

OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

April 26, 2022

Pre-Meeting 4:30/Regular Meeting 5:00

- *Pledge of Allegiance*
 - *Roll Call:*
1. Minutes: February 15, 2022
 2. Training

Petitions, Applications, and Public Hearings:

3. Legislative Items

3.1 ZTA 2021-07: Discussion and potential action on an application to amend the Form-Based Village zoning ordinance, along with other sections of the Weber County Land Use Code, to add provisions and exhibits intended to create a Nordic Valley Village Area. **Staff Presenters: Scott Perkes & Charlie Ewert**

4. Public Comment for Items not on the Agenda:

5. Remarks from Planning Commissioners:

6. Planning Director Report: John Lewis has resigned from the Ogden Valley Planning Commission. A big Thank You to John Lewis for his many years of service (2016-2022) on the Ogden Valley planning Commission.

7. Remarks from Legal Counsel:

Adjourn

The regular meeting will be held in person at the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/85703169095> Meeting ID: 857 0316 9095

A Pre-Meeting will be held at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8761

Meeting Procedures

Outline of Meeting Procedures:

- ❖ The Chair will call the meeting to order, read the opening meeting statement, and then introduce the item.
- ❖ The typical order is for consent items, old business, and then any new business.
- ❖ Please respect the right of other participants to see, hear, and fully participate in the proceedings. In this regard, anyone who becomes disruptive, or refuses to follow the outlined procedures, is subject to removal from the meeting.

Role of Staff:

- ❖ Staff will review the staff report, address the approval criteria, and give a recommendation on the application.
- ❖ The Staff recommendation is based on conformance to the general plan and meeting the ordinance approval criteria.

Role of the Applicant:

- ❖ The applicant will outline the nature of the request and present supporting evidence.
- ❖ The applicant will address any questions the Planning Commission may have.

Role of the Planning Commission:

- ❖ To judge applications based upon the ordinance criteria, not emotions.
- ❖ The Planning Commission's decision is based upon making findings consistent with the ordinance criteria.

Public Comment:

- ❖ The meeting will then be open for either public hearing or comment. Persons in support of and in opposition to the application or item for discussion will provide input and comments.
- ❖ The commission may impose time limits for comment to facilitate the business of the Planning Commission.

Planning Commission Action:

- ❖ The Chair will then close the agenda item from any further public comments. Staff is asked if they have further comments or recommendations.
- ❖ A Planning Commissioner makes a motion and second, then the Planning Commission deliberates the issue. The Planning Commission may ask questions for further clarification.
- ❖ The Chair then calls for a vote and announces the decision.

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

- ❖ When commenting please step to the podium and state your name and address.
- ❖ Please speak into the microphone as the proceedings are being recorded and will be transcribed to written minutes.
- ❖ All comments must be directed toward the matter at hand.
- ❖ All questions must be directed to the Planning Commission.
- ❖ The Planning Commission is grateful and appreciative when comments are pertinent, well organized, and directed specifically to the matter at hand.

Speak to the Point:

- ❖ Do your homework. Obtain the criteria upon which the Planning Commission will base their decision. Know the facts. Don't rely on hearsay and rumor.
- ❖ The application is available for review in the Planning Division office.
- ❖ Speak to the criteria outlined in the ordinances.
- ❖ Don't repeat information that has already been given. If you agree with previous comments, then state that you agree with that comment.
- ❖ Support your arguments with relevant facts and figures.
- ❖ Data should never be distorted to suit your argument; credibility and accuracy are important assets.
- ❖ State your position and your recommendations.

Handouts:

- ❖ Written statements should be accurate and either typed or neatly handwritten with enough copies (10) for the Planning Commission, Staff, and the recorder of the minutes.
- ❖ Handouts and pictures presented as part of the record will be left with the Planning Commission.

Remember Your Objective:

- ❖ Keep your emotions under control, be polite, and be respectful.
- ❖ It does not do your cause any good to anger, alienate, or antagonize the group you are standing in front of.

Minutes of the Business Meeting of the Ogden Valley Planning Commission for February 15, 2022. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/86560039943>, the time of the meeting, commencing at 4:30 p.m.

Ogden Valley Planning Commissioners Present: Trevor Shuman, Chair; Shanna Francis, Vice Chair, Jeff Burton, John (Jack) Howell, Jared Montgomery, and Justin Torman.

Absent/Excused: John Lewis

Staff Present: Charlie Ewert, Principal Planner; Scott Perkes, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

- **Pledge of Allegiance**
- **Roll Call:**

Chair Shuman asked if anyone had any ex parte communication or conflict of interest to declare. No disclosures were made.

1. Approval of Minutes for December 28, 2021.

Commissioner Torman moved to approve the minutes of the December 28, 2021 meetings as presented. Commissioner Burton seconded the motion. Commissioners Francis, Burton, Howell, Montgomery, Shuman, and Torman all voted aye. (Motion carried 6-0).

2. Administrative Items.

2.1 UVB 050721: Consideration and action on a request for final approval of The Basin Subdivision located at approximately 947 E. Old Snow Basin Road. **Presenter Steven Burton**

A staff memo from Planner Burton explained the proposed project received a preliminary approval from the Planning Commission for 13 lots with an alternative access easement on November 30, 2021. This property was rezoned from CVR-1 to FR-3 on January 25, 2022 when the County Commission adopted ordinance 2022-03. As part of the rezone to FR-3, the developer and the County signed and finalized a development agreement that restricts the development to a maximum of 10 lots and prohibits the use of short-term rentals on the property. The developer has submitted final plans for a 10-lot subdivision. Under the FR-3 zone, each single-family dwelling needs to have at least 6,000 square feet of net developable area. The proposed preliminary and final plat show 10 single family lots, each having at least 10,000 square feet of net developable area. The FR-3 zone requires each lot to have 60 feet of frontage. Each of these lots has a minimum of 80 feet of frontage.

Mr. Burton summarized staff's analysis of compliance with the General Plan and zoning ordinances; he Ogden Valley General Plan Commercial and Village area map shows this property as part of a mixed-use village area. The rezone from CVR-1 to FR-3 inhibits the mixed-use village from ever developing in this specific area. While the rezoning of the property was not in compliance with the commercial village section of the general plan, the platting of units, allowed by zoning is not in conflict with the general plan. The subject property is located in the Forest Residential (FR-3) zone. LUC 104-17-1 describes the purpose and intent of the FR-3 zone as follows:

The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or condo-tels adjacent to and in conjunction with major recreational resorts, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in areas associated with major recreational resorts.

Each lot meets the minimum size requirement of 6,000 square feet and minimum width requirement of 60 feet in the FR-3 zone.

He also briefly touched on culinary water, secondary water, and sanitary sewer; parking; sensitive lands; and communications from review agencies, after which he concluded staff recommends final approval of The Basin Subdivision, consisting of 10 lots. This recommendation for approval is subject to all applicable review agency requirements and the following conditions:

1. The alternative access shall be constructed in conformance with the design standards in 108-7-29(a) prior to the issuance of land use permits or building permits.
2. An alternative access covenant, where the developer agrees to pay for a proportionate amount of the cost of a public street, will be required to be recorded with the final subdivision plat.

3. The applicant will be required to provide a final approval letter from the water and sewer provider, prior to the recording of the subdivision.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. The proposed subdivision complies with all previous approvals and the applicable County ordinances.

There was a discussion among the Commission and staff regarding the number of parking spaces included in the proposed project, with Mr. Burton noting that the roads in the project area will be private in nature, but the Fire Department will review the final plat to determine if the parking layout will impede public safety access to the site.

Chair Shuman invited input from the applicant

Todd Meyers, C.W. Land, stated that on the plan that was provided to the Commission in November of 2021 included six parallel parking stalls and landscaping strip; that has been changed by making lots one through five ten-feet deeper and eliminating the parallel parking stalls. There will only be the street and the landscaped strip.

Chair Shuman then stated this is an administrative item and any comments made should be constructive and relative to the Commission's authority regarding the application; he then invited public input.

James Bird stated he has been following this project for a year and he and other residents view it as a microcosm of what is happening in the entire valley; the problems presented by this developer are not unusual to other projects. He asked the Commission to consider that their decision regarding this application will impact future developments. He stated that the Ogden Valley General Plan was changed without complying with Section 102-6-4, development agreement procedures, which states that a public hearing should be held when the General Plan is changed; by rezoning these two lots to FR-3 zone, the village status was changed. The Ogden Valley General Plan designates the corner property to be a village and before moving ahead with this project, the residents would like the County to provide a citation for the section of the code that states the General Plan can be changed without a public hearing; otherwise, the plan is useless. He asked the Commission's legal counsel if there was a public hearing when the parcel was designated to be developed as a village.

Legal Counsel Erickson stated that in terms of a public hearing that was held to specifically consider changing the village designation for the property in the General Plan, he is not aware of such a public hearing. He deferred to Planning staff to provide additional information. Principal Planner Ewert stated that the General Plan has not been changed; therefore, no hearing was held. Mr. Bird asked if the property can still carry the village designation with the change of the zoning to FR-3. Mr. Ewert indicated that all legislative actions that have been required to get the project to this point have been done completely; the rezone has been recorded, as has the development agreement, so any discussion relative to all of those actions should be handled by the court rather than the Planning Commission. Mr. Bird reiterated the County changed the General Plan. Chair Torman stated that he has looked into the matter and as far as he is aware, the proposal is in line with the General Plan and the General Plan has not changed. He stated he has requested that Planning staff reviewed the General Plan designations for this area, including Old Snow Basin Road; it may be that some parts of the General Plan should be adjusted.

Mike Etringer stated he lives adjacent to the subject property, and he inquired as to the location for the alternate access to the project; he has reviewed the map and is unable to find the alternate access.

Mr. Burton stated the alternative access was approved during the preliminary subdivision approval step in the process; typically, a developer does not have a right to build a private street as public streets are preferred. The developer has requested a shared private drive and he identified the 26-foot-wide easement that runs along the frontage of the lots and will serve as the alternative access.

