



# Staff Report to the Western Weber and Ogden Valley Planning Commissions

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Public hearing to discuss and take comment on a proposal to amend the following section of Weber County Code: Definitions (§101-1-7) to amend the definition of “height of building.”

**Agenda Date:** Tuesday, November 21, 2017 (Western Weber PC)  
Tuesday, November 28, 2017 (Ogden Valley PC)

**Staff Report Date:** Tuesday, November 14, 2017

**Applicant:** Weber County Planning Division

**File Number:** ZTA 2017-09

### Staff Information

**Report Presenter:** Charlie Ewert  
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**Report Reviewer:** RG

## Applicable Ordinances

§101-1-7 - Definitions

## 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 Planning Division and Building Divisions have been collaborating about a better way to define and measure a building’s height. This is stemming from a couple of cases where a building was part way through the construction process before it was determined to be too tall.

This problem is usually caused by inadequate existing site topography on a site plan. For lots with slopes, determining height on paper is often much more challenging than realizing height in the real-world.

The amendments offered in Exhibit A are intended to help both the applicant and the plan reviewer to more accurately determine the height of the structure based on *finished* grade, rather than natural/existing grade.

## Policy Analysis

### Policy Considerations:

The current definition of ‘height of building’ indicates that the height should be measured from “natural grade.” Natural grade is not often easy to find once a site has been re-countertered for the new building.

An easy solution would be to replace “natural grade” with “finished grade,” however, the unintended consequences of that may lead to an allowance for unattractive cuts or fills on a lot, or the ability for one owner to skirt the height regulation by building a taller home then filling in a “finished grade” around it meets the requirement. A hybrid between the two seems more appropriate.

This proposal will allow a little bit of excavation on a sloped lot to assist in the measurement of the height of the building, but only 10 feet of cut would be allowed before the difference between the “natural grade” and the finished grade starts counting against the building’s height.

The proposal also offers that private-market professionals calculate the average height of a building, based on their certifications in appropriate industry standards. In the absence of a licensed professional's certification of the average height of the building County staff will measure it based on the average of the middle of the low point and the high point of the grade at the foundation.

There are many ways to measure building height. Staff are happy to assist the planning commission consider alternatives if desired.

### **Conformance to the General Plan**

Both general plans are relatively silent on the definition of height. However, both also suggest that development should fit the rural character of the community. Staff do not feel that the proposal would negatively affect the general plan(s).

### **Past Action on this Item**

No formal action has occurred on this item.

### **Noticing Compliance**

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

### **Staff Recommendation**

Staff recommends that the Planning Commission consider the text included as Exhibit A and offer staff critical feedback for additional amendments, if needed. If the Planning Commission is comfortable with the proposal, it could be forwarded to the County Commission with the following findings:

1. The changes will help ease administration of the Land Use Code.
2. The changes will are not detrimental to the general plan.
3. The changes are not detrimental to the general health, safety, and welfare of County residents.

### **Exhibits**

- A. Proposed Ordinance Changes – Track Change Copy.

1 **Sec. 101-1-7. - Definitions.**

2 ...

3 *Building envelope.* The term "building envelope" means a portion of a lot, parcel, or tract of land which is  
4 to be utilized as the building site as may be required by the cluster subdivision ordinance or as otherwise  
5 volunteered on a subdivision plat. "Building envelope" shall not be construed to mean "buildable area"  
6 as provided in this section.

7 *Building, height of.* The term "height of building" means the vertical distance ~~from between~~ the average  
8 elevation of the ~~of the highest natural~~ finished or natural grade, whichever is most permissive, ~~and the~~  
9 ~~lowest natural grade~~ of the land at the exterior footprint of the building to the highest point of ~~the coping of~~  
10 ~~a flat roof, or to the deck line of a mansard roof, or to the highest point of the ridge of a pitch or hip roof~~  
11 the building; provided, however, if the average elevation of the natural grade is higher than ten feet over  
12 the average elevation of the finished grade, then the height of building shall be measured from ten feet  
13 above the average elevation of the finished grade. Average elevation shall be determined by a licensed  
14 surveyor, engineer, or architect, or by averaging the high point and the low point at the exterior footprint of  
15 the building.

16 *Building, main.* The term "main building" means the principal building or one of the principal buildings  
17 located on a lot or parcel designed or used to accommodate the primary use to which the premises are  
18 devoted. Where a permissible use involves more than one structure designed or used for the primary  
19 purpose, as in the case of apartment groups, each such permitted building on one lot as defined by this  
20 title shall be deemed a main building.

21 ...