



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to consider a request (ZTA 2015-03) to amend Section 101-1-7 (Definitions); the Design Review Chapter (Title 108, Chapter 1); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); and the Accessory Apartments Chapter (Title 108, Chapter 19) within the Weber County Land Use Code.

Agenda Date: Tuesday, October 13, 2015

Applicant: Summit Mountain Holding Group L.L.C.

Representative: Paul Strange, Summit Mountain Holding Group – Eden, Utah

File Number: ZTA 2015-03

Staff Information

Report Presenter: Scott Mendoza
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801-399-8769

Report Reviewer: SW

Subject Codes

- Weber County Land Use Code, Section 101-1-7 (Definitions).
- Weber County Land Use Code Title 108, Chapter 1 (Design Review).
- Weber County Land Use Code Title 108, Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations).
- Weber County Land Use Code Title 108, Chapter 19 (Accessory Apartments).

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code text amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically the criteria for making a recommendation, related to a legislative matter, require compatibility with the general plan and existing codes.

Request and Staff Review

The applicant is requesting that Weber County amend Section 101-1-7 (Definitions); the Design Review Chapter (Title 108, Chapter 1); the Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8); and the Accessory Apartments Chapter (Title 108, Chapter 19) within the Weber County Land Use Code. This request includes amendments to a total of seven chapters within the Land Use Code; however, only four of those chapters regulate land uses county-wide. Overall, the proposed amendments only affect resorts that have been classified as the Ogden Valley Destination and Recreation Resort Zone. See pages 1 and 2 (more specifically those sections, titles, and chapters highlighted) of Exhibit A for the applicant's list and descriptions of the proposed code amendments.

On June 2, 2015 and June 23, 2015, the applicant presented several proposed (Weber County Land Use Code) text amendments to the Ogden Valley Planning Commission during a work-session. The Planning Commission provided input for items 1 through 4 as listed below. Refer to pages 1 and 2, of this staff report, for proposed items 1 through 4. Refer to Exhibits B-E, for these items written into the County Land Use Code.

The following describes the requested amendments, based on the Ogden Valley Planning Commission's input, and provides a Planning Division Staff review:

1. **Requested Amendment to Title 101 (General Provisions), Section 101-1-7 (Definitions)**

This amendment changes the definition of “lockout sleeping room” in the Ogden Valley Destination and Recreation Resort Zone only and adds to the type of units allowed to have “lockout sleeping rooms” in that zone. This amendment also creates a new “detached lock-out sleeping room” definition. See page 1 and 2 of Exhibit B for proposed language.

Planning Division Review

Currently, lock-out sleeping rooms are only allowed when attached to a condominium dwelling unit or a condominium rental apartment. This amendment would allow an “attached” lock-out sleeping room to be built onto or in conjunction with any type of dwelling, hotel, or any other residential accommodation in the Resort Zone. This amendment can increase the number of residential-type units and other nightly accommodation units without diminishing the total number of dwelling units or commercial square feet approved as part of a Destination and Recreation Resort Zone development agreement. Any increase to the number and type of dwellings, other accommodations, or commercial square feet can have impacts related to traffic and public services.

2. **Requested Amendment to Title 108 (Standards), Chapter 1 (Design Review), Section 108-1-2 (Application and Review)**

This amendment allows the planning director additional flexibility and more discretion when being asked to approve land use applications in the Ogden Valley Destination and Recreation Resort Zone. See page 1 of Exhibit C for proposed language.

Planning Division Review

Currently, the planning director has the administrative authority to approve design review applications when a new building’s footprint is less than 10,000 square feet and the site is less than one acre. Authorizing the planning director to approve larger buildings (up to 75,000 square feet is proposed) constructed at an elevation above 6,200 feet is reasonable because the planning commission will have already conceptually approved the development through an approved DRR-1 Zone land use plan.

3. **Requested Amendment to Title 108 (Standards), Chapter 8 (Parking and Loading), Section 108-8-12 (Ogden Valley Destination and Recreation Resort Zone)**

This amendment creates a new section that allows the planning commission to modify any provision within Chapter 8 by approving an overall parking plan. This only applies to projects located in the Ogden Valley Destination and Recreation Resort Zone, where the Planning Commission has already approved a master plan. Also, the proposed parking plan is required to be consistent with the previously approved master plan. See page 8 of Exhibit D for proposed language.

Planning Division Review

Currently, the planning commission has the authority to “adjust the required number of parking spaces” if in its determination there is an unusual or unique circumstance or condition that warrants an adjustment.

Where the planning commission already has the ability to make an adjustment to the number of parking spaces, it is reasonable for the planning commission to approve a parking plan when consistent with a previously approved master plan.

4. **Requested Amendment to Title 108 (Standards), Chapter 19 (Accessory Apartments), Section 108-19-2 (Conditional Use)**

This amendment clarifies that the number of required parking spaces, associated with an accessory apartment, may be subject to parking modifications provided by the planning commission through an approval of a parking plan that meets the requirements as described in Section 108-8-12 above. See page 1 of Exhibit E for proposed language.

Planning Division Review

Currently, an approved accessory apartment is required to have two parking spaces. This amendment is necessary if the planning commission is willing to allow modifications to the requirements of the parking chapter as described above in #3 above.

Summary of Planning Commission Considerations

- Do the proposed amendments conform to the General Plan?

