUC Mixed Use Commercial, MFR Multi-Family Residential, Small Lot Residential,
 986 Medium Lot Residential, or Medium-Large Lot Residential street designation in the same planning area,
 987 as depicted on the street regulating plan map(s), or within one mile of a commercial or manufacturing
 988 CV-1, CV-2, or CVR-1 zone in the same planning area.
- 989 (d) **Weber housing authority.** Eligibility and long-term monitoring of qualification for workforce housing is
 990 the responsibility of the Weber Housing Authority.