



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** A public hearing to discuss and take comment on a proposal to amend the following sections of Chapter 104-21 Commercial Valley Zones CV-1 and CV-2 of the Weber County Code:  
**Section 2**, by reducing the minimum front yard setback to zero and the side-yard facing a street set-back to zero,  
**Section 4**, by removing unnecessary text, adding minimum set-backs for car washes, and requiring a complete street for new commercial development and commercial expansions that exceed 25% of the existing site, and adding provisions for a building maintenance contract to facilitate upkeep and maintenance to structures built on the property line, and adding provisions for a cross access easement.

**Agenda Date:** Tuesday, April 28, 2020  
**Staff Report Date:** Tuesday, April 21, 2020  
**Applicant:** Weber County Planning Division  
**File Number:** ZTA 2020-02

### Staff Information

**Report Presenter:** Felix Lleverino  
 flleverino@co.weber.ut.us  
 801-399-8767

**Report Reviewer:** CE

## Applicable Ordinances

Section 107-1-7 Definitions

Chapter 104-21, Commercial Valley Zones, CV-1 and CV-2

## Legislative Decisions

A 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 action are the general plan, zoning map, and land use code amendments. Typically, the creation for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

## Summary and Background

A reduction to the minimum side-yard setbacks within the CV-1 and CV-2 zones will allow for commercial development within the village areas to bring structures close to the edge of the right-of-way which will increase the design possibilities available to commercial developers while enhancing the design of complete streets.

Complete streets in village areas invite cyclists, pedestrians, and drivers of automobiles to patronize businesses.

## Policy Analysis

Below you will find line numbers that correspond with the track changes found in Exhibit A, including the planning staff description of why the amendments are being proposed.

Lines 8 – 15: Planning staff has identified that the definition of a complete street should be in the definition section of Title 101 General Provisions. Definitions for cross access and cross access easement are needed.

Line 27: Reformatting of the site development standards table makes it easier to read. The minimum front and side-yard setback distance are being reduced and a new provision for a building maintenance contract is being created.

Lines 37, 38: Admin edits to strike unnecessary language

Lines 40 - 43: Admin edits to strike unnecessary language

Lines 44, 45: A new provision that would place car wash facilities at least 60 feet from a street right-of-way. This would facilitate a mixture of commercial development abutting the street.

Line 46: Admin edits to strike unnecessary language

Lines 51 - 58: The original provision has been expanded to require that new development on vacant properties and existing commercial operation expansions are to install a percentage of, or the entire, lot frontage. At minimum, the developer would install a ten-foot sidewalk.

Lines 59, 60: Are staff suggested changed that have been moved to lines 54, 55

Lines 61 - 63: Complete street definition moved to definitions section.

Lines 64 – 69: Some basic design criteria will be helpful in giving a developer some direction. Ultimately the Planning Director, after consulting with the County Engineer, will make final design judgments on a case by case basis.

Lines 79 – 88: These new standards address trespassing issues that may arise when the developer needs to construct and or maintain the commercial building abutting the property line.

Lines 89 – 101: The new cross access statute guides the design of parking lots and access-ways.

## Conformance to the General Plan

The 2016 Ogden Valley General Plan gives guidance on what the community desires. These land-use code changes are structured to bring the CV-1, and CV-2 zoning code into alignment with the community desires.

The Ogden Valley General Plan suggests the following goals and principals:

### Commercial Development Implementation 1.1.2:

Require new commercial or mixed-use development to locate on property currently zoned for commercial uses. Avoid rezoning new property to commercial or manufacturing until such time that the community supports it. Future commercial or mixed-use rezoning should only be considered adjacent to existing commercial or mixed-use zoning in a manner that creates village clusters and avoids strip commercial along highway corridors.

### Commercial Development Principle 1.2:

Focus on creating vibrant village areas. Encourage public spaces and plazas within villages that can accommodate cultural and social events and that can function as community gathering areas. Promote and extend the walkable, interconnected pattern in the Valley and extend non-motorized trails and pathways to commercial village areas.