Conformance to the General Plan

The Recreation Element of the Ogden Valley General Plan (pg. 152) states that *“the future of Ogden Valley’s character is dependent on the future development success of its resort areas.”* To preserve the Valley’s character, the Plan also states that Weber County should adopt a “variety of progressive resort development guidelines.”

The proposed amendment can be thought of as “progressive” and is consistent with guidance given in the Ogden Valley General Plan due to its ability to encourage creative building design. Also, flexibility in design guidelines can act as an incentive for a developer to acquire a relatively large amount of property and develop it according to the requirements and standards provided in Ogden Valley Destination and Recreation Resort Zone.

Staff Recommendation

Based on the proposal’s conformance to the Ogden Valley General Plan, the Planning Division Staff suggests that the Planning Commission recommend that the Weber County Commission approve and adopt the above described amendments with the exception of the proposed amendment to the definition of “lockout sleeping room” shown within item #1 above. This amendment would allow an “attached” lock-out sleeping room to be built onto or in conjunction with any type of dwelling, hotel, or any other residential accommodation in the Resort Zone. This amendment can increase the number of residential-type units and other nightly accommodation units without diminishing the total number of dwelling units (or commercial square feet) approved as part of a Destination and Recreation Resort Zone development agreement. Any increase to the number and type of dwellings, other accommodations, or commercial square feet (at any existing or future Destination and Recreation Resort) can have additional and, in the case of existing Resort Zones, unanticipated impacts related to traffic and public services.

Exhibits

- A. Text Amendment Application Form.
- B. Section 101-1-7 (Definitions) within the Weber County Land Use Code.
- C. The Design Review Chapter (Title 108, Chapter 1) within the Weber County Land Use Code.
- D. The Parking and Loading Space, Vehicle Traffic, and Access Regulations Chapter (Title 108, Chapter 8) within the Weber County Land Use Code.
- E. The Accessory Apartments Chapter (Title 108, Chapter 19) within the Weber County Land Use Code.
- F. Powder Mountain Resort (DRR-1) Overall Conceptual Plan Map.
- G. Snowbasin Resort (DRR-1) Overall Conceptual Plan Map.

Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) Summit Mountain Holding Group, L.L.C., SMHG Landco, LLC, SMHG Phase 1 LLC		Mailing Address of Property Owner(s) Paul Strange 3923 N. Wolf Creek Drive Eden, Utah 84310
Phone 801-987-0570	Fax	
Email Address paul@summit.co	Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Ordinance Proposal

Ordinance to be Amended 101-1-7, 104-29-2, 104-29-7, 104-29-8, 104-29-10[NEW], 104-29-11[NEW], 108-1-2, 108-8-5, 108-19-6 [NEW], 110-2-5, 110-2-8

Describing the amendment and/or proposed changes to the ordinance:

Sec. 101-1-7. - Definitions:

Make amendment to definition of "lockout sleeping room" and make changes to types of dwellings allowed to have "lockout sleeping rooms" in the Ogden Valley Destination and Recreation Resort Zone.

See attached redline.

Sec. 104-29-2. - Development standards

1. Amend to remove Ogden Valley Destination and Recreation Resort Zone buffers where the Developer owns the land adjacent to the zone boundary or where the adjacent land owner approves.

2. Adjust lot sizes, lot widths, setbacks and building heights.

See attached redline.

Sec. 104-29-7. - Seasonal workforce housing.

Amend to allow workforce housing units to be on property contiguous to the resort.

See attached redline.

Sec. 104-29-8. - Land uses.

Amend to permit additional uses.

See attached redline.

Sec. 104-29-10. - Second Kitchen.

Create section to clarify that second kitchens do not require a second kitchen covenant in the Ogden Valley Destination and Recreation Resort Zone.

See attached redline.

Ordinance Proposal (continued...)

Sec. 104-29-11. – Miscellaneous Improvements.

Create section to allow for miscellaneous improvements outside of the building envelope.

See attached redline.

Sec. 108-1-2. - Application and review:

Make change to allow additional discretion for approval by the Planning Commission in the Ogden Valley Destination and Recreation Resort Zone. See attached redline.

Sec. 108-2-3. - Applicability.

Make change to exempt the Ogden Valley Destination and Recreation Resort Zone (above 6,200 ft) from certain sections of the Ogden Valley Architectural, Landscape and Screening Design Standards. See attached redline.

Sec. 108-8-5. - Adjustments for unusual and unique conditions.

Make change to allow the Planning Commission to approve a parking plan in the Ogden Valley Destination and Recreation Resort Zone where the Planning Commission has approved the master plan and the parking plan is consistent with the master plan.

See attached redline.

Sec. 108-19-6. – Destination and Recreation Resort Zone.

Create New Section 108-19-6 that permits Accessory Apartments in the Ogden Valley Destination and Recreation Resort Zone and provide additional discretion for the developer.

See attached redline

Sec. 110-2-5. - Allowable signs by zoning district.

Make change to allow the Planning Commission to approve a sign plan above 6,200 feet in the Ogden Valley Destination and Recreation Resort Zone where the Planning Commission has approved the master plan and the sign plan is consistent with the master plan.


See attached redline.

Sec. 110-2-8. - Prohibited signs.

Make change to allow commercial signs on adjacent property where access to a parcel that has a business is via the adjacent parcel.

Applicant Affidavit

I (We), Paul Strange, depose and say that I (we) am (are) the interested member(s) of this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.



(Signature)

(Signature)

Subscribed and sworn to me this _____ day of _____, 20 _____

(Notary)

Sec. 101-1-7. - Definitions.