There were no additional persons appearing to be heard.

Commissioner Montgomery moved to approve application UVB 050721, request for final approval of The Basin Subdivision located at approximately 947 E Old Snow Basin Road, based on the findings and subject to the conditions listed in the staff report.

Commissioner Howell offered a friendly amendment to include language in the motion indicating that the property was removed from the CVR-1 zone and changed to FR-3 on January 25, 2022 when the County Commission adopted ordinance 2022-03. Commissioner Montgomery accepted the friendly amendment. Commissioner Torman seconded the motion. Commissioners Francis, Burton, Howell, Montgomery, Shuman, and Torman all voted aye. (Motion carried 6-0).

2.2 UVS011222 - Consideration and action for preliminary subdivision approval of Sundown Condominiums Phase 2. Presenter Tammy Aydelotte

A staff memo from Planner Aydelotte summarized the history of actions that have been taken regarding the subject property, the most recent being the Planning Commission's review of an application to plat phase two of the PRUD Subdivision, consisting of 60 units. The existing conditional use approval for the PRUD is still valid and staff recommends preliminary approval of Phase 2, subject to the conditions outlined in the PRUD approval. There are some minor changes to the site layout, from the original approval that are subject to the Planning Commission review. The current PRUD ordinance states the following regarding amendments to non-conforming PRUDs:

A nonconforming PRUD may be amended from time to time under the same rules that governed its creation, provided that the amendment is a de minimis change that is routine and uncontested. The Planning Director or the Planning Commission has independent authority to determine what constitutes a routine and uncontested de minimis decision.

A roundabout has been removed, a turn in the proposed roadway has been tightened (Weber Fire and Engineering will have to approve this), and the buildings are grouped together differently. Instead of grouping of four or eight units together, the current proposal is grouping twelve units (three buildings) together. The proposed buildings house 4 units each, as in the original PRUD. The proposed development area is zoned FR-3 and will consist of 60 units occupying 32,318 square feet (10.5%), roadways occupying 1.1788 acres (17.5%) with a common area occupying 4.9684 acres (72%).

Ms. Aydelotte summarized staff's analysis of compliance with the General Plan and zoning ordinances, ultimately concluding staff recommends preliminary approval of Sundown Condominiums, consisting of 60 lots. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A CUP amendment application shall be submitted, addressing changes in proposed building location, and roadway layout, if the planning commission determines proposed changes to be more than minimal.
2. An approval from UDOT, for access off of Powder Mountain Road, shall be submitted prior to appearing before the Planning Commission for a recommendation of final approval.
3. Applicant shall address concerns from Engineering and Weber Fire District regarding slopes and proposed roads within the proposed development, prior to coming before the Planning Commission for a recommendation of final approval.
4. Colored elevations, with external material detail shall be submitted prior to coming before the Planning Commission for a recommendation of final approval.
5. A proposed trail/pathway layout will be required prior to coming before the Planning Commission for a recommendation of final approval.

The following findings are the basis for the planning staff's recommendation:

1. The proposed subdivision conforms to the Ogden Valley General Plan.
2. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
3. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
4. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

Commissioner Burton asked if the 20-foot-wide roadways are consistent with current standards. Ms. Aydelotte answered no, but indicated it is consistent with the roadway that has been platted in phase one of the project. She presented the layout that was originally approved and identified the connection point between phase one and two.

Commissioner Howell asked if all on-site parking spaces are garage spaces. Ms. Aydelotte answered yes but indicated the applicant has provided a site plan that identifies the option to create additional parking area throughout the project if needed. The Fire Department has reviewed the parking plan and has recommended parking restrictions along the interior private roads and erection of no-parking signs on driving surfaces that are less than 26 feet wide.

Vice Chair Francis inquired as to the length of the driveways leading to the garage parking spaces. Ms. Aydelotte identified the driveways on the site plan, noting some are of sufficient length and others are not.

Commissioner Burton stated that on the original plat it appears the streets narrow after exiting cul-de-sacs; he inquired as to the narrowed width. Ms. Aydelotte stated she is unsure, but she believes 20 feet was the original proposal.

Chair Shuman invited input from the applicant.

Guy Williams stated he is the Civil Engineer for the project and his client is aware of the concerns regarding road widths; he will provide 26 feet of drivable surface on the roadways.

Vice Chair Francis stated it is important to her that the application documents identify the road widths as 26 feet; she then inquired as to the location of a snow storage area on the site. Mr. Williams stated the snow storage will be located within areas of dedicated easement and that will be shown on the final plat; the owner is willing to accept suggestions from the Planning Commission and the Fire Department.

Commissioner Howell asked if the applicant has created a rendering of what the units will look like. Mr. Williams answered yes; architectural renderings have been created and the applicant intends to try to match the existing units in the project. There will be pitched roofs to accommodate the potential for a great deal of snow in the area.

Vice Chair Francis addressed Principal Planner Ewert and asked if the County exacts the same standards for private roads as for public roads. Mr. Ewert stated that he will defer to Legal Counsel Erickson, but noted that phase one of the project was approved so long ago and Planning staff is unsure of the standards that were in place at that time; however, for this new phase, staff will require compliance with the current code which indicates that private roads must be constructed to public standards. For this project, it is his recommendation that the roads be constructed in accordance with the guidance from the Fire Department, which will be based upon health and safety of the project. He added that if the Commission's concern is great enough, they can grant conditional approval and require the applicant to provide appropriate roads and parking in accordance with existing land use ordinances. However, it is possible that the applicant can claim that his application is vested given that it received approval some time ago and the project is substantially compliant with land use ordinances. Staff's recommendation is that the best stance for the Commission to take is to identify reasonable standards in the existing land use ordinances that can be applied to the project to mitigate life/safety concerns.

Commissioner Howell noted that the application before the Commission is for preliminary approval and all of the issues that have been raised by the Commission tonight must be addressed before the applicant can move to final approval. Mr. Ewert stated that is correct.

There was then brief discussion about an email sent to the Commission and Planning staff earlier today mentioning a potential lawsuit associated with the access through phase one providing connectivity to phase two. Legal counsel Erickson indicated the attorney that sent the email asserts that the owners in phase two do not legally have a right to use the private road in phase one. If that ends up being a valid argument, the owners in phase two would only have one access or would need to create an additional alternative access. He can not make a legal decision regarding those claims, but in his review of the documents that were provided, it may be that the claims are correct and there is no easement guaranteeing the access. However, this would be a private matter between the two owners of the two phases of the subdivision. This led to discussion of the ownership of the two phases and the options before the Commission this evening. Mr. Ewert strongly encouraged the Commission to not base their decisions tonight on the legal matter that has been raised as that is a private matter for the two parties to settle.

Ms. Aydelotte then discussed parking requirements; the units in the project are four-family dwellings and the land use code requires seven parking spaces for each four-family dwelling. The applicant has proposed six parking spaces as that was what was approved for phase one, but they have also provided a site plan that identifies additional parking if needed.

Commissioner Howell reiterated this application is simply for preliminary approval and the applicant will need to address all the comments, conditions, and findings that have been raised before moving to final approval; it is not necessary for the Commission to resolve the issues that have been raised tonight. Ms. Aydelotte stated that is correct, but the applicant does need some guidance from the Commission regarding the changes they would like to see in order to feel comfortable granting final plat

There was continued high level discussion among the group regarding historic approvals granted regarding the project; they also discussed the requirements for approving an amendment to a Conditional Use Permit (CUP). Mr. Ewert noted that most of the concerns that have been raised tonight regarding parking, building layout, slopes on the site, etc. will be addressed through the CUP step in the process. The recommendation is that the applicant pursue a CUP amendment to address those concerns. However, if the Commission feels that the health, safety, and welfare is adequately addressed based upon the conditions listed in the staff report tonight, it may not be necessary to pursue a CUP amendment. He asked Mr. Burton to clarify the staff recommendation. Mr. Burton stated that staff was looking to the Commission to decide if the changes are de minimus and do not require an amendment to the CUP; staff is of the opinion that the changes can be classified as de minimus. Chair Shuman disagreed as he feels the changes are fairly substantial; this is not a matter of shifting roads a few feet, but rather there will be buildings moved across the property. The density of the project will not change, but buildings, roadways, and entrances will be adjusted. Mr. Burton stated that is correct, but staff has considered whether there would be a different conclusion if the applicant were forced to pursue the CUP and PRUD under today's standards. If the answer is no, staff prefers to save the time and effort of those reviews.

The Commission then engaged in philosophical discussion and debate regarding the recommended conditions of approval for the project.

Chair Shuman then invited public input.

Taylor Jones stated he is the attorney representing the homeowner's association (HOA) of phase one of the Sun Dial condominiums; there is an ongoing lawsuit between the HOA and the developer of the phase two property involving some of the property in phase one. He and his clients have addressed their claims in detail with the developer, but they are a bit frustrated that they did not learn of this application until yesterday when they saw the legal notice in the newspaper. The HOA feels as if the developer is trying to 'sneak the application through' though he understands he does not have a legal access through the phase one property. He does not believe the changes to the project are minimal and further discussion is needed before action can be taken. He highlighted text included on the phase one plat that was recorded in 1984 that states "pursuant to the declaration, the owner expressly reserves the option to expand the project to any part of all of the additional land as specifically identified in the declaration." The indication of additional land provided in the plat is for purposes of reference only. It is his opinion that when the first two phases were approved in 1984, the developer reserved the right to expand, and he included a road that looked as if it could be extended into phase two. The declaration, the plat, and the State Code state that a condominium can only be expanded within a period of 7 years and that time frame obviously passed decades ago. The new developer is no longer able to force the owners in phase one to grant him access through their property. He has not been able to find anything that gives the developer the right to an easement across the phase one property. There is just one question he does not know the answer to; if the subdivision is approved on the condition that the developer can confirm access through phase one, what form of proof would the County accept. On behalf of his clients, he wants to avoid something that could be done without his knowledge.

