|  |  |
| --- | --- |
| **WC Logo.emf** | **Staff Report to the Ogden Valley Planning Commission** *Weber County Planning Division* |
|  |
| **Synopsis** |
|  |
| **Application Information** |  | **Zoning Ordinance Chapter 18-B** |
| **Application Request:** The petitioner is requesting to amend the Commercial Valley Zones (CV-1 and CV-2) by allowing a zero front yard setback. Currently the zoning ordinance requires a 50 foot setback on streets and highways of 80 ft or wider.  |  |
| **Agenda Date:** Tuesday, November 09, 2010 |
| **Applicant:** Delaney Stephens |
| **File Number:** ORD 12-10 |
|  |
| **Land Information** |
| **Approximate Address:** Not Applicable |
| **Project Area:** Not Applicable |
| **Zoning:** Commercial Valley Zones (CV-1 and CV-2) |
| **Existing Land Use:** Not Applicable  |
| **Proposed Land Use:** Not Applicable  |
| **Parcel Identification Number:** Not Applicable  |
| **Township, Range, Section:** Not Applicable  |
|  |
| **Staff Information** | **Adjacent Land Use** |
| **Report Presenter:**  | Jim Gentryjgentry@co.weber.ut.us801-399-8767 | **North:** Not Applicable | **South:** Not Applicable  |
| **Report Reviewer:** | RS | **East:** Not Applicable  | **West:** Not Applicable  |
|  |

**Applicable Ordinances**

* Weber County Zoning Ordinance Chapter 18-B Commercial Valley Zones (CV-1 and CV-2)

**Background**

The petitioner is requesting a text amendment to Chapter 18 B Commercial Valley (CV-1 and CV-2) of the Weber County Zoning Ordinance, which would allow a zero front yard setback when buildings are located on either side of a road surrounding the Eden Park. The petitioner is the property owner of the Black Smith Shop. This area was rezoned to Commercial CV-2 to help preserve the historic Black Smith Shop. The new concept plan shows the new commercial buildings with a zero front yard setback to match the existing Black Smith Shop. The petitioner states that the zero foot setbacks in this area will allow traffic calming near Eden Park. A zero front yard setback would allow this developer to build the new buildings matching the setback on the existing building. The petitioner also states that other buildings in this area that were built prior to zoning have a zero foot setback.

The existing 50 foot setback on streets and highways of 80 feet or more in width was added in 1989. In 1989 the Planning Division was reviewing a site plan for a new post office in the Ogden Valley and was concerned about the different setback requirements in the Forest FR-1, FRC-1, CR-1, and the commercial and manufacturing zones. The Zoning Ordinance was changed to read *“Minimum Yard Setbacks Front 20 ft. on streets of less than 80 feet in width; 50 feet on streets and highways of 80 ft. or more in width”* to be consistent in all chapters. No other explanation was given for this change. When the zoning was changed in the Ogden Valley in 1998 and new chapters created, these standards was transferred to the new chapters.

The Planning Commission should understand why setbacks are required. Residential setbacks from roads, property lines, drainfields, critical areas, and other structures are designed to protect the public health and safety by providing for fire protection, protection of drinking wells from pollution and septic drainfields from damage, allowing sufficient light and spatial separation, and adequate area for the expansion of road right-of-way. A zero setback in a commercial area can create a street wall that helps define and enclose the street corridor. That adds to a sense of activity and intensity and fosters an interactive relationship between the pedestrian on the sidewalk and the commercial activities within the building. Setbacks help accommodate utility easements and clear views of intersections and driveways.

Road widening is addressed in the Weber County Zoning Ordinance Chapter **23‑10.Required Building Setback from Designated Collector or Arterial Streets** states *“Where a street is designated on the Master Street Plan of Weber County as a collector or arterial (major) street and where the existing street right-of-way requires widening to meet the right-of-way standards of such collector or arterial (major) street, the minimum front and side yard setback for all buildings shall be based upon the future designated right of way width as shown on the Weber County Master Plan and shall be measured from the future lot line of the collector or arterial (major) street designated right-of-way instead of the existing lot line of the present street right-of-way”.*

Utility easements are required as part of a subdivision and can be located on the front, side, and rear property line. If a property is not part of a subdivision, then the property owner will have to negotiate with the utility companies on locating a utility easement.

A Complete Street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users, including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility. A complete street in the Ogden Valley could include a 10-foot hard surface path with street trees for shade and pedestrian lighting with the path tying into the parking area and any business court yards. The edge of the pathway near the street can be finished with a rolled gutter or high back gutter. The clear view of intersections or driveway is accommodated by the placement of buildings and walking paths. Complete street concepts apply to rural, suburban, and urban areas. Should this concept be applied to other commercial areas within the Ogden Valley?

The engineering office responded with the following comments concerning the proposed change. There may be problems with utilities which would typically be buried in easements beyond the street ROW. If the zero front yard setback is adopted, the width of the ROW may need to be adjusted.  Currently we have a park that is used for snow storage with a 4-foot wide sidewalk next to the ROW line.  In a commercial area there is a hope for additional foot traffic which may require additional width of the sidewalk to accommodate those walking and people coming in and out of stores and shops.

The Building Officials has reviewed the request for a zero front yard setback in the commercial valley zones and stated that the building codes may restrict buildings to different setbacks based on criteria in the building code, such as occupancy, height, size, and frontage width.

There is one other minor unrelated change to Chapter 18-B Commercial Valley Zones that need to be made. This change is to section **18-B5 Uses Vendor, Short Term**. Staff is changing this use to a permitted use instead of a conditional use to be consistent with other chapters of the zoning ordinance. Other sections of the ordinance talk about short vendors as a design review. As a permitted use, a design review application is required, but the application can be approved administratively.

Chapter 18 C Architectural, Landscape and Screening Design Standards Needs to be amended because of section 5 **Minimum Standards and Guidelines - General Landscaping** number2 states *“All commercial sites shall provide a planting area, excluding sidewalk, of at least fifteen (15) feet in width along front and side property lines adjacent to street rights-of-way within the project limits. Side and rear property lines not adjacent to street rights-of-way shall have a planting area of not less than eight (8) feet in width”.* This sectionwill be changed to read as follows *“All commercial sites shall provide a planting area, excluding sidewalk, of at least fifteen (15) feet in width along front and side property lines adjacent to street rights-of-way* **unless a zero foot setback and the applicant meeting the requirements of complete streets** *within the project limits. Side and rear property lines not adjacent to street rights-of-way shall have a planting area of not less than eight (8) feet in width.”*

**Summary of Planning Commission Considerations**

* Do the changes that have been proposed make sense?
* Should the complete street design be embraced?
* Should this proposal be expanded to all commercial zones?

**Conformance to the General Plan**

One goal in the General Plan is “Trails in the Valley should be designed to provide a variety of recreational experiences as well as offer Valley residents with alternative transportation options. Multi-use trails (pedestrian, bicycles and horses) along roadways are supported as part of roadway alteration projects.” A complete street design will promote safe travel and alternative means for travel to commercial areas. Complete streets will help facilitate new trails and paths in commercial zones.

Having a safe place for people to walk along major roads near commercial areas promotes traffic calming, since most people have a tenancy to slow down around foot traffic.

**Conditions of Approval**

Not applicable

**Staff Recommendation**

The petitioner’s request is to allow a zero front yard setback when buildings are located on either side of a road surrounding the Eden Park.

Staff recommendation is to remove the requirement for a 50-foot setback on streets that are 80 feet and wider, and to allow a zero front yard setback in all Ogden Valley commercial zones with a requirement that a complete street design, which includes a 10 foot pathway, pedestrian lights, shade trees, clear view of intersection, safe street crossings for pedestrians, is included as part of the application submittal.

The recommendation is to include Vendor, Short Term as a permitted use instead of a conditional use, and a change to Chapter 18 C Architectural, Landscape and Screening Design Standards section 5 **Minimum Standards and Guidelines - General Landscaping** number2 as noted below.

**Proposed Changes**

**18B-2. Site Development Standards**

 **CV-1 CV-2**

 1. Minimum Lot Area none none

 2. Minimum Lot Width none none

 3. Minimum Yard Setbacks

a. Front 20 ft. **however, zero where a complete street design is submitted that includes a 10-foot pathway, pedestrian lights, shade trees, clear view of intersection, and safe street crossings for pedestrians.**  ~~on streets of less than 80 ft. in width~~;

 ~~50 ft. on streets and highways of 80 ft. or more in width~~

 b. Side None, except 10 feet adjacent to residential zone boundary

 c. Side facing street on

 corner lot 20 feet **however, zero where a complete street design is submitted that includes a 10-foot pathway, pedestrian lights, shade trees, clear view of intersection, and safe street crossings for pedestrians.** ~~20 feet~~

 d. Rear None, except 10 feet where building rears on a residential zone

 4. Building Height

 a. Minimum one story one story

 b. Maximum 35 feet Conditional Use required if over

 35 feet

 5. Maximum Lot Coverage Not over 60% of lot area by buildings or accessory buildings

**18B-5. Uses**

 20. Vegetable store or stand N P

 Vendor, Short Term ~~(see definition under 1-6)~~ N ~~C~~ **P**

Chapter 18 C Architectural, Landscape, and Screening Design Standards section 5 **Minimum Standards and Guidelines - General Landscaping** number2:

*“All commercial sites shall provide a planting area, excluding sidewalk, of at least fifteen (15) feet in width along front and side property lines adjacent to street rights-of-way* **unless a zero foot setback and the applicant meeting the requirements of complete streets** *within the project limits. Side and rear property lines not adjacent to street rights-of-way shall have a planting area of not less than eight (8) feet in width”*