When used in this Code, the following words and phrases have the meaning ascribed to them in this section, unless the context indicates a different meaning:

Detached Lockout. In the Ogden Valley Destination and Recreation Resort Zone, the term "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with Single, Two, Three, Four, Multi-Family dwellings, condominiums, condominium rental apartments (Condo-Tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. A detached lockout is accessory to the main use and shall not be sold independently from the main unit. Unless specifically addressed in the Development Agreement for the specific Ogden Valley Destination and Resort Zone, a detached lockout shall be considered 1/3 of a dwelling unit when figuring density on a parcel of land.

Lockout sleeping room. The term "lockout sleeping room" means a sleeping room in a condominium dwelling unit or condominium rental apartment with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking interior access. ~~A lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.~~ In the Ogden Valley Destination and Recreation Resort Zone, the term "lockout sleeping room" means an attached sleeping room (or multiple rooms) in to Single, Two, Three, Four, Multi-Family dwellings, condominiums, condominium rental apartments (Condo-Tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. ~~A lockout sleeping room shall not be sold independently from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.~~

CHAPTER 1. - DESIGN REVIEW

Sec. 108-1-1. - Purpose.

- (a) The purpose and intent of design review by the planning commission is to secure the general purposes of this chapter and the master plan and to ensure that the general design, layout and appearance of buildings and structures and the development of property shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in and occupation of the neighborhood.
- (b) It shall not be the intent of this chapter to restrict or specify the particular architectural design proposed or to specify the exterior detail or design, color, or materials proposed by the applicant, except as such detail is of such magnitude as to affect the general appearance and compatibility of the development with its surroundings or as guided by the Ogden Valley Architectural and Landscape chapter.

(Ord. of 1956, § 36-1; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-2. - Application and review.

- (a) All applications for occupancy permits or building permits for all multifamily (over eight) dwellings, recreation resort uses, public and quasi-public uses, business, commercial and manufacturing buildings, structures and uses and their accessory buildings, shall be accompanied by architectural elevations and site development plans to scale, which shall show building locations, major exterior elevations, exterior building materials and color schemes, landscaping, prominent existing trees, ground treatment, fences, off-street parking, vehicle and pedestrian circulation, adjacent buildings, streets and property lines, and existing grades and proposed new grades. All plans shall be reviewed and approved by the planning commission with the exception that small buildings or additions with a total footprint of less than 10,000 square feet, and which impact an area of less than one acre may be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances. In the Ogden Valley Destination and Recreation Resort Zone at elevations of at least 6,200 feet above sea level, the buildings with a total footprint of less than 75,000 square feet may be reviewed and approved by the planning director after meeting the requirements of all applicable ordinances and/or the intent of the applicable master plan. All of the above required architectural and site development plans shall be reviewed and approved prior to the issuing of any land use, occupancy or building permit.
- (b) All documents submitted in the application shall be accompanied by a PDF file of the respective document. All plans (including but not limited to site plans, architectural elevations/renderings, etc.), and subsequent submittals and revisions, shall be accompanied by a full scale set of PDF files of the respective plans.

(Ord. of 1956, § 36-2; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-3. - Exceptions.

For buildings and uses covered by conditional use permits or planned unit development approval, design review shall be incorporated within such conditional use permit or planned unit development approval and need not be a separate application, provided the requirements of this chapter are met.

Agricultural uses, including agri-tourism, shall be exempt from meeting the landscaping requirements as set forth in section 108-1-4.

(Ord. of 1956, § 36-3; Ord. No. 2012-19, pt. 12(§ 36-3), 12-18-2012; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-4. - Considerations in review of applications.

The planning commission and/or the planning director shall consider the following matters and others when applicable, in their review of applications and where the plan is found deficient, the plan design shall be amended or conditions imposed to mitigate such deficiencies when considering:

- (1) Considerations relating to traffic safety and traffic congestion.
 - a. The effect of the development on traffic conditions on abutting streets.
 - b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
 - c. The arrangement and adequacy of off street parking facilities to prevent traffic congestion.
 - d. The location; arrangement, and dimensions of truck loading and unloading facilities. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, all residential windows should face away from loading docks.
 - e. The circulation patterns within the boundaries of the development. In the case of a commercial or industrial development which includes an on-site owner/employee residential use, a separate ingress/egress may be required, depending on the size and/or type of use, and for any multiple use complex.
 - f. The surfacing and lighting of off street parking facilities.
- (2) Considerations relating to outdoor advertising. The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards, the blanketing of adjacent property signs and the appearance and harmony with other signs and structures with the project and with adjacent development.
- (3) Considerations relating to landscaping.
 - a. The location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
 - b. The planting of ground cover or other surfacing, such as bark or colored/natural gravel, as described in subsection (3)g of this section, to prevent dust and erosion and provide a visual break from the monotony of building materials, concrete and asphalt.
 - c. A minimum landscape space of ten percent of the project area shall be provided with consideration of drought resistant and water conserving landscape materials, or as required by the Ogden Valley Architectural and Landscape chapter.
 - d. The number and type of mature and planted size of all landscape plantings.
 - e. The method of irrigation and approximate location of the water meter, point of connection, sprinkler and/or drip irrigation heads, and any blow-out or winterizing system. Water conserving methods, such as bubblers and drip systems and electronic timer devices are encouraged.
 - f. The location, type, and size of any existing trees over four-inch caliper that are to be removed.
 - g. Landscape standards. Plant sizes at the time of installations shall be as follows:
 1. Deciduous trees shall have a minimum trunk size of two inches caliper.
 2. Evergreen trees shall have a minimum height of six feet as measured from top of root ball.

3. All woody shrubs shall have a minimum height or spread of 18 inches, depending upon the plant's natural growth habit, unless otherwise specified. Plants in five-gallon containers will generally comply with this standard.
 4. Vines shall be five-gallon minimum size.
 5. Turf grass species, if used, shall be hardy to the local area. Application rates shall be high enough to provide even and uniform coverage within one growing season. Turf areas, where erosion is expected to occur under normal conditions, such as drainage swales, berms and/or slopes greater than 30 percent shall be planted with sod or other deep-rooting, water conserving plants for erosion control and soil conservation.
 6. Turf grass, if used, shall be limited to no more than 50 percent of the landscaping requirement.
 7. Ground cover may consist of natural or colored gravel, crushed rock, stones, tree bark, or similar types of landscaping materials.
 8. Water conserving landscaping methods and materials are recommended and encouraged.
- h. Plants used in conformance with the provisions of this section shall be hardy and capable of withstanding the extremes of individual site microclimates. The use of drought tolerant and native plants is preferred within areas appropriate to soils and other site conditions. All irrigated non-turf areas shall be covered with a minimum layer of three inches of mulch to retain water, inhibit weed growth and moderate soil temperature. Non-porous material shall not be placed under mulch.
 - i. The owner of the premises shall be responsible for the maintenance, repair, and replacement, within 30 days of removal, of all landscaping materials on the site. In cases where the 30-day time limit for replacement extends beyond the normal growing season, replacement shall be made at the beginning of the following growing season.
- (4) Considerations relating to buildings and site layout.
 - a. Consideration of the general silhouette and mass of buildings including location of the site, elevations, and relation to natural plant coverage, all in relationship to adjoining buildings and the neighborhood concept.
 - b. Consideration of exterior design and building materials in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on a street or streets, line and pitch of roofs, and the arrangements or structures on the parcel.
 - (5) Considerations relating to utility easements, drainage, and other engineering questions. Provision within the development shall be made to provide for adequate storm water and surface water drainage, retention facilities, and for utilities to and through the property.
 - (6) Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval.
 - a. Does any proposed phase or phasing sequence of an approved concept or preliminary development plan provide for logical workable independent development units that would function adequately if the remainder of the project failed to materialize?
 - b. Is this plan or phase thereof a more detailed refinement of the approved concept plan?
 - c. Are any modifications of a significant nature that first need to follow the procedure for amending the approved concept plan?

(Ord. of 1956, § 36-4; Ord. No. 19-94; Ord. No. 2002-5; Ord. No. 2003-13; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-5. - Conditions.

Design approval may include such other conditions consistent with the considerations of this, and/or any other chapter of the Weber County Land Use Code, as the commission or planning director deem reasonable and necessary under the circumstances to carry out the intent of the Land Use Code.

(Ord. of 1956, § 36-5; Ord. No. 2002-5; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-6. - Planning commission approval.

The planning commission, or the planning director, shall determine whether the proposed architectural and site development plans submitted are consistent with this chapter and with the general objectives of this chapter, and shall give or withhold approval accordingly. Denial of approval by the planning director may be appealed to the planning commission, and denial by the planning commission may be appealed to the county commission.

(Ord. of 1956, § 36-6; Ord. No. 2009-3; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-7. - Agreement for improvements.

Upon the grant of design approval, the developer shall enter into an agreement with the county detailing the public and private improvements to be constructed on and off site and acknowledging his responsibility for such installation within the time allowed. Financial guarantees for completing improvements shall be deposited into an escrow account with the Weber County Engineering Division when and where so required. Financial guarantees of \$25,000.00 or less may be approved by the county engineer. Occupancy shall not occur until all improvements have either been installed or guaranteed.

(Ord. of 1956, § 36-7; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-8. - Time limitations on approval.

If construction of any development for which design approval has been granted has not been commenced within 18 months from date of design review approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the planning commission.

(Ord. of 1956, § 36-8; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-9. - Transfer of approval upon change in use.

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the planning commission. The planning director may authorize the transfer of design approval provided that all requirements of the Weber County Land Use Code are met for the new use. If a conflict arises concerning the interpretation of the Land Use Code, the planning director shall refer the change in use to the planning commission for review and approval.

(Ord. of 1956, § 36-9; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-10. - Conformance to approval.

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

(Ord. of 1956, § 36-10; Ord. No. 2014-6, § 1, 4-1-2014)

Sec. 108-1-11. - Modification.

Upon request of the applicant, modifications in the approved plan may be made by the planning commission or the planning director.

De minimis revisions. The planning director may approve revisions to an approved design review plan that he/she determines are de minimis. Proposed revisions shall be considered de minimis if the planning director determines the changes to be slight, inconsequential, and not in violation of any substantive provision of this Code. The planning director's written approval of a de minimis revision(s) shall be appended to the written decision of the planning commission. Revisions that are de minimis shall not require public notice.

The planning commission may revoke or modify a design approval which does not conform to any requirement of the approved permit.

(Ord. of 1956, § 36-11; Ord. No. 2014-6, § 1, 4-1-2014)

CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

Sec. 108-8-1. - Purpose and intent.

The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities and in so doing, promote the safety and well being of the citizens of the county. Subsequently, there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased, minimum off-street parking space with adequate provisions for ingress and egress by standard sized automobiles.

(Ord. of 1956, § 24-1; Ord. No. 27-80; Ord. No. 2011-3, § 24-1, 2-15-2011)

Sec. 108-8-2. - Parking spaces for dwellings.

In all zones there shall be provided in a private garage or in an area properly located for a future garage:

Single-family dwelling	Two side-by-side parking spaces
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

- (1) If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

(2) In addition to the above parking space requirements, three-fourths parking space shall be provided for each rental sleeping room in a dwelling unit.

(Ord. of 1956, § 24-2; Ord. No. 27-80; Ord. No. 9-81; Ord. No. 2011-3, § 24-2, 2-15-2011)

Sec. 108-8-3. - Access to lots in subdivisions.

Access to lots in subdivisions shall be across the front lot line abutting a public or private street or as otherwise approved by the land use authority.

(Ord. of 1956, § 24-2A; Ord. No. 27-80; Ord. No. 96-26; Ord. No. 2011-3, § 24-2A, 2-15-2011; Ord. No. 2012-7, § 3, 5-1-2012)

Sec. 108-8-4. - Parking space for non-dwelling buildings and uses.

For new buildings and uses or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing building there shall be provided:

Apartment hotel	One space per two sleeping units
Auditorium	One space per five fixed seats
Auto repair shop	One space per employee plus five spaces for client use
Bank	Not less than 30 spaces
Beauty shop	Two spaces per staff member
Beautician shop	Three spaces per staff member
Boardinghouse	Three spaces per four persons to whom rooms will be rented
Bed and breakfast inn	One space per each rental sleeping room and bed and breakfast hotel in addition to the owner/host required two spaces
Business office	One space per employee on highest shift
Cafe	One space per eating booth and table plus one space per three stools
Cafeteria	One space per eating booth and table plus one space per three stools
Car wash	Four spaces in approach lane to each wash bay

Chiropractor office	Four spaces per professional staff plus one space per subordinate staff
Church	One space per five fixed seats
Clinic	Four spaces per professional staff plus one space per subordinate staff
Club, private	At least 20 client spaces
Dance hall	One space per 200 square feet of floor space
Day care center	One space per employee plus one space per ten children
Dental office	Four spaces per professional staff plus one space per subordinate staff
Drive in food	One space per 100 square feet of floor establishment space but not less than ten spaces
Dry cleaner	One space per employee plus five spaces for client use
Educational institution (private)	Two spaces per three student capacity plus one space per staff member
Employment	One space per employee plus six spaces for client use
Finance office	One space per staff member plus three spaces for client use
Fraternity	Two spaces per four persons whom the building is designed to accommodate
Hospital	One space per two bed capacity
Hotel	One space per two sleeping units
Insurance office	One space per two staff members plus four spaces for client use
Laboratory	One space per employee on highest shift
Laundromat	One space per three coin operated machines
Legal office	One space per professional staff plus four spaces for client use

Library	At least 30 spaces
Lodginghouse	Three spaces per four persons to whom rooms will be rented
Lounge	At least 20 client spaces
Liquor store	At least 20 spaces
Medical office	Four spaces per professional staff plus one space per subordinate staff
Mortuary	At least 30 spaces
Motel	One space per sleeping or living unit
Museum	At least 30 spaces
Night club	At least 20 client spaces
Nursery for children	One space per employee plus four spaces for client use
Nursing home	One space per 2.5 bed capacity
Optometrist office	Four spaces per professional staff plus one space per subordinate staff
Photo studio	At least six spaces
Post office	At least 20 client spaces
Psychiatric office	Four spaces per professional staff plus one space per subordinate staff
Real estate office	One space per two employees plus four spaces for client use
Reception center	At least 30 spaces
Recreation center	One space per 200 square feet of recreation area
Rental establishment	At least four client spaces
Restaurant	One space per eating booth or table

Retail store	One space per 200 square feet of floor space in building
Retail store with drive-in window	One space per 200 square feet of floor space in building plus storage capacity of four cars per window on the property
Sanitarium	One space per two bed capacity
Service repair shop (general)	At least four client spaces
Stadium	One space per five fixed seats
Sorority	Two spaces per four persons whom the building is designed to accommodate
Tavern	At least 15 spaces
Terminal, transportation	At least 30 spaces
Theater	One space per five fixed seats
Travel agency	One space per employee plus four spaces for client use
Upholstery shop	One space per employee plus three spaces for client use
Used car lot	One space per employee plus four spaces for client use
Warehouse	Two spaces per three employees
Wedding chapel	At least 30 spaces
Wholesale Business	Two spaces per three employees plus three spaces for client use
For other uses not listed above	Where uses not listed above, the parking requirements shall be established by the planning commission based upon a reasonable number of spaces for staff and customers, and similar requirements of like businesses

(Ord. of 1956, § 24-3; Ord. No. 27-80; Ord. No. 2011-3, § 24-3, 2-15-2011)

Sec. 108-8-5. - Adjustments for unusual and unique conditions.

The planning commission may adjust the required number of spaces listed in this chapter if in its determination that unusual or unique circumstances or conditions relating to the operational characteristics of the use exist in a manner or to such a degree that such adjustment is equitable and warranted.

(Ord. of 1956, § 24-4; Ord. No. 27-80; Ord. No. 2011-3, § 24-4, 2-15-2011)

Sec. 108-8-6. - Computation of parking requirements.

When measurements determining number of required parking spaces result in a fractional space, any fraction up to one-half shall be disregarded, and fractions including one-half and over shall require one parking space.

(Ord. of 1956, § 24-5; Ord. No. 27-80; Ord. No. 2011-3, § 24-5, 2-15-2011)

Sec. 108-8-7. - Parking lot design and maintenance.

- (a) *Parking space location.* Parking space(s) as required by this chapter shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located no farther than 500 feet therefrom.
- (b) *Public parking lot standards.* Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface. Exceptions to this requirement will be made for seasonal, temporary, or transient uses, including, but not limited to, a fair, festival, short-term vendor, park and ride lots, and legitimate agricultural uses and agriculturally related uses, including, but not limited to, a petting farm, corn maze, green house, garden plant sales, and/or approved agri-tourism operations.

As determined by the planning commission, parking lots shall have appropriate bumper guards or curbs where needed, in order to protect property and/or pedestrians.

- (c) *Maximum yard area to be used for parking and vehicle access lanes.* For all uses permitted in a residential zone, none of the front yard area required by the respective zones shall be used for parking but shall be left in open green space, except that access across and over the required front yard is allowed to the side or rear yards. In the case of multiple-family dwellings and nonresidential uses in a residential zone, not more than 50 percent of the required side and rear yards shall be used for parking. Any said yard area used in excess of said limits shall be provided in an equivalent amount of land elsewhere on the same lot as the building as open green space, patios, play areas or courts.
- (d) *Additional provisions.* The design and maintenance of off-street parking facilities shall be subject to the following provisions:
 - (1) Each parking space shall encompass not less than 180 square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle from the side lines of the parking space.
 - (2) Adequate automobile access to and from parking area for interior block developments shall be provided. Minimum size of the access right-of-way shall be as follows based on the number of units to be served:
 - a. Up to and including four dwelling units, 16 feet.
 - b. Five or more dwelling units, one 24-foot two-way access right-of-way or two 16-foot one-way access rights-of-way.

c. A greater size of access right-of-way shall be required as deemed necessary by the planning commission, especially in cases where access right-of-way will create corner lots from otherwise interior lots.

(3) All off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet nor more than seven feet high, except that some type of hedge-row shrubs may be used in place of a wall or fence provided the hedge is continuous along adjoining property and at maturity is not less than five feet nor more than seven feet high. Hedge-row shrubs shall be maintained and replaced where necessary so that the hedge may become an effective screen from bordering property within a maximum five-year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.

(4) Lighting and signs shall conform to the requirements set forth in this Land Use Code.

(5) Parking requirements for dwellings will be located on the same lot with the dwelling.

(6) All private parking facilities must be improved with a hard surface such as concrete or asphalt and must be sloped and graded to prevent drainage of stormwater onto adjacent properties.

(Ord. of 1956, § 24-6; Ord. No. 27-80; Ord. No. 2011-3, § 24-6, 2-15-2011; Ord. No. 2012-19, pt. 10(§ 24-6), 12-18-2012)

Sec. 108-8-8. - Off-street truck loading space.

(a) On the same premises with every building or use involved in the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys.

(b) Such space, unless otherwise adequately provided, shall include a ten-foot by 25-foot loading space with 14 feet height clearance, for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of building floor area used for purposes in subsection (a) of this section, or for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of land use for purposes in subsection (a) of this section.

(Ord. of 1956, § 24-7; Ord. No. 27-80; Ord. No. 2011-3, § 24-7, 2-15-2011)

Sec. 108-8-9. - Business requiring automobile access.

(a) Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicle access shall meet the following requirements:

(1) Access to the station or other structure or parking lot shall be by not more than two roadways for each 100 feet or fraction thereof of frontage on any street;

(2) No two of said roadways shall be not more than 34 feet in width and shall not be closer than 20 feet to the point of intersection of two property lines or at any street corner; and

(3) A curb, hedge or fence of not more than two feet in height shall be provided by the owner to limit access to the permitted roadway.

(b) Exception. Service stations in commercial zones and uses in manufacturing zones may have a maximum roadway width of 50 feet.

(Ord. of 1956, § 24-8; Ord. No. 27-80; Ord. No. 20-8; Ord. No. 14-92; Ord. No. 2011-3, § 24-8, 2-15-2011)

Sec. 108-8-10. - Vehicular traffic to commercial or manufacturing zones.

Privately owned land within an area zoned for residential purposes shall not be used as a regular means of vehicular passage to and from property in commercial or manufacturing zones.

(Ord. of 1956, § 24-9; Ord. No. 27-80; Ord. No. 2011-3, § 24-9, 2-15-2011)

Sec. 108-8-11. - Regulations governing accessory vehicle off-street parking within required side yard areas.

One concrete or asphalt slab for the purpose of providing additional off-street parking may be constructed in one required side yard of a dwelling provided that:

- (1) The dwelling unit has the minimum number of required off-street parking spaces as stipulated by section 108-8-2
- (2) The slab is at least eight feet wide and is of sufficient length to accommodate the vehicle with no portion of the vehicle extending forward of the front face of the dwelling.
- (3) The appurtenant driveway to the slab must be tapered to use the existing driveway approach or a new approach must be installed for the new driveway.
- (4) Any slab constructed must remain open and unobstructed to the sky.
- (5) No vehicle shall be parked in the required side yard unless the parking area is improved with hard surface material such as concrete or asphalt.
- (6) Any slab constructed for vehicle parking must be screened by a non-see through fence of not less than six feet in height along the length of the slab behind the front yard setback.
- (7) All stormwater run off from the hard surface of slab must be directed so as to prevent drainage onto adjacent properties.

(Ord. of 1956, § 24-10; Ord. No. 27-80; Ord. No. 2011-3, § 24-10, 2-15-2011)

Sec. 108-8-12. - Off-site improvements required.

- (a) The applicant for a use permit for all residential, commercial or industrial structures, all other business and uses, and public and semi-public buildings shall install high back curb, gutter and sidewalk and entrance ways to county public works standards and location, within public or private streets along the entire property line which abuts the street, except in agricultural, shoreline and forestry zones, and where county regulations exempt such curb, gutter or sidewalk installation.
- (b) The planning commission may defer or exempt the installation of high back curb and gutter and/or sidewalk where topographies, timing or other unusual or special conditions exist, provided that the public health, safety and welfare is preserved.

(Ord. of 1956, § 24-11; Ord. No. 27-80; Ord. No. 13-86; Ord. No. 2011-3, § 24-11, 2-15-2011)

Sec. 108-8-12. – Ogden Valley Recreation and Resort Zone.

Within any Ogden Valley Recreation and Resort Zone where a master plan has been approved by the Planning Commission, the Planning Commission may modify any provision of this Chapter by approving a Parking Plan created by the Developer (as defined in the applicable Zoning Development Agreement) if the Planning Commission determines that the plan is consistent with the approved master plan. Such plan shall include provisions applying sufficient mitigation for parking and will provide a mechanism for revocation where the plan is not operating as presented.

CHAPTER 19. - ACCESSORY APARTMENTS

Sec. 108-19-1. - Purpose and intent.

The purpose of allowing accessory apartments within existing dwellings or by addition thereto, subject to conditions by conditional use permit, is to provide for affordable housing for the citizens of the county.

(Ord. of 1956, § 42-1)

Sec. 108-19-2. - Conditional use.

Accessory apartments may be permitted, by conditional use permit, in any zone in which single-family residential dwelling units are allowed, under the following specifications:

- (1) *Relationship to principal use; appearance.* An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common walls, roof, and/or floors with the principal dwelling. The minimum width shall be 20 feet with the livable floor area of the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and open up into the common living space of the main home can be closed off by a door. The accessory apartment opening into a garage or storage is not considered livable space. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. There shall be no more than one apartment accessory to a permitted dwelling. There shall be no separate address, mailbox or utilities.
- (2) *Floor area.* Living area of an accessory apartment shall contain a minimum of 400 square feet and shall not exceed a maximum of 800 square feet; there shall be no more than two bedrooms in such apartments. In no case shall the floor area exceed 25 percent of the gross livable floor area of the total structure.
- (3) *Location.* An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing (by location) nonconforming dwelling, shall not be subject to such requirements. No apartment shall be located in a basement or cellar unless such basements or cellar constitutes a walk-out basement. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.
- (4) *Access.* An accessory apartment shall have a minimum of one separate external door access from the principal dwelling located on either the side or the rear of the principal dwelling.
- (5) *Amenities.* An accessory apartment shall contain separate amenities from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service.
- (6) *Parking.* In addition to the two parking spaces required for the principal dwelling, two off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking. [In the Ogden Valley Destination and Resort Zone, this requirement shall be subject to modification by an approved parking plan pursuant to Sec. 108-8-12.](#)

(Ord. of 1956, § 42-2)

Sec. 108-19-3. - General provisions.

In addition to the section above, the following general provisions shall apply:

- (1) Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences.
- (2) Nothing shall prevent the owner of the premises from deed restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, state or federal law or regulation.
- (3) There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this section.
- (4) All provisions of the state building code, as amended from time to time, including the securing of requisite building land use permits, building permits, and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment.
- (5) The fire marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety.
- (6) The Morgan-Weber Environmental Health Department or sewer service provider shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements for sewage disposal.

(Ord. of 1956, § 42-3)

Sec. 108-19-4. - Application procedure.

The application for a conditional use permit for an accessory apartment shall follow the guidelines in chapter 4 of this title. The following provisions shall also apply to the establishment of an accessory apartment:

- (1) A person seeking to establish an accessory apartment shall file an application for a conditional use permit and pay the associated filing fee. The application is to be accompanied by complete floor plans, elevations, and interior layout drawn to scale, including alterations to be made to the existing dwelling exterior. Also, photographs of the dwelling exterior are to be submitted with the application. The application shall then be reviewed and either approved or denied by the township planning commission in which jurisdiction the property lies.
- (2) Upon receipt of a conditional use permit and building permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises. The conditional use permit shall be reviewed for renewal every two years.

(Ord. of 1956, § 42-4)

Sec. 108-19-5. - Moderate income housing provision.

In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that provision for accessory apartments be established meeting the affordability guidelines established by the county moderate income housing plan. Owners are encouraged to establish units in consideration of such guidelines.

- (1) To determine achievement of affordable housing designation, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit at the time of issuance of the certificate of occupancy.
- (2) The planning division staff, pursuant to its established administrative requirements, shall review rental agreements every two years as part of the conditional use approval in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing.




(Ord. of 1956, § 42-5)

Overall Land Use Plan

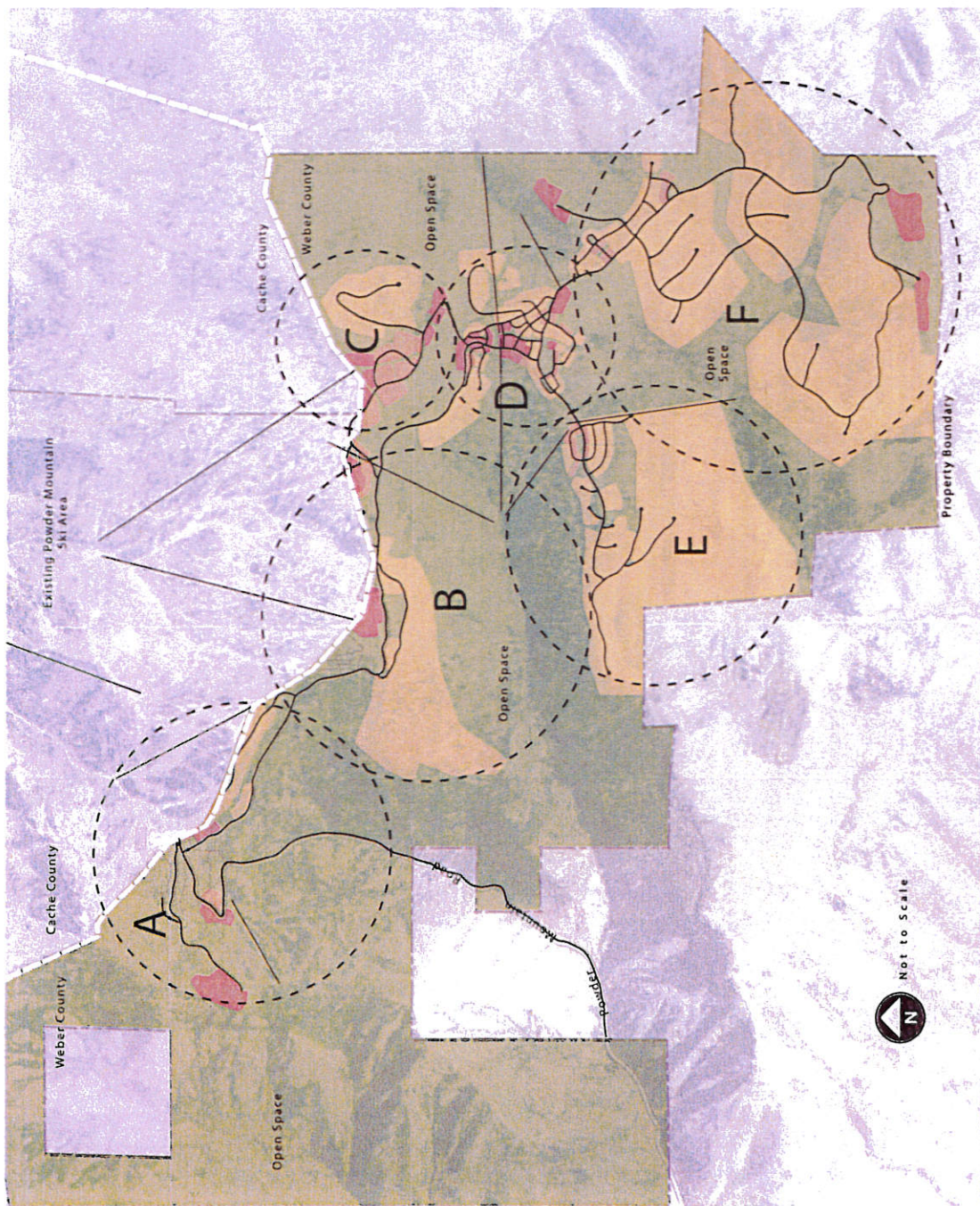
The Overall Land Use Plan depicts general areas for development within the proposed Rezone boundary. These areas indicate general land use areas and roadway circulation proposed.

Each development area identified is represented in greater detail within this Rezone Application.

- DEVELOPMENT AREAS**
- A - Mid-Mountain
 - B - The Ridge
 - C - Earl's Village
 - D - Summit Village
 - E - Gertsen
 - F - The Meadow

DEVELOPMENT LEGEND		DEVELOPMENT DATA
	MIXED USE HOTELS COMMERCIAL/SKIER SERVICES/CONF. CENTER RETREATS	1,218 ROOMS* 159,000 SF
	MULTI FAMILY	180 ROOMS* 1,256 UNITS
	SINGLE FAMILY SINGLE FAMILY LOTS NESTS	738 UNITS 340 NESTS
TOTAL UNITS		2,800 UNITS

* HOTEL AND RETREAT ROOMS EQUAL .33 UNITS EACH FOR DENSITY CALCULATIONS



WEBER COUNTY LAND USE PLAN

WEBER COUNTY			
Development Area	Acres	Total Units	Commercial Sq Ft
Webber County Total Land Area	3,808		
Area A - Earl's Village	142	1,529	150
Area B - The Forest	216	502	
Area F - The Meadows	76	22	
Area G - The Ranch	252	297	
Right-of-way (10% of proposed development area)	69	N/A	140,000
Webber County Total Development	755	2,350	150
Webber County Total Open Space	3,053		
Webber CO % of Land to be Developed	19.8%		
Webber CO % of Land to be Open Space	80.2%		

- Snowbasin Project Boundary
- Snowbasin Ski Area Boundary
- USFS Special Use Permit Area
- Roads
- Single Family residential
- Multi-family residential
- Condominiums
- Mixed-use development
- Golf and Golf Infrastructure