Mr. Erickson stated options available to the Commission include tabling this application and asking the developer to provide some sort of agreement specifying that he has access through phase one; another would be to approve the application and place the burden on the applicant to decide whether to proceed without a clear understanding that they have a valid access through phase one. He recommended that the Commission avoid any findings or conditions related to the phase one access; if the Commission does grant preliminary approval, they should make it very clear that the approval is based upon the assumption that the applicant has access through phase one and if that assumption is deemed to be incorrect, the approval will be voided.

Mr. Jones stated that his client is not opposed to the project; however, they are opposed to any approval that assumes access through phase one. He asked that the Commission clearly outline the form of proof they will accept that the access is available to residents in phase two.

The Commission then reviewed the plats to orient themselves to the conditions of the existing development as well as the surrounding property.

Jared Franke stated that he lives in phase one of the project and he explained the concerns that residents have about the safety of the area if phase two residents will be using the existing road, which currently dead ends into a dirt area. The residents are very concerned about their children; the roofs of the buildings are fairly steep and they shed snow off the front of the buildings. There are signs all over the fronts of the buildings asking guests to stay away from the edge of the road and in the last three years, three

cars have been totaled by the snow shedding. There are approximately 10 children that have grown up in the project and have been educated on the dangers of the snow shedding, but if the access through phase one is allowed, children will essentially be forced to play in the street to avoid the snow shedding, but they will encounter increased traffic.

Jean Harvey stated she also owns a condo in phase one of the project and she stated there is essentially no driveway space on the existing units. This means that residents back out of their garage directly into the roadway. The terrain is very steep from the north to the south these two conditions coupled together cause great safety concerns for existing residents. She added that the covenants, concerns, and conditions (CCRs) approved in 1984 for the project indicated that there would be a seven-year provision for approving phase two of the project. The application before the Commission tonight comes 40 years later.

Chair Shuman asked Mr. Williams to address the concerns about snow shedding from the buildings. Mr. Williams indicated he is only the civil engineer for the project, and he did not design the buildings, but he is aware the design is an attempt to reflect the existing development in phase one and what was previously approved for this project. Chair Shuman stated that it is important to consider the safety of the buildings if the design of the existing development has been proven to be unsafe. Mr. Williams stated he can provide that feedback to the applicant to determine if they are comfortable with adjusting the design of the buildings to address safety concerns.

Jared Franke stated that the roofs on the existing buildings in phase one were originally asphalt shingles, but due to the direction of the buildings, there was an issue with ice damming so they roofs were replaced with metal. Owners have exhausted several different designs and materials aimed at addressing the snow shedding.

Commissioner Howell inquired as to the direction of the roof. Mr. Franke stated it is directed to the front of each unit so the snow sheds in the front yard.

There were no additional persons appearing to be heard.

Commissioner Burton moved to approve application UVS011222 - Consideration and action for preliminary subdivision approval of Sundown Condominiums Phase 2, based on the findings and subject to the conditions listed in the staff report, but with the following amendments:

- Delete condition #1 in its entirety.
- Encouraging the developer to consider additional parking to address the demand for parking created by short-term rentals, elevation changes, and narrow roads.
- Basing approval on the assumption of legal access through phase one and the developer should be made aware that the project requires to access points; it appears to access points were granted in the original PRUD approval, but if legal access through phase one cannot be provided, a new CUP will be required as the change is not minimal.
- Developer is encouraged to consider a building design that prevents snow shedding that could endanger persons or property.

Commissioner Torman offered a friendly amendment to include a condition that the project be made compliant with current land use ordinances. Commissioner Burton asked if that is already contained in the staff recommendation in the staff report. Ms. Aydelotte stated that the County Engineers ensure that any roadway or improvement that is under their purview is up to current standards. Commissioner Burton asked if the same is true for the Fire Department, to which Ms. Aydelotte answered yes. Commissioner Torman stated that he is trying to make sure that something that was approved as part of the 1983 CUP that is no longer compliant with current land use code is not grandfathered. Ms. Aydelotte stated the developer is entitled to build 60 units, but they may need to adjust their roadways to make sure they are brought up to current standards.

Commissioner Montgomery seconded Commissioner Burton's motion. Commissioners Francis, Burton, Howell, Montgomery, Shuman, and Torman all voted aye. (Motion carried 6-0).

3. Public Comment for Items not on the Agenda

There were no public comments.

4. Remarks from Planning Commissioners:

There were no additional remarks from Planning Commissioners.

5. Planning Director Report:

In Mr. Grover's absence, Principal Planner Ewert complimented the Commission on the manner in which they have conducted their business tonight; some issues are very difficult with a great deal of 'gray area' and the Planning Commission has been careful to appropriately deliberate the items before them.

6. Remarks from Legal Counsel:

Legal Counsel Erickson echoed Mr. Ewert's comments and stated he appreciates the efforts the Commission makes to ensure that actions that are taken are legal.

7. Adjourn to work session**7.1 ZTA 2021-07:** Discussion regarding a requested text amendment to the Form-Based Village Zoning ordinance (FBV) to add specific provisions for a Nordic Valley village area. Staff Presenters: Charlie Ewert & Scott Perkes.

Principal Planner Ewert summarized the desire of the applicant to pursue development of the Nordic Valley village area; a form-based village zone was recently created, but has not yet been applied to the subject property. The applicant is working at this time to complete their application to rezone their property to the form-based village zone. He spoke to the uses that would be included in the project area in compliance with the new zoning ordinance, presenting conceptual plans that identified residential uses, commercial uses, mixed-use units, and open space/public amenities. He then facilitated discussion among the Commission regarding the proposed text amendment to the form-based village zoning ordinance with a focus on the specific provisions for the Nordic Valley village areas and their ideas for the area of the Valley that they feel are appropriate for the form-based village zoning designation.

Chair Shuman expressed concern about the Commission's inability to properly prepare for this discussion as they did not have the proposed text amendments in writing in advance of the meeting; he asked that for similar discussions in the future, that staff send all materials to the Commission that will be discussed at least one week in advance of the meeting. Mr. Ewert stated that this was a very quickly evolving matter and the materials were not finalized until last Friday; the applicant has asked for a fairly quick decision on the proposed text amendments, but staff is committed to continuing discussion with the Commission over the course of additional meetings if necessary. The Commission can have time to study the materials on their own over the next few weeks to prepare for continued discussion in the next regularly scheduled meeting.

Planner Perkes then continued the discussion regarding the concept plan that has been provided by the applicant for the Nordic Valley Village area; he and Mr. Ewert invited the Commission to submit any feedback they have in writing following the meeting. Chair Shuman asked staff to touch on the three main differences in the existing Form-Based Village Zoning Ordinance and the proposed text amendments. Mr. Ewert stated the applicant is requesting an increase in the maximum building height from 40 feet to 55 feet; the architectural stylings of the buildings would be different; and the commercial street design will be adjusted to provide narrower streets that include curb, gutter, sidewalk, and street trees that will be maintained by a professional management company as opposed to the County.

Chair Shuman invited public input on the matter.

Felice Quigley stated she lives in Eden, and she shares the concern expressed by Chair Shuman regarding the public's inability to review any materials pertaining to this proposed zone text amendment. She and others are shocked this is being discussed in a work session this evening given that the original Form-Based Village Zoning Ordinance was only passed three weeks ago. She urged the Commission to review the Nordic Valley application thoroughly to determine the impacts the project will have on the area. It sounds as if the applicant wants to build a 'cookie cutter' community at Nordic Valley and for those who live in and around

Nordic Valley, that is very concerning. She stated that one of the roads included in the proposed project would be 60 feet, but the existing Viking Drive is only 30 feet at the widest point and widening it to 60 feet would mean houses would be taken. The existing community is very tight and they have lived in their homes for upwards of 25 years, but now they will be forced to conform with the Village Zoning Ordinance, which could restrict matters such as the color residents want to paint their homes. The scale of the proposed project is astonishing to her and her neighbors; the area is not the same as Snow Basin or resorts in Park City and, rather, it is a very small ski area and over 600 units are being proposed for an area that is 50 acres in size.

Bruce Magill stated he has lived in Viking Drive since 1994 and Nordic Valley is a very unique little community in the Ogden Valley; there are mostly small homes that do not block the view of the mountain. He and his neighbors are supportive of development as long as it is reasonable and proportionate. The ski resort fills a niche, but it is not anything like Park City and development to that scale is not appropriate. It is important that the impacts of the project not adversely affect the existing residents in the Nordic Valley community; if the applicant pursues a project that is proportionate to the existing development in the area, the community may be supportive, but the current concept for the project is unreasonable and the community believes it will ruin the area. If the project is approved as proposed, the community will end up with a giant resort next to a little ski hill.

Dave Bollen stated he also lives on Viking Drive and over the past month he has been able to obtain very little information about this proposal; nothing is being disseminated to the public that will be directly impacted by this project. He reiterated Mr. Magill's comments about the scale of the project and the fact that it will ruin the area; 700 homes in such a small area is unreasonable. He asked that the Commission dedicate a great deal of thought to this matter rather than rubber stamp a beautiful picture of a project.

There were no additional persons appearing to be heard.

Chair Shuman noted that all Commission meetings are noticed in advance; the annual meeting schedule is published to notify the public that there is at least one meeting a month and the public is always welcome. Agendas are published in advance of the meeting and staff does their best to let the public know of these meetings. He advised the public to monitor the website for the Commission agendas and packets to stay informed of meetings in which this project will be discussed. The Commission is cognizant of the importance of allowing landowners to develop their land, but they are also sensitive to the need to pursue development that is appropriate for the surrounding community. The Commission loves to hear public input as long as it is constructive.

High level discussion among the Commission and staff centered on the process that this type of application moves through and the opportunities for public input on such matters. Staff emphasized that it is appropriate for the Commission to discuss these types of projects over the course of several work session meetings and no decisions are ever made in work session meetings.