### Commercial Development Principals 1.2.1:

As also provided in the Transportation Element Streetscape Implementation 1.1.1, develop and adopt multimodal streetscape cross-sections for village areas, and implement key elements during programmed road maintenance and upgrade projects. Evaluate current commercial development standards in Ogden Valley to ensure opportunities for internal walkability and connections to the trail system.

### Commercial Development principle 2.1:

Require new commercial development to conform to community design standards to ensure compatibility with the character of Ogden Valley and to provide for an aesthetic and functional transition to surrounding residential and agricultural areas.

If the Planning Commission can determine that the preceding goals and principals support the proposal it should recommend approval of the proposal to the County Commission.

## Past Action on this item

No action has been taken on this item. A land-owner with commercial vacant property in the Old Town Eden area brought to light conflicts between the general plan and the text written into the existing CV-1, and CV-2 zone code.

## 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 to the County’s Official Website

Posted to 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 Exhibit B and offer staff critical feedback for additional amendments if needed. Otherwise, we recommend that the Planning Commission forward this proposal to the County Commission. This recommendation comes with the following findings:

1. The changes are supported by the general plan.
2. The changes will encourage functioning complete street design.
3. The changes will help cluster commercial development within the intended village areas.
4. The changes will ensure conformity to community design standards.

### Exhibits

- A. Proposed Ordinance Changes – Track Changes Copy
- B. Proposed Ordinance Changes – Clean Copy

**Title 101 General Provisions...**

*Compatible.* The term "compatible" means capable of orderly efficient integration and operation with adjacent developments. A development is compatible with an existing on or off-site development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property.

*Complete street.* A complete street is a transportation facility that is planned, designed, operated, and maintained to provide safe, convenient, and inviting mobility for all users of the facility, including bicyclists, pedestrians, transit vehicles, and motorists.

*Cross-access.* The term "cross-access" means a logical, convenient, and safe two-way vehicle and pedestrian ingress and egress between a lot or parcel and the adjoining lot or parcel.

*Cross-access easement.* The term "cross-access easement" means an easement on a lot or parcel that contains or will contain a cross-access.

*Conditional use.* See Use, conditional.

**TITLE 104 ZONES**

**CHAPTER 104-21 COMMERCIAL VALLEY ZONES CV-1 AND CV-2**

**Sec 104-21-2 Site Development Standards**

The following site development standards shall apply in the Commercial Valley Zones CV-1 and CV-2:

	<u>CV-1</u>	<u>CV-2</u>
<u>Minimum lot area.....</u>	<u>None</u>	<u>None</u>
<u>Minimum lot width.....</u>	<u>None</u>	<u>None</u>
<u>Maximum lot coverage.....</u>	<u>60% of lot area by buildings or accessory buildings</u>	
<u>Minimum yard setbacks:</u>		
<u>Front.....</u>	<u>None</u>	<u>None</u>
<u>Rear.....</u>	<u>10 feet, except none if either: the owner has obtained either: a perpetual building maintenance contract, as provided in 104-21-4(e); or if the building will abut a building on the adjoining lot or parcel.</u>	
<u>Side.....</u>	<u>10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in 104-21-4(e); or if the building will abut a building on the adjoining lot or parcel. <del>except none if the owner has obtained either: a perpetual building</del></u>	

	<del>maintenance contract, as provided in 104-21-4(c); or if the building will abut a building on the adjoining lot or parcel.</del>	
<u>Side; facing street on corner lot...</u>	<u>None</u>	<u>None</u>
<b>Main building height:</b>		
<u>Minimum.....</u>	<u>1 story</u>	<u>1 story</u>
<u>Maximum.....</u>	<u>35 feet</u>	<u>35 feet</u>

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	<b>CV-1</b>	<b>CV-2</b>
Minimum lot areas	None	None
Minimum lot width	None	None
<b>Minimum yard setbacks</b>		
Front	20 ft. unless the requirements listed in section 104-21-4(c) are met	
Side	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Side-facing street on corner lot	20 feet unless the requirements listed in section 104-21-4(c) are met	
Rear	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
<b>Building height</b>		
Minimum	1-story	1-story
Maximum	35 feet	
Maximum lot coverage	60% of lot area by buildings or accessory buildings	

