

ORDINANCE NUMBER 2017-33

AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE TO ALLOW THE LAND USE AUTHORITY TO MODIFY THE APPLICABILITY OF CERTAIN PROVISIONS OF THE LAND USE CODE IN THE DRR-1 ZONE

WHEREAS, the Weber County Land Use Code heretofore contained regulations permitting the Planning Commission to modify certain provisions of the Land Use Code within the Ogden Valley Destination and Recreation Resort Zone; and

WHEREAS, these regulations offered inadequate, vague, or inconsistent provisions; and

WHEREAS, the Weber County Land Use Code heretofore contained regulations permitting the Planning Director to approve certain applications within the Ogden Valley Destination and Recreation Resort Zone; and

WHEREAS, on October 24, 2017, 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 with respect to allowing the Land Use Authority to modify the applicability of certain provisions of the Land Use Code, and offered a positive recommendation to the County Commission; and

WHEREAS, on November 28, 2017, 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 ordinance amendments herein do not run contrary to the goals and objectives of the General Plan and provide clarification necessary to facilitate efficient administration of the Weber County Land Use Code within the Ogden Valley Destination and Recreation Resort Zone;

NOW THEREFORE, the Weber County Board of Commissioners ordains an amendment to the Weber County Land Use Code as follows:

See Exhibit A (Clean Copy) and Exhibit B (Track Changes)

This ordinance shall become effective fifteen (15) days after publication.

Adopted and ordered published this 28th day of November 2017.


Weber County Commission



James Ebert, Chair

Commissioner Gibson voted aye
Commissioner Harvey voted aye
Commissioner Ebert voted aye

Attest:



Ricky Hatch, CPA
Weber County Clerk/Auditor

Exhibit A

1 TITLE 108 - STANDARDS

2 ...

3 CHAPTER 2. - OGDEN VALLEY ARCHITECTURAL, LANDSCAPE AND SCREENING
4 DESIGN STANDARDS

5 ...

6 **Sec. 108-2-3. - Applicability.**

7 (a) The architectural, landscape and screening design standards, as set forth in this
8 chapter, shall apply to all commercial, industrial, manufacturing, public or quasi-
9 public uses. They shall apply to multi-family dwellings of three or more units,
10 including townhouses, condominiums, apartments and bed and breakfast inns.
11 Single-family residential use and its approved accessory uses, agricultural uses,
12 including agri-tourism, parking or vehicular uses which are under, on, or within
13 buildings, and parking areas serving single-family and duplex uses shall be
14 exempt.

15 (b) Yurts are exempt from the requirements of section 108-2-4(2), Minimum
16 standards; architectural, Exposed fronts and street sides of buildings , but shall
17 meet all other requirements of this chapter.

18 (c) In the Ogden Valley Destination and Recreation Resort Zone at elevations of at
19 least 6,200 feet above sea level, where a master plan has been approved by the
20 planning commission, the land use authority may modify the applicability of any
21 provision of this chapter by approving a landscape, buffering, and screening plan
22 created by the developer if the land use authority determines that the plan is
23 consistent with the approved master plan. For the purposes of this section, the
24 term "developer" refers to the signatory, successors, or assigns of a
25 development agreement, or as otherwise defined in an applicable development
26 agreement.

27 ...

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

29 ...

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

31 The planning commission may adjust the required number of spaces listed in this
32 chapter if it determines that unusual or unique circumstances or conditions relating to
33 the operational characteristics of the use exist in a manner or to such a degree that
34 such adjustment is equitable and warranted. This section does not apply to the
35 circumstances described in section 108-8-13.

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38 **Sec. 108-8-13. - Ogden Valley Destination and Recreation Resort Zone.**

39 Within the Ogden Valley Destination and Recreation Resort Zone at elevations of
40 at least 6,200 feet above sea level, where a master plan has been approved by the
41 planning commission, the land use authority may modify the applicability of any
42 provision of this chapter by approving a parking plan created by the developer if the
43 land use authority determines that the plan is consistent with the approved master
44 plan. Such plan shall include provisions applying sufficient mitigation for parking and
45 will provide a mechanism for revocation where the plan is not operating as presented.
46 For the purposes of this section, the term "developer" refers to the signatory,
47 successors, or assigns of a development agreement, or as otherwise defined in an
48 applicable development agreement.

49 ...

Exhibit B

1 TITLE 108 - STANDARDS

2 ...

3 CHAPTER 2. - OGDEN VALLEY ARCHITECTURAL, LANDSCAPE AND SCREENING
4 DESIGN STANDARDS

5 ...

6 **Sec. 108-2-3. - Applicability.**

7 (a) The architectural, landscape and screening design standards, as set forth in this
8 chapter, shall apply to all commercial, industrial, manufacturing, public or quasi-
9 public uses. ~~It~~ They shall apply to multi-family dwellings of three or more units,
10 including townhouses, condominiums, apartments and bed and breakfast inns.
11 Single-family residential use and its approved accessory uses, agricultural uses,
12 including agri-tourism, parking or vehicular uses which are under, on, or within
13 buildings, and parking areas serving single-family and duplex uses shall be
14 exempt.

15 (b) Yurts are exempt from the requirements of section 108-2-4(2), Minimum
16 standards; architectural, Exposed fronts and street sides of buildings , but shall
17 meet all other requirements of this chapter.

18 (c) In the Ogden Valley Destination and Recreation Resort Zone ~~destination and~~
19 ~~recreation resort zone~~ at elevations of at least 6,200 feet above sea level, where
20 a master plan has been approved by the planning commission, the ~~planning~~
21 ~~commission~~ land use authority may modify the applicability of any provision of
22 this chapter by approving a landscape, buffering, and screening plan created by
23 the developer ~~(as defined in the applicable zoning development agreement)~~ if
24 the ~~planning commission~~ land use authority determines that the plan is consistent
25 with the approved master plan. For the purposes of this section, the term
26 "developer" refers to the signatory, successors, or assigns, of a development
27 agreement, or as otherwise defined in an applicable development agreement.

28 ...

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

31 ...

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

33 The planning commission may adjust the required number of spaces listed in this
34 chapter if ~~in its determination~~ it determines that unusual or unique circumstances or
35 conditions relating to the operational characteristics of the use exist in a manner or to
36 such a degree that such adjustment is equitable and warranted. This section does not
37 apply to the circumstances described in section 108-8-13.

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Sec. 108-8-13. - Ogden Valley Destination and Recreation ~~and~~ Resort Zone.

Within ~~the any~~ Ogden Valley Destination and Recreation ~~and~~ Resort Zone at elevations of at least 6,200 feet above sea level, where a master plan has been approved by the planning commission, the ~~planning commission~~ land use authority may modify the applicability of 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~~ land use authority 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. For the purposes of this section, the term "developer" refers to the signatory, successors, or assigns, of a development agreement, or as otherwise defined in an applicable development agreement.

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