In closing, Laurent Jouffray, representative of the applicant for the project, provided input regarding the project. He does not believe the width of Viking Drive will need to be changed to accommodate this project and the applicant does not plan to build eight-story buildings on the site; rather, they would like to create a small boutique resort and they are not asking for increased density over what is already allowed under the zoning that is presently assigned to the property. The concept plan may appear to be dense, but the project will be phased over 15 to 20 years. He does not want to bother the people living around the village; rather, he wants them to be included in the project.

Chair Shuman commended Mr. Jouffray for his comments and thanked him for his willingness to meet with residents and discuss their concerns. Mr. Jouffray stated that he wants to work with the County and residents to develop a project that creates minimal impacts on existing residents while keeping the mountain open.

Chair Shuman recognized an additional resident wishing to provide input.

Ronda Kippen stated she lives in Morgan and she is a project coordinator for the Nordic Valley team; she announced there will be a public open house for the project on February 17 and there will be a presentation regarding the proposed development project. Public input will be allowed and there will be a question-and-answer forum at the conclusion of the presentation.

7.2 Wolf Creek Rezone, Master Plan Amendment – Eric Householder

Eric Householder used the aid of a PowerPoint presentation to summarize the proposed Master Plan amendment for the Wolf Creek Rezone; he referenced current zoning and land use planning for the subject property and emphasized that he is not asking for increased density for the total project area. He presented renderings and the concept plan to orient the Commission to the proposed adjustments to the project layout. He highlighted the various uses included in the project, such as multi and single-family homesites, commercial development, mixed use, restaurant/retail spaces, open space, and the golf course expansion and club house, transportation improvements, a hotel, and a walkable plaza. He concluded by presenting the vision for the total project at buildout and thanked the Commission for their time and attention to this matter.

The Commission then engaged in discussion with Mr. Householder regarding the proposed adjustments to the Master Plan; there was a brief focus on the shift in the location of the condominiums and transfer of development rights (TDR) proposed for the project.

Chair Shuman invited public input.

Kay Hogelund stated she lives in The Retreat in the Wolf Creek Resort area that is covered by the underlying zoning agreement approved in 2002. She is a retired attorney specializing in real estate and she succeeded Miranda Menzies who previously served as President of the Homeowners Association (HOA) for the project. She has assembled a group of developers, representatives, and residents within the Wolf Creek Resort that has been developed under the existing agreement. They met with the applicant yesterday and made some progress in terms of negotiation of the adjusted land uses and incorporation of short-term rentals within the core residential areas. But they have some open questions and there is some discussion to still be had, namely regarding the definition of Wolf Creek Resort in the zoning development agreement and the covenants, conditions, and restrictions (CCRs) that were filed and recorded within three days of the zoning development agreement being executed in 2002. There are two parcels of land – Eagle Crest and Cobabe – that are not part of the zoning development agreement, and she presumes the applicant is seeking to amend the development agreement to add those parcels and to facilitate the transfer of development rights. It is unusual and maybe not permitted to transfer the development rights outside of the master resort and the main concern of the HOA is that all of the master resort properties are governed by the master association CCRs, and they are part and parcel of the development plan that was established in 2002. The HOA strongly believes the CCRs need to be extended as they have been for all other properties build under the 2002 development plan.

Mike Wilder stated he lives in the Wolf Creek Resort development, and he inquired as to where he can find the current Wolf Creek Master Plan along with the requested amendments to the Master Plan.

Principal Planner Ewert provided instructions for locating those materials on the County's website.

Zach McClellan stated he lives in Eagle Ridge at the Wolf Creek resort, and he is very concerned about responsible and sustainable development; he encouraged developers to pursue sustainable infrastructure plans for their projects. The community is very concerned about the additional capacity that has been placed in Eagle Crest, which was not included in the original master plan. Most concerning is the pollution and traffic that will be caused by continued development; he does not envision storage sheds to be sustainable and positive development, especially on the hillsides in this area. The impacts of such projects need to be considered from a hydro-geological perspective. Placing more straws into the aquifer is very concerning.

Miranda Menzies stated she also lives in Wolf Creek; she has searched for the documents requested by Mr. Wilder using the instructions provided by Mr. Ewert and she was unable to find them. Because Planning staff keeps changing the way they describe these types of issues, searching for "Wolf Creek" does not yield the zoning development agreement. She suggested that the names of the documents be changed so they are provided when someone searched for Wolf Creek. She then stated she has been previously told by staff that the master planned are would not have units transferred into or out of it because doing so would make it difficult to account for open space.

Chair Shuman invited rebuttal from Mr. Householder.

Mr. Householder thanked Ms. Hogelund for her input and stated that he is taking her input to heart and is willing to continue discussing the points of mutual concern between the developer and the HOA. He addressed Mr. McClellan's comments about the storage units and indicated he tried to locate them in the lowest area on the north side of the road to mitigate visual effect of that component of the project. He then addressed Ms. Menzies' comments about transfer of development rights; the direction

he received was that development rights can be transferred to adjacent property and that an amendment to the master plan would be required.

Chair Shuman stated that he is concerned about the proposed transfer of development rights as he is not sure that is in line with the General Plan for the area; he recommended Mr. Householder and staff continue to discuss that issue before the matter is discussed further by the Commission.

**Meeting Adjourned: The meeting adjourned at 8:38 p.m.
Respectfully Submitted,**

Weber County Planning Commission



MEMORANDUM

TO: Ogden Valley Planning Commission

FROM: Planning Division Staff

SUBJECT: **ZTA 2021-07** – Amendments to the Form-Based Village Zoning Ordinance to add provisions and exhibits intended to create a Nordic Valley Village Area.

DATE: April 26th 2022

Ogden Valley Planning Commissioners,

In addition to multiple privately-held public open houses, ZTA 2021-07 has undergone formal review by the Ogden Valley Planning Commission (OVPC) in both public hearing (03/22/2022) and work session (04/05/2022). Through this vetting process, the proposed amendments to the Form-Based Village Zoning Ordinance (FBV) have been revised utilizing the feedback received from the public, the OVPC, and the project applicant. The attached **Exhibit A** provides a redlined draft of the proposed text amendments as it has been modified from the original draft presented during the March 22nd 2022 OVPC public hearing and April 5th 2022 work session. Additionally, the following list provides a summary of these changes:

1. Addition of definitions for the following uses: Amusement Park, Dude Ranch, Emergency Services Plan, Indoor Entertainment Facility, and Outdoor Entertainment Facility.
2. Various clerical edits as recommended by the Weber County Attorney's Office. These edits include non-substantive grammatical edits, spelling, or language clarifications throughout the document.
3. A handful of uses have been added to, or removed from, the land use table to more specifically address nuanced uses and duplicated similar uses.
4. Per feedback from the OVPC during their April 5th work session, adjustments were made to multiple permitted, conditionally permitted, and not permitted uses within the use table.
5. Staff have adjusted the existing requirement for a Perpetual Building Maintenance Agreement from a setback of less than 5 feet to when a building is setback less than 10 feet.
6. Removal of the special regulations governing "Animal Grazing".
7. Added clarification to the special regulation governing "Automobile or Other Vehicle Related Uses" to indicate that no vehicle awaiting service shall be stored outside for more than one day.
8. Replacement of "Bed and Breakfast Dwelling" and "Bed and Breakfast Inn" uses with "Owner-Occupied Short-Term Rental". This change is reflected in the use table and in the special regulations section. The special regulations of this use have also been updated to indicate that an owner must be present at all time in which the property is being rented on a short-term basis.



9. Removal of the special regulations regarding “Workforce Housing”. This use is still listed in the land use table, however the special regulations have been removed. Following discussion with the OVPC, this use will be more specifically negotiated and agreed upon through individual development agreements of rezoning applications as they are considered.
10. Addition of a Medium Lot Residential street type and lot development standards. This addition is reflected in the use tables, development standard tables, and the Nordic Village street regulation plan. This change will also require that the existing New-Town and Old-Town Eden street regulating plans be updated with appropriate RGB color values prior to codification.
11. The Medium Lot Residential (MLR) lot area standard has been defined as a minimum of 8,000 sq. ft.
12. The MLR lot width and frontage standard has been defined as 50 ft.
13. The front lot-line setback standards table has been reformatted for clarity and readability.
14. The front lot-line setback table has also been adjusted to reduce the minimum front lot-line setback for Small Lot Residential (SMR) from 20 feet down to 5 feet.
15. The front lot-line setback table has defined the front lot-line setback standards for MLR as a minimum of 20 feet and a maximum of 30 feet.
16. Additional clarifications have been added regarding improvements that are allowed within the minimum front lot-line setbacks of Government and Institutional (G&I), Vehicle-Oriented Commercial (VOC), and Mixed-Use Commercial (MUC). These clarifications are intended to allow the areas within the front lot-line setbacks to be reserved for future first-floor street-level commercial buildings.
17. The rear lot-line setback table has been adjusted to change the SLR rear lot-line setback from 10 feet to 5 feet.
18. The lot coverage table and standards have been updated to more specifically address the scale of each street type. Instead of a blanket 80% coverage ratio on the residential street types, individual coverage ratios or number of allowed dwelling units have been applied to match the scale of each lot’s square footage.
19. The height table has been updated to remove Nordic specific height limitations. Instead, the table has been simplified by maximum and minimum heights based on street type. The minimum building height on the G&I, VOC, and MUC street types has been set at 35 feet and the maximum has been set at 50 feet regardless of internal or corner lots.
20. The number of street trees allowed to be grouped together in the Nordic Village (as opposed to equally spaced along the ROW) has been increased from 5 to 10 trees.
21. The Nordic Village Street Regulating plan has been updated as follows:
 - a. Removed the “South Village” area that was originally proposed along the south and west of existing residences on Viking Drive. The updated street regulating plan now shows a potential Rural Residential (RR) street connecting Viking Drive to 1950 North to allow for a few single-family residential homes to be built in the area.