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(Ord. of 1956, § 18B-2; Ord. No. 2011-5, § 18B-2, 3-15-2011; Ord. No. 2012-17, § 18B-2, 10-23-2012; Ord. No. 2016-10, Exh. A, 8-23-2016)

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**Sec 104-21-3 Sign Regulations**

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The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in title 110, chapter 21, Ogden Valley signs, of this Land Use Code.

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(Ord. of 1956, § 18B-3; Ord. No. 2011-5, § 18B-3, 3-15-2011; Ord. No. 2012-17, § 18B-3, 10-23-2012)

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**Sec 104-21-4 Special Regulations**

- 34 (a) ~~Manufacturing uses. Hereinafter specified permitted and conditional uses shall be allowed only when the following~~  
 35 ~~conditions are complied with.~~ All manufacturing uses shall be done within a completely enclosed building in an effort to  
 36 mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration.
- 37 (b) Car wash. Car wash shall be permitted subject to the following restrictions:
- 38 (1) ~~In the CV-1 zone, Operation or use hours shall limited to the hours between are limited to~~ 6:00 a.m. ~~and to~~ 10:00  
 39 ~~p.m. in CV-1 Zone.~~
- 40 (2) ~~In the CV-1 zone, There shall not be more than four washing bays for a manual spray car wash in CV-1 Zone.~~
- 41 (3) ~~Car wash facilities bays shall be setback from the street right-of-way at least 60 feet. The frontage of the lot shall,~~  
 42 ~~for a depth of at least 30 feet, be reserved for future street-front commercial buildings and related improvements.~~
- 43 (4) ~~In both the CV-1 and CV-2 zones the~~The off-street vehicle spaces or queues required shall be as follows:
- 44 a. One bay car wash, four spaces in the approach lane;
- 45 b. Two bay car wash, three spaces in the approach lane for each wash bay;
- 46 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.
- 47 (c) Complete street.
- 48 (1) ~~A complete street, as defined in Section 101-1-7, shall be installed to span the frontage of the lot for the width of~~  
 49 ~~completed improvements, including parking facilities and required landscaped area. If this width is 75 percent of the~~  
 50 ~~lot width or greater, the complete street shall span the entire frontage of the CV-1 or CV-2 zone on the lot.~~
- 51 a. ~~Modification of site improvements that affect less than 25 percent of the lot are is exempt from the complete~~  
 52 ~~street requirement.~~
- 53 b. ~~All of the requirements of this subsection (c) notwithstanding, When a complete street is not required, each lot~~  
 54 ~~shall provide a six10-foot sidewalk or 10 foot pathway, as prescribed by the Planning Director after consultation~~  
 55 ~~with the County Engineer, for the full frontage of the CV-1 or CV-2 zone on the lot.~~
- 56 ~~is required For amendments to an existing commercial operation, expansions that exceed 25% of the project area shall~~  
 57 ~~comply with the complete street standards.~~
- 58 ~~1) A complete street is a transportation facility that is planned, designed, operated, and maintained to~~  
 59 ~~provide safe mobility for all users including bicyclists, pedestrians, transit vehicles, and motorists,~~  
 60 ~~appropriate to the function and context of the facility.~~
- 61 (2) ~~A complete street design is required when the front setback is less than 20 feet, and~~ shall include a ten-foot  
 62 pedestrian pathway or sidewalk, ~~night sky friendly~~ pedestrian lighting, shade trees, ~~appropriate~~ clear view of  
 63 intersection, and ~~when applicable, may also~~ shall also include safe street crossings for pedestrians ~~at least every 300~~  
 64 ~~feet.~~ The complete street design, ~~tree species and planting techniques, and pedestrian lighting is subject to approval~~  
 65 ~~by the Planning Director, after consultation with the County Engineer. shall be approved by the planning~~  
 66 ~~commission.~~
- 67 (d) Dwelling unit. A dwelling unit is allowed, as part of a mixed use building, only if allowed in section 104-21-5, and only  
 68 when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When  
 69 fronting on a public or private street, buildings that contain dwelling units shall comply with the following:
- 70 (1) The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for  
 71 the entire length of the building's street frontage;
- 72 (2) The building shall not be setback any greater than 20 feet at any point from the property line that runs parallel to  
 73 the public or private street;
- 74 (3) The building shall be subject to the requirements of chapter 108-1 and chapter 108-2; and
- 75 (4) The lot's street frontage shall be developed as a complete street, as specified in section 104-21-4(c).
- 76 (e) Perpetual building maintenance contract. ~~When permitted required by this chapter as a way to allow reduced setbacks,~~  
 77 ~~a perpetual building maintenance contract is required. The perpetual building maintenance contract shall allow for~~