- b. Pulled the proposed Multi-Family Residential (MFR) area further to the north along Nordic Valley Way to provide additional transition from MFR to the existing homes near the intersection of Nordic Valley Way and Viking Drive.
 - c. Additional dashed lines have been added for potential trail connections throughout the street regulating plan.
 - d. A depiction of the existing Forests Service/Public Lands has been added for context.
22. The parking requirements have changed to require all parking lots to be hard-surfaced asphalt or concrete as opposed to exempting seasonal day-skier parking from this requirement.
23. A clarification has been made to Sec. 104-22-11(a)(2) regarding additional residential dwelling units being permitted on any lot that has street frontage on, or gains primary access from, any street type in the street regulating plan, except Estate Lot Residential streets (previously excepted Rural Residential streets).
24. The FBV Transferable Development Rights section has been updated to remove the subsection pertaining to density exemptions for dwellings specifically devoted to the housing of employees working in the local service industry and earning less than 80 percent of the county's median household income.

In summation, the discussion and thought spurred on by the applicant's proposal has allowed staff to work together with the applicant, the public, and the OVPC to craft a significantly improved FBV ordinance. The majority of the proposed adjustments improve the overall regulatory framework for all current and future village areas. Specific additions have been added at the request of the applicant and are only applicable (with exception to building height) to the formation of a Nordic Village Area. These Nordic-specific adjustments/additions include the following:

1. Height allowance increased from 45 feet to 50 feet on G&I, VOC, MUC, and MFR street types.
2. Creation and addition of a Nordic Village Street Regulating Plan.
3. Nordic Village building design standards.
4. Nordic Village street tree grouping allowance (as opposed to evenly spaced every 50 feet).

This Zoning Text Amendment (ZTA) has been scheduled for additional discussion and potential action during the upcoming OVPC meeting on April 26th 2022. **POTENTIAL ACTION ON THE APPLICANT'S REZONE APPLICATION (ZMA 2021-09) WILL BE HELD AT A FUTURE DATE.** Any OVPC action on this text amendment 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. When considering an action on this item, the OVPC may make a positive recommendation as the proposal is presented, a positive recommendation with conditions, or a negative recommendation. The commission could also elect to separate portions of the proposal and forward a positive recommendation on specific portions. Lastly, the commission could move to table the item to allow for additional discussion, research, or revisions to be discussed at a future meeting.



Weber County

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Should the OVPC elect to forward a positive recommendation, with or without conditions, the recommendation could utilize the following findings as listed in the staff report that was presented during the March 22nd 2022 meeting (see **Exhibit B**):

1. The changes are supported by the 2016 Ogden Valley General Plan.
2. The proposal serves as an instrument to further implement the vision, goals, and principles of the 2016 Ogden Valley General Plan.
3. The changes will enhance the general health and welfare of County residents.

Please feel free reach out to me should you have any questions regarding the proposal or changes made since the last draft was reviewed by the commission.

Respectfully,

Scott Perkes, AICP
Planner III | Weber County Planning Division
801-399-8772
sperkes@webercountyutah.gov

1 Part II Land Use Code

2 ...

3 Title 101 General Provisions

4 ...

5 Sec 101-2-5-D2 A Definitions

6

7 Amusement park. The term "amusement park," also referred herein as a "carnival operations," means a
8 facility, primarily located outdoors, that may include structures and buildings where there are various
9 devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings
10 for shows, entertainment, restaurants, and souvenir or gift sales.

11 ...

12 Sec 101-2-5 D Definitions

13 ...

14 Dude ranch. The term "dude ranch" means a commercial vacation ranch operation that provides
15 activities related to a ranch lifestyle, which may include camping, horseback riding, and wrangling, and
16 which may also offer short-term rental accommodations for guests engaged in these activities.

17 ...

18 **Dwelling.** The term "dwelling" means a building or portion thereof, which is constructed in compliance
19 with the county's adopted building codes and designed as a place for human habitation. This does not
20 include a hotel or hotel room, condominium rental apartment (condo-tel), boardinghouse, lodginghouse,
21 tourist court or apartment court.

22 **Dwelling, four-family.** The term "four-family dwelling," also referred to as a "quadplex," means a building
23 arranged or designed to contain only four dwelling units with approximately the same floor area, and
24 occupying one lot or parcel.

25 **Dwelling, group.** The term "group dwelling" means two or more dwellings arranged around a court.

26 **Dwelling, multiple-family.** The term "multiple-family dwelling," also referred to as a "multi-family
27 dwelling," means a building or portion thereof arranged or designed to contain more than four dwelling
28 units, including an apartment building and condominium building.

29 **Dwelling, single-family.** The term "single-family dwelling" means a building or portion thereof arranged
30 or designed to exclusively contain only one dwelling unit, unless specified otherwise by this Land Use
31 Code, and occupying one lot or parcel.

32 **Dwelling, single-family attached.** The term "single-family attached dwelling" means a building arranged
33 or designed to contain more than one dwelling unit, but that occupies multiple lots or parcels, each lot or
34 parcel encompassing an entire dwelling unit from ground to sky. This is traditionally known as a
35 townhome or townhouse.

36 **Dwelling, three-family.** The term "three-family dwelling," also referred to as a "triplex," means a building
37 arranged or designed to contain only three dwelling units with approximately the same floor area, and
38 occupying one lot or parcel.

39 **Dwelling, two-family.** The term "two-family dwelling" also referred to as a "duplex," means a building
40 arranged or designed to contain only two dwelling units with approximately the same floor area, and
41 occupying one lot or parcel.

42 **Dwelling unit.** The term "dwelling unit" means any building or portion thereof that contains living
43 facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.

44 **Dwelling unit, condominium.** See "condominium dwelling unit."

45 **Dwelling unit, townhome.** See "single-family attached dwelling."

46 ...

47 **Sec 101-2-6 E Definitions**

48 ...

49 **Emergency services plan.** The term "emergency services plan" means a document that describes, in
 50 general, the emergency facilities and level of staffing that are part of (or will provide services to) a
 51 proposed resort. The plan is supplemental to an overall master plan and consists of but is not limited to
 52 the following sections: an executive summary, list of facilities (e.g., fire/sheriff) and phasing schedule
 53 describing emergency personnel staffing and anticipated time and general location of facility construction
 54 if applicable.

55 **Entertainment facility, indoor.** The term "indoor entertainment facility" means an indoor facility
 56 providing entertainment for a fee, including such activities as dance halls, theatrical productions, bands,
 57 orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; rinks,
 58 and racetracks; mini-golf course; coin or bill operated devices, membership sports and health clubs,
 59 swimming pools, riding academies, expositions, and game parlors.

60 **Entertainment facility, outdoor.** The term "outdoor entertainment facility" means an outdoor facility
 61 providing entertainment for a fee, including the same or similar activities as an indoor entertainment
 62 facility, and also including commercial facilities such as an arena; horse rides; tubing hill, or court or field
 63 sport oriented complex. **Estate lot.** The term "estate lot" means a lot within a subdivision, intended for the
 64 use of a dwelling unit, that contains at least five and one-quarter acres.

65

66 ...

67 **Sec 101-2-13 Lot Definitions**

68 **Lot.** The term "lot" means a parcel of land capable of being occupied by an allowed use, building or
 69 group of buildings (main or accessory), and approved for human occupancy either full- or part-time;
 70 together with such yards, open spaces, parking spaces and other areas required by this title and the
 71 Land Use Code. Except when allowed otherwise in this Land Use Code, not more than one dwelling
 72 structure shall occupy any one lot.

73 ...

74 **Chapter 104-22 Form-Based Village Zone FBV**

75 Sec 104-22-1 Purposes And Intent

76 Sec 104-22-2 Applicability

77 Sec 104-22-3 Land Use Table

78 Sec 104-22-4 Special Regulations For Specific Uses

79 Sec 104-22-5 Lot Development Standards

80 Sec 104-22-6 Building Design Standards

81 Sec 104-22-7 Street Types And Street Design

82 Sec 104-22-8 Street Regulating Plans

83 Sec 104-22-9 Parking

84 Sec 104-22-10 Signage

85

86 **Editors note:** Ord 2021-16, adopted May 25, 2021, merged the MV-1, M-1, M-2, and M-3 zones into a
 87 single chapter, removing them from Chapter 22, 23, 24, and 25, and placing them into Chapter 21. Ord
 88 2022-04, adopted January 18, 2022, created the "Form-Based Village Zone" as set forth herein.

89

90 HISTORY

91 Adopted by Ord. 2022-04 on 1/18/2022

92

93 **Sec 104-22-1 Purposes And Intent**

94 The purpose and intent of the Form-Based Village Zone is to provide a form-based regulatory tool that
 95 focuses on the public street design and the buildings that frame the public street. This deemphasizes
 96 separation of land uses as is typically found elsewhere in this Land Use Code. Form-based regulations
 97 help enable a mixture of allowed uses, multimodal active transportation, and enhanced building design.
 98 Additionally:

- 99 (a) **Implements the general plan.** The Form-Based Village Zone regulations are intended to carry
 100 out the objectives of the 2016 Ogden Valley General Plan through the implementation of form-
 101 based small area zoning and transferable development rights.
- 102 (b) **Creates street regulating plans.** Each Village area affected by the Form-Based Village Zone
 103 shall be governed by a Street Regulating Plan. The purpose of the Street Regulating Plan is to
 104 address specific design and functionality of streets and building facades along these streets. The
 105 intent is to stimulate the creation of buildings and streets that frame the public rights-of-way with
 106 architectural and design elements that are unified under a common design theme whilst enabling
 107 unique building facades.