78 construction and maintenance of the side or rear of a commercial building structure, and shall be provided and shall  
79 comply with the following:

80 (1) The contract shall be created in a form as approved by the County Attorney's Office and shall be signed by the owner  
81 of the commercial building and the adjacent property owner both parties;

82 (2) The contract shall place responsibility on the benefactor building owner for prompt repairs and maintenance of the  
83 side of the building, and shall require allowance of access to the property for repairs and maintenance purposes;  
84 and

85 (3) The contract shall be recorded on the title of both properties.

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87 (f) -Cross access easements. Access to adjacent existing or future development without the need to access the public right-  
88 of-way is in the interest of public safety.

89 (1) At a minimum, each parcel shall have two points of ingress and egress, at least one of which shall be stubbed into  
90 adjacent property where practicable.

91 (2) When locating cross-access easements or designing the ingress and egress infrastructure, good faith efforts shall be  
92 made to coordinate the location and design of the cross-access easement with the adjoining lot or parcel owner.

93 (3) The Planning Director may require the ingress and egress to be located in a manner that optimizes traffic circulation  
94 in the area.

95 (4) Construction of the cross-access infrastructure in each cross-access easement shall be completed prior to certificate  
96 of occupancy for any structure on the specific lot or parcel; or a completion bond may substitute for completion.

97 (5) When a lot or parcel is developed, and it abuts an existing cross-access easement or existing ingress and egress  
98 accessway, a reciprocal cross-access easement shall be provided on the same lot line or parcel line in the same  
99 location and of equal size. The ingress and egress accessway shall be constructed to the same standard as, or better  
100 than, the existing accessway. A cross access easement shall be recorded...with perpetual maintenance agreement  
101 butt shutup matt.

**TITLE 101 GENERAL PROVISIONS**

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**TITLE 104 ZONES**

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The following site development standards shall apply in the Commercial Valley Zones CV-1 and CV-2:

	CV-1	CV-2
Minimum lot area.....	None	None
Minimum lot width.....	None	None
Maximum lot coverage.....	60% of lot area by buildings or accessory buildings	
Minimum yard setbacks:		
Front.....	None	None
Rear.....	10 feet, except none, if either: the owner has obtained a perpetual building maintenance contract, as provided in 104-21-4(e); or if the building will abut a building on the adjoining lot or parcel.	
Side.....	10 feet, except none, if either: the owner has obtained a perpetual building maintenance contract, as provided in 104-21-4(e); or if the building will abut a building on the adjoining lot or parcel.	
Side; facing street on corner lot...	None	None



Main building height:		
Minimum.....	1 story	1 story
Maximum.....	35 feet	35 feet

(Ord. of 1956, § 18B-2; Ord. No. 2011-5, § 18B-2, 3-15-2011; Ord. No. 2012-17, § 18B-2, 10-23-2012; Ord. No. 2016-10, Exh. A, 8-23-2016)

**Sec 104-21-3 Sign Regulations**

The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in title 110, chapter 21, Ogden Valley signs, of this Land Use Code.

(Ord. of 1956, § 18B-3; Ord. No. 2011-5, § 18B-3, 3-15-2011; Ord. No. 2012-17, § 18B-3, 10-23-2012)

**Sec 104-21-4 Special Regulations**

(a) *Manufacturing uses.* All manufacturing uses shall be done within a completely enclosed building in an effort to mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration.

(b) *Car wash.* Car wash shall be permitted subject to the following restrictions:

- (1) In the CV-1 zone, operation hours are limited to 6:00 a.m. to 10:00 p.m.
- (2) In the CV-1 zone, there shall not be more than four washing bays for a manual spray car wash.
- (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet. The frontage of the lot shall, for a depth of at least 30 feet, be reserved for future street-front commercial buildings and related improvements.
- (4) The off-street vehicle spaces or queues required shall be as follows:
  - a. One bay car wash, four spaces in the approach lane;
  - b. Two bay car wash, three spaces in the approach lane for each wash bay;
  - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

(c) *Complete street.*

- (1) A complete street, as defined in Section 101-1-7, shall be installed to span the frontage of the lot for the width of completed improvements, including parking facilities and required landscaped areas. If this width is 75 percent of the lot width or greater, the complete street shall span the entire frontage of the CV-1 or CV-2 zone on the lot.
  - a. Modification of site improvements that affect less than 25 percent of the lot is exempt from the complete street requirement.
  - b. When a complete street is not required, each lot shall provide a six-foot sidewalk or 10-foot pathway, as prescribed by the Planning Director after consultation with the County Engineer, for the full frontage of the CV-1 or CV-2 zone on the lot.
- (2) A complete street design shall include a ten-foot pedestrian pathway or sidewalk, pedestrian lighting, shade trees, appropriate clear view of the intersection, and shall also include safe street crossings for pedestrians at least every 300 feet. The complete street design, tree species and planting techniques, and pedestrian lighting are subject to approval by the Planning Director, after consultation with the County Engineer.

(d) *Dwelling unit.* A dwelling unit is allowed, as part of a mixed-use building, only if allowed in section 104-21-5, and only when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When fronting on a public or private street, buildings that contain dwelling units shall comply with the following:

- (1) The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for the entire length of the building's street frontage;
- (2) The building shall not be setback any greater than 20 feet at any point from the property line that runs parallel to the public or private street;

- (3) The building shall be subject to the requirements of chapter 108-1 and chapter 108-2; and
- (4) The lot's street frontage shall be developed as a complete street, as specified in section 104-21-4(c).
- (e) *Perpetual building maintenance contract.* When permitted by this chapter as a way to allow reduced setbacks, a perpetual building maintenance contract shall allow for construction and maintenance of the side or rear of a commercial building, and shall comply with the following:
  - (1) The contract shall be created in a form as approved by the County Attorney's Office and shall be signed by both the owner of the the commercial building and the adjacent property owner;
  - (2) The contract shall place responsibility on the building owner for prompt repairs and maintenance of the side or rear of the building, and shall require the allowance of access to the property for repairs and maintenance purposes; and
  - (3) The contract shall be recorded on the title of both properties.
- (f) *Cross access easements.* Access to adjacent existing or future development without the need to access the public right-of-way is in the interest of public safety.
  - (1) At a minimum, each parcel shall have two points of ingress and egress, at least one of which shall be stubbed into adjacent property where practicable.
  - (2) When locating cross-access easements or designing the ingress and egress infrastructure, good faith efforts shall be made to coordinate the location and design of the cross-access easement with the adjoining lot or parcel owner.
  - (3) The Planning Director may require the ingress and egress to be located in a manner that optimizes traffic circulation in the area.
  - (4) Construction of the cross-access infrastructure in each cross-access easement shall be completed prior to certificate of occupancy for any structure on the specific lot or parcel; or a completion bond may substitute for completion.
  - (5) Development on a lot or parcel adjoining a lot or parcel with a cross-access easement shall provide a reciprocal cross-access easement on the same lot line or parcel line of equal size, and the ingress and egress accessway shall be constructed to the same standard as, or better than, the existing cross-access.