108 HISTORY

109 *Adopted by Ord. [2022-04](#) on 1/18/2022*

110

111 **Sec 104-22-2 Applicability**

112

- 113 (a) **New development to comply.** The principles, standards and guidelines of this chapter apply to
 114 proposals for new development, changes in land uses, and site improvements to existing
 115 buildings, lots, or parcels that are in the Form-Based Village Zone. Exterior modifications to
 116 existing development shall comply if the exterior modification exceeds either 25 percent of the
 117 street-facing facade of the building, or 25 percent of the lot's street frontage.
- 118 (b) **Other regulations apply.** In the Form-Based Village Zone, except when more specific
 119 regulations are provided in this chapter, the CV-2 zoning regulations of [Section Title 104- Chapter](#)
 120 [20](#), and the design review regulations and architectural, landscape, screening, and design
 121 standards of [Section Title 108- Chapter 1](#) and [Title 108- Chapter 2](#) apply to all lots, except a lot
 122 with only one single-family dwelling.
- 123 (c) **Street regulating plan.** The applicable regulations herein are specific to the street type, as
 124 designated by the applicable street regulating plan. New development within the Form-Based
 125 Village Zone shall comply with the applicable street regulating plan. Development of any property
 126 along a street or that gains primary access from that street shall comply with the street design
 127 requirements, as provided in Section 104-22-7, and the building design standards in Section
 128 104-22-6, for the specific type of street. A list and explanation of each street type is provided in
 129 Section 104-22-7.
- 130 (d) **Effect of street regulating plan and graphics.** Details in a street regulating plan or any graphic
 131 in this chapter have no effect unless expressly provided by this chapter.

132 HISTORY

133 *Adopted by Ord. [2022-04](#) on 1/18/2022*

134

135 **Sec 104-22-3 Land Use Table**

136

137 The following land use table provides use regulations applicable for each street type. In the list, those
 138 designated for any street type as "P" will be a permitted use. Uses designated as "C" will be allowed only
 139 when authorized by a conditional use permit obtained as provided in Title 108, Chapter 4 of this Land Use

140 Code. Uses designated "N" will not be allowed on property with frontage on, or that gains access from,
 141 that street type.

142 (a) **Accessory uses.** An accessory use is prohibited unless located on the same lot or parcel as the
 143 main use to which it is accessory.

	G&I	VOC	MUC	MF R	SL R	ML R	LL R	R R	EL R	OS	SPECIAL REGULATIONS
Accessory building. A building that is accessory and incidental to the use of a main building.	P	P	P	P	P	P	P	P	P	P	
Accessory dwelling unit. A dwelling unit that is accessory to a single-family dwelling residential use.	N	N	N	N	P	P	P	P	P	N	See Chapter 108-19.
Accessory use. A use that is accessory and incidental to the main use.	P	P	P	P	P	P	P	P	P	P	-
Agricultural hobby farm	P	P	P	P	P	P	P	P	P	P	
Family food production. Family food production as an accessory use to a single-family dwelling residential use.	N	N	N	N	N	N	P	P	P	N	See Section 104-22-4.
Home occupation. A home occupation that is accessory to a residential use.	P	P	P	P	P	P	P	P	P	N	See Chapter 108-13.
Household pets. Household pets that are accessory to a residential use.	P	P	P	P	P	P	P	P	P	N	
Main building. A main building that is designed or used to be	P	P	P	P	P	P	P	P	P	P	

accessory <u>to</u> an outdoor main use allowed in the zone.											
Parking lot. A parking lot that is accessory to a main use allowed in the zone.	P	P	P	P	P	P	P	P	P	P	See Section 104-22-9.
<u>Produce stand, for produce grown on the premises only.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Temporary building or use. A temporary building or use that is accessory and incidental to onsite construction work.	P	P	P	P	P	P	P	P	P	P	See Section 104-22-4.

145
146

(b) **Agricultural and open space uses, generally.**

	G & I	V O C	M U C	M F R	S L R	M L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
Agriculture , as a main use of the property	N	N	N	N	N	N	P	P	P	P	
Agricultural experiment station.	P	N	N	N	N	N	N	P	P	P	
Agri-tourism.	N	N	N	N	N	N	N	P	P	P	See Title 108, Chapter 21.
Aquaculture.	N	N	N	N	N	N	N	P	P	P	
Botanical or community garden. Open space land for the purpose of growing plants. This use may be for private use or open to the general public with or without a fee.	P	P	P	P	P	P	P	P	P	P	
Fruit or vegetable stand, for produce grown on the premises only.	P	P	P	P	P	P	P	P	P	P	-
Fruit and vegetable storage and packing plant , for produce grown on premises.	N	N	N	N	N	N	N	P	P	P	10-acre minimum lot area required.
Grain storage elevator.	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot area required.
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	N	N	N	N	P	P	P	P	
Manure spreading, drying and sales.	N	N	N	N	N	N	N	N	P	P	
Wildlife sanctuaries. A wildlife sanctuary.	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot area required.

147
148

(c) **Agricultural uses, animal-oriented.** The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	G & I	V O C	M U C	M F R	S L R	M L R	L L R	R R	E L R	O S	SPECIAL REGULATIONS
-											
Animal grazing. Animal grazing, as defined in Section Title 101- Chapter 2.	N	N	N	N	N	N	P N	P	P	P	See Section 104-22-4.
Apiary. The keeping of bees.	N	N	N	N	N C	N P	P	P	P	P	
Aquaculture, animal related. The raising and potential harvesting of water animals or water plants.	N	N	N	N	N	N	P	P	P	P	
Aviary. The raising of birds.	N	N	N	N	N	P	P	P	P	P	No onsite slaughtering permitted.
Corral or stable . A corral, stable, or building for the keeping of agricultural animals or fowl.	N	N	N	N	N	N	P	P	P	P	See Section 104-22-4.
Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.	N	N	N	N	N	N	P	P	P	P	10-acre minimum lot area required.

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150
151

(d) **Amusement, entertainment, and recreation uses.** The following are uses oriented toward providing amusement or entertainment for patrons.

G	V	M	M	S	M	L	L	E	S	SPECIAL REGULATIONS
&	O	U	F	L	L	R	R	L	O	
I	C	C	R	R	R	R	R	R	S	

	G	V	M	M	S	M	L	L	E	S	SPECIAL REGULATIONS
Entertainment facility, large indoor. An indoor entertainment facility, As ^{as} defined in Title 101, Chapter 2, using greater than 20,000 square feet of floor area.	C	C	N	N	N	N	N	N	N	N	
Entertainment facility, outdoor. An outdoor entertainment facility, as defined in Title 101, Chapter 2.	C	C	N	N	N	N	N	N	N	N	
Entertainment facility, small indoor. An indoor entertainment facility, as defined in Title 101, Chapter 2, limited to no more than 20,000 square feet of floor area.	C	C	C	C	N	N	N	N	N	N	
Amusement park. Amusement park.	C	C	N	N	N	N	N	N	N	N	
Amusement park, temporary. An amusement park, circus, petting zoo, pony ring, or carnival that is conducted for no greater ^{longer} than one month.	P	P	P	C	N	N	N	N	C	C	
Botanical or zoological garden. A botanical or zoological garden, including petting zoo and pony ring.	P	P	P	P	P	P	P	P	P	P	2-Acre minimum lot or parcel area required.
Campgrounds or picnic areas, commercial. A commercial campground or picnic area.	N	N	N	N	N	N	C	C	C	P <u>C</u>	See Section 104-22-4. 2-Acre minimum lot or parcel area required.
Dude ranch. A dude ranch, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	P	P	P <u>C</u>	10-acre minimum lot or parcel area required.
Golf course. Golf course.	N	N	N	N	N	N	P	P	P	P	This shall not include miniature golf.
Private park, playground or recreation area, noncommercial. A private park charging no fee or remuneration for use.	P	P	P	P	P	P	P	P	P	P	
Public park, recreation grounds. Recreation grounds that are owned and operated by a public entity.	P	P	P	P	P	P	P	P	P	P	
Recreation lodge. A recreation lodge, as defined in Title 101, Chapter 2.	P	P	P	P	P	N	N	N	C	N	
Recreational resort. A recreation ^{recreational} resort, as defined in Title 101, Chapter 2.	P	P	P	N	N	N	N	N	N	N	
Shooting range or training course. A shooting range.	C	C	N	N	N	N	N	N	N	C	See Section 104-22-4. Five-acre minimum lot or parcel area required for an outdoor range.
Ski area. A ski area and associated skiing facilities such as lifts, lift towers, and ski runs and trails.	P	P	P	P	P	P	P	P	P	P	

Ski lodge and associated services	N	N	P	P	N	N	N	N	N	P	When accessory to an allowed ski area.
Swimming pools, private. A private swimming pool.	P	P	P	P	P	P	P	P	P	P	
Trails. Trails for skiing, equestrian uses, hiking, biking, and similar.	P	P	P	P	P	P	P	P	P	P	
Zoo.	P	P	N	N	N	N	N	N	N	P	10-acre minimum lot or parcel area required.

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(e) **Animal services and uses.**

G	V	M	M	S	M	L	R	E	O	SPECIAL REGULATIONS
I	C	C	R	R	R	R	R	L	S	

-											
Animal groomery, small animal. Grooming for small animals.	P	P	P	P	N	N	N	N	P	N	A small animal generally weighs less than 250 lbs.
Animal shelter or pound. A dog pound or shelter.	P	C	N	N	N	N	N	N	N	N	-
Dog or cat facility. Dog or cat breeding, kennels, lodging, or training school.	P	C	N	N	N	N	N	C	C	C <u>N</u>	If located completely indoors, and inaudible from an adjoining lot or parcel, this use is permitted where listed as conditional.
Horse or equestrian event center. A horse or equestrian event center, including indoor concessions as an accessory use.	P	N	N	N	N	N	N	N	N	P <u>C</u>	
Horse or equestrian training facility and stabling, commercial. A commercial equestrian training facility or horse stable.	N	N	N	N	N	N	N	N	C	C	
Stable for horses, noncommercial. Horses shall be for noncommercial use only.	N	N	N	N	N	N	P	P	P	P	No more than two horses shall be kept for each one-half acre of land used for the horses.
<u>Stray animal shelter. A shelter for stray, lost, or seized animals.</u>	<u>P</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	
Veterinary facility. Veterinary facility.	P	P	P	C	N	N	N	N	C	N <u>C</u>	If located completely indoors, and inaudible from an adjoining lot or parcel, this use is permitted where listed as conditional.

153

(f) **Food, beverage, and other products sales for human consumption.**

**G V M M S M L E SPECIAL
& O U F L L L R L O REGULATI
I C C R R R R R R S ONS**

Food Preparation and Services:	-											
Alcoholic beverage production. The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.	P	P	N	N	N	N	N	N	N	N	N	
Bakery, delicatessen, or catering, large. Bakery or other food preparation services primarily intended for offsite consumption.	P	P	N	N	N	N	N	N	N	N	N	
Bakery, delicatessen, or catering, small. Bakery or small-batch food processing and retail sales of goods produced on premises, limited to 5,000 square feet floor area. Offsite catering allowed as an incidental and accessory use.	P	P	P	P	N	N	N	N	N	N	N	
Butcher or other custom meat products, large. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	P	P	N	N	N	N	N	N	N	N	N	This use shall not include onsite slaughtering .
Butcher or other custom meat products, small. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite; limited to 5,000 square feet floor area.	P	P	P	P	N	N	N	N	N	N	N	This use shall not include onsite slaughtering .

<u>Eating and Drinking Establishments, Products Primarily for Onsite Consumption</u>												
Bar. A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.	P	P	P	P	N	N	N	N	N	N	N	
Brewery or distillery in conjunction with a restaurant.	P	P	P	P	N	N	N	N	N	N	N	
Restaurant with drive-up window. Restaurant, all food types, including those with drive-up windows.	P	P	C	N	N	N	N	N	N	N	N	See drive up (drive-thru) window requirements of Section 104-22-4.
Restaurant. Restaurants, all food types, excluding those with drive-up windows.	P	P	P	P	N	N	N	N	N	N	N	

<u>Retail, Food, and Drug; Products Primarily for Offsite Consumption.</u>												
Candy or confectionary store. The sales of candy, sweets, snacks, and small batch bakery goods and desserts.	P	P	P	P	N	N	N	N	N	N	N	

Drugstore or pharmacy.	P	P	P	P	N	N	N	N	N	N	If applicable, see drive up (drive-thru) window requirements of Section 104-22-4.
Grocery store. A grocery store, including a store that specializes in the sales of any type of food normally found in a grocery store.	P	P	P	P	N	N	N	N	N	N	
Produce stand, commercial. A commercial produce stand intended for the sales of agricultural products.	P	P	P	P	N	N	N	P	P	P	

155
156

(g) **Government and institutional uses.**

G	V	M	M	S	M	L	R	E	O	SPECIAL REGULATIONS
&	O	U	F	L	L	L	R	L	S	
I	C	C	R	R	R	R	R	R	S	

Cemetery.	P	P	P	P	P	P	P	P	P	P	
Convalescent, rest home, or sanitarium. An establishment for long-term medical treatment of people.	P	P	P	P	P	N	N	N	N	N	
Child daycare. A daycare center operating in compliance with State regulation.	P	P	P	P	P	N	N	N	N	N	
Fire station. Fire and emergency medical service station.	P	P	P	P	P	P	P	P	P	P	
Governmental offices. The offices of a governmental entity.	P	P	P	N	N	N	N	N	N	N	
Instructional facility, large. A facility in which instructional lessons are taught, such as a school or education center, <u>and that does not qualify as a small instructional facility.</u>	P	C	C	N	N	N	N	N	N	N	
Instructional facility, small. An indoor facility in which instructional lessons are taught, such as a school or education center, limited to 10,000 square feet floor area.	P	P	P	N	N	N	N	N	N	N	
Medical facility. A facility, such as a hospital or surgery center, that provides medical services that are typically unavailable from a medical or dental office.	P	C	C	N	N	N	N	N	N	N	
Museum or art gallery. A museum, art gallery, or similar space for historical or educational displays.	P	P	P	P	N	N	N	N	N	N	
Post office. A post office.	P	P	P	P	P	P	P	P	P	N	
Preschool. A preschool operating in compliance with State regulation.	P	P	P	P	P	P	P	P	P	N	

Public library. A library owned and operated by a governmental entity.	P	P	P	P	P	P	P	P	P	N
Public park. A public park and related recreation grounds and associated buildings and structures.	P	P	P	P	P	P	P	P	P	P
Public recreation or community center. A recreation or community center owned and operated by a public entity.	P	P	C	C	N	N	N	N	N	N
Public schools. A public school or a private educational facility having a curriculum similar to that ordinarily given in public schools.	P	P	P	P	P	P	P	P	P	N
Public storage facilities. Storage facilities used by a governmental entity.	P	C	N	N	N	N	N	N	N	N
Visitors center. A tourism visitor's center or offices.	P	P	P	P	N	N	N	N	N	N
Worship facility. A church, synagogue or similar building used for regular religious worship.	P	P	P	P	P	P	P	P	P	N

157 (h) **Office uses.**

G	V	M	M	S	M	L	E	O	SPECIAL REGULATIONS
&	O	U	F	L	L	R	L	O	
I	C	C	R	R	R	R	R	S	

Agency. An agency for real estate, travel, property rental or management, insurance, detective, employment, or similar based on frequency of visiting clientele.	P	P	P	N	N	N	N	N	N	N	
Bank or financial institution. A bank or other financial institution.	P	P	P	N	N	N	N	N	N	N	This use shall not include payday loan services.
Medical or dental office. A medical or dental office for routine out-patient care.	P	P	P	N	N	N	N	N	N	N	
Office, generally. Office or studio space for office or studio uses not otherwise listed herein, in which goods or merchandise are not commercially created, exchanged or sold, and that operates with typical office equipment in a relatively quiet and nonintrusive manner.	P	P	P	N	N	N	N	N	N	N	

158 (i) **Residential uses.**

G	V	M	M	S	M	L	E	O	SPECIAL REGULATIONS
&	O	U	F	L	L	R	L	O	
I	C	C	R	R	R	R	R	S	

-

Bed and breakfast dwelling. A bed and breakfast dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	P	N	N	C	C	N	See Section 104-22-4.
Bed and breakfast inn. A bed and breakfast inn, as defined by Title 101, Chapter 2.	P	P	P	C	C	N	N	C	C	N	See Section 104-22-4.
Dwelling, single-family. A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	P	P	N	See Section 104-22-4, and TDR requirements of 104-22-11
Dwelling, two-family. A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
Dwelling, three-family. A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
Dwelling, four-family. A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	N	N	N	N	
Dwelling, multi-family. A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	N	N	N	N	
Dwelling unit. A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building.	P	P	P	P	N	N	N	N	N	N	
Hotel, motel, lodginghouse, condominium rental apartment (condo-tel) or timeshare condominium. A hotel, motel, lodginghouse, condominium rental apartment (condo-tel), or timeshare condominium, including. This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.	P	P	P	C	N	N	N	N	N	N	
Residential facility for elderly persons.	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
Residential facility for handicapped persons.	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
Residential facility for troubled youth.	P	P	P	P	P	P	P	P	P	N	See requirements of 104-22-4, and TDR requirements of 104-22-11
Short-term rental. A short-term (nightly) rental.	P	P	P	P	C	N	N	N	N	N	
Short-term rental, owner occupied.	P	P	P	P	P	C	C	C	C	N	See requirements of 104-22-4.
Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	P	P N	Must comply with “dwelling” requirements of Section 104-22-4.

160

(j) Sales with retail storefront.

G & I **V O C** **M U C** **M F R** **S L R** **M L R** **L L R** **E L R** **O S** SPECIAL REGULATIONS

	G & I	V O C	M U C	M F R	S L R	M L R	L L R	E L R	O S	
Agricultural implement sales or repair. A facility that sells or repairs agricultural implements.	C	C	N	N	N	N	N	N	N	
General retail sales, small items. The sales of small items, as qualified in Section 104-22-4.	P	P	P	P	N	N	N	N	N	See Section 104-22-4.
General retail sales, large items. The sales of large items, as qualified in Section 104-22-4.	P	C	N C	N	N	N	N	N	N	See Section 104-22-4.
Nursery—A, commercial. A plant nursery, with associated greenhouses for retail sales of plants and accessory products.	P	C	N	N	N	N	N	N	P	See Section 104-22-5 for maximum lot coverage by buildings.
Pawn shop. A shop where a pawnbroker holds items as collateral, then sells unredeemed items to the public.	C	C	N	N	N	N	N	N	N	
Smoke shop. A shop primarily devoted to the sale of tobacco or vaping products.	C	C	N C	N	N	N	N	N	N	

161

~~(k) SALES TYPICALLY WITHOUT RETAIL STOREFRONT~~

162

163

(k) Sales typically without retail storefront.

G & I **V O C** **M U C** **M F R** **S L R** **M L R** **L L R** **E L R** **O S** SPECIAL REGULATIONS

	G & I	V O C	M U C	M F R	S L R	M L R	L L R	E L R	O S	
Christmas tree sales. The temporary siting of an outdoor Christmas tree sales establishment.	P	P	C	N	N	N	N	N	P	
Fireworks sales. The siting of a temporary fireworks booth or tent.	P	P	C	N	N	N	N	N	N	
Vendor, short term. The siting of a temporary vendor booth or vehicle for the sales of food or other hand-held items.	P	P	P	P	N	N	N	N	C	See Section 108-13-3 and Section 104-22-4.

164

~~(l) SERVICES~~

(l) Services.

G	V	M	M	S	M	L	L	E	
&	O	U	F	L	L	R	R	L	
I	C	C	R	R	R	R	R	R	O

SPECIAL REGULATIONS

Dry cleaning, laundry, or linen cleaning establishment. The professional cleaning of laundry and linens.	P	P	P	P	N	N	N	N	N	N	
Household item repair, large. The repair or service of devices that the average person cannot carry without aid of a moving device.	P	P	N	N	N	N	N	N	N	N	
Household item repair, small. The repair or service of devices that the average person can carry without aid of a moving device.	P	P	P	P	N	N	N	N	N	N	
Gathering facility, indoor. An indoor facility for rental to clubs, private groups, parties, and organizational groups for recreational activities, including dancing.	P	P	P	P	N	N	N	N	N	N	
Laboratory. A laboratory for the scientific processing, testing, experimenting, etc., of samples in small enough quantities to not be explosive, toxic, or otherwise hazardous.	P	P	P	N	N	N	N	N	N	N	
Laundromat. A facility that provides washers and dryers for self-serve laundry service.	P	P	P	P	N	N	N	N	N	N	
Mortuary or funeral home. Mortuary or funeral home and related sales and services.	P	P	P	N	N	N	N	N	N	N	
Outdoor recreation guide base-operation. A location that provides a base of operations for an outdoor recreation guide service.	P	P	P	P	N	N	N	N	N	N	
Parcel drop-off service. A service for the collection and shipment of small parcels, and accessory sales or services.	P	P	P	P	N	N	N	N	N	N	
Printing and copying service without retail shop. Printing, lithographing, publishing or reproductions sales and services, lithographing , including engraving and photo engraving.	P	P	N	N	N	N	N	N	N	N	
Tailor services. The altering, pressing, or repairing of articles of clothing. Creation of new articles of clothing is permitted as long as the clothing is sold in an onsite retail establishment.	P	P	P	P	N	N	N	N	N	N	
Taxidermist. Taxidermy services.	P	C	N	N	N	N	N	N	N	N	

(m) **STORAGE**

167

(m) Storage.

G	V	M	M	S	M	L	E	O	S
&	O	U	F	L	L	R	L	O	
I	C	C	R	R	R	R	R	S	

SPECIAL REGULATIONS

Outdoor storage. The storage of anything the that meets the definition of "outdoor storage" pursuant to Section Title 101- Chapter 2	N	N	N	N	N	N	N	N	N	N	
Self-storage. Indoor storage units for personal, or household items or vehicles.	P	P	N	N	N	N	N	N	N	N	See Section 104-22-4.
Warehouse storage. The storage of products or goods that are or will be for sale.	C	N	N	N	N	N	N	N	N	N	

168

~~(n) UTILITY USES~~

169

(n) Utility uses.

G	V	M	M	S	M	L	E	O	S
&	O	U	F	L	L	R	L	O	
I	C	C	R	R	R	R	R	S	

SPECIAL REGULATIONS

Public utility substations.	P	P	P	P	P	P	P	P	P	P	See Title 108, Chapter 10.
Wastewater treatment or disposal facilities.	P	P	P	P	P	P	P	P	P	P	
Water treatment or storage facility.	P	P	P	P	P	P	P	P	P	P	
Small wind energy system.	P	N	N	N	N	N	N	P	P	P	See Section 108-7-24
Solar energy system.	P	P	P	P	P	P	P	P	P	P	See Section 108-7-27

170

~~(o) VEHICLE-ORIENTED USES~~

171

(o) Vehicle-oriented uses.

G	V	M	M	S	M	L	E	O	S
&	O	U	F	L	L	R	L	O	
I	C	C	R	R	R	R	R	S	

SPECIAL REGULATIONS

Airport, private and commercial.	C	N	N	N	N	N	N	N	N	N	
Automobile sales or rentals, indoor. The sale or rental of a passenger automobile.	P	P	C	N	N	N	N	N	N	N	
Automobile sales or rentals, outdoor. The sale or rental of a passenger automobile.	P	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
Boat sales or rentals. The sale or rental of a motorized boat.	P	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
Car wash. A car wash of any type that is not accessory to a gas or refueling station as regulated otherwise herein.	P	C	N	N	N	N	N	N	N	N	See Section 104-22-4.

Gas or refueling station. A gas or refueling station, which may include a convenience store and an automatic carwash as an accessory use.	C	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
Motor vehicles sales or rentals. The rental or sales of motor vehicles not otherwise listed herein.	C	C	N	N	N	N	N	N	N	N	See Section 104-22-4.
Parking lot or structure. A parking lot or parking structure.	P	P	P	P	N	N	N	N	N	N	
Passenger vehicle repair or service of any kind. The repair or service of any passenger automobile or any other motorized vehicle less than 10,000 lbs gross vehicle weight.	C	C	N	N	N	N	N	N	N	N	
Trailer sales or rentals.	C	C	N	N	N	N	N	N	N	N	
Transit terminal.	P	P	N	N	N	N	N	N	N	N	
Truck gas or refueling station. A gas or refueling station oriented toward large freight vehicles, which may include a convenience store and an automatic carwash as an accessory use.	N	N	N	N	N	N	N	N	N	N	
Trucking terminal. The repair of service, <u>and/or</u> storage, of freight trucks, or a station for transferring <u>transferring</u> freight.	N	N	N	N	N	N	N	N	N	N	

172

173

174

Editors note: The color adjacent to each street type corresponds with the street colors on the streetregulating plan map(s). The color codes for each are as follows:

RGB	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
R	25	176	204	255	255	255	255	138	83	75
G	151	33	51	120	170	210	255	153	128	191
B	156	157	0	0	0	0	0	66	69	96

175

176 HISTORY

177 Adopted by Ord. [2022-04](#) on 1/18/2022

178

179 **Sec 104-22-4 Special Regulations**

180 **Sec 104-22-4.1 Special Regulations, Generally.**

- 181 (a) **All uses, generally.** All uses listed in the use table are indoor uses, unless specifically stated
 182 otherwise. All indoor uses shall not generate noise, outdoor lighting, vibration, smoke, dust or
 183 airborne particulate matter, refuse, or anything else that is uncommon to the established character
 184 of the neighborhood to such a degree as to be perceptible to constitute a nuisance to the
 185 occupants of the immediate area.
- 186 (b) **Drive up (drive-thru) window.** Any business with a drive up (drive-thru) window shall
 187 comply with the following:
- 188 (1) The window shall be located on the rear of the building. The rear of the building shall
 189 be determined as the side of the building opposite from the building's facade that faces
 190 the public street. If on a corner along a government or institutional street or vehicle-
 191 oriented commercial street, the window may be located on the side of the building
 192 that is visible from the less prominent street.
- 193 (2) The stacking lanes and drive up (drive-thru) queue, and the parking spaces devoted
 194 to the drive up (drive-thru) window shall be ~~locate~~located in an area that is not visible
 195 from the more prominent street right-of-way when the area is fully built-out.
- 196 (3) One drive up (drive-thru) queue space that is at least 20 feet in length may substitute a
 197 parking space required by this Land Use Code.
- 198 (c) **Perpetual building maintenance agreement.** When a building is ~~setback~~set back less than
 199 ~~five~~ten feet from a property line, a perpetual building maintenance agreement is required
 200 between the building owner and the affected adjacent property owner, which shall allow for
 201 construction and maintenance of the side or rear of a commercial building, and shall:
- 202 (1) be reviewed for compliance with this section by the Planning Division and County
 203 Attorney's Office;
- 204 (2) place responsibility on the building owner for prompt repairs and maintenance of the
 205 side or rear of the building;
- 206 (3) require allowances of access to the property for repairs and maintenance purposes;
- 207 (4) be signed by the owner of the building and the adjacent property owner and be recorded
 208 on the title of both properties.

209
 210 **Sec 104-22-4.2 Special Regulations, For Specific Uses.**

- 211 ~~(a) **Animal grazing.** This use shall not include the supplementary or full feeding of the animals,~~
 212 ~~except when in compliance with the following:-~~
- 213 ~~(1) It may only be carried on during times that are reasonable and necessary due to lack of~~
 214 ~~natural growing feed as a result of seasonal changes or extreme and temporary~~
 215 ~~meteorological events.-~~
- 216 ~~(2) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones,~~
 217 ~~and 40 head per acre of used land in the A-2 and A-3 zones.~~
- 218 ~~(3) It shall not be closer than 75 feet to any dwelling, public or semi-public building on an~~
 219 ~~adjoining parcel of land.~~
- 220 ~~(b)~~(a) **Automobile or other vehicle related uses.** The use of a lot for automobile repair of
 221 any kind, automobile sales, rental or service, boat sales, rental or service, a tire shop, or any
 222 other use governed by this section by reference shall only be conducted within a completely
 223 enclosed building that meets the standards of this chapter.
- 224 (1) No vehicle awaiting service shall be stored outside for more than one day.
- 225 (2) Sufficient parking for all employee or customer uses, including the temporary parking of
 226 vehicles awaiting pickup from owners, shall be provided on the lot.

227 (3) No vehicles associated with the use shall be parked on the street. However, up to 20
 228 vehicles may be temporarily parked in a parking lot meeting all applicable parking
 229 standards of this land use code if the vehicles are available for immediate purchase,
 230 lease, or rent, and as long as all other standards of this Land Use Code are met.

231 ~~(e)~~(b) **Automobile repair of any kind.** Refer to paragraph (b) of this section.

232 ~~(d)~~(c) **Automobile sales, rentals, or service.** Refer to paragraph (b) of this section.

233 ~~(e)~~ **Bed and breakfast dwelling.** ~~Bed and breakfast dwelling is subject to the following standards:~~

234 ~~(1) Two parking spaces shall be provided for the host family plus one space for each guest~~
 235 ~~room;~~

236 ~~(2) Proprietor or owner shall occupy the property;~~

237 ~~(3) Meals shall only be served to overnight guests;~~

238 ~~(4) Signs are limited to a nameplate identification sign not exceeding two square feet in area~~
 239 ~~per dwelling;~~

240 ~~(5) Not more than two guests sleeping rooms per dwelling;~~

241 ~~(6) Allowed only in existing dwellings with no exterior additions nor change in residential~~
 242 ~~character;~~

243 ~~(7) Business license shall be obtained.~~

244 ~~(f)~~ **Bed and breakfast inn.** ~~A bed and breakfast inn is subject to the following regulations:~~

245 ~~(1) Proprietor or owner shall occupy the premises while guest are present.~~

246 ~~(2) Not more than seven sleeping rooms per inn.~~

247 ~~(3) Two parking spaces shall be provided for the host family plus one space for each guest~~
 248 ~~sleeping room.~~

249 ~~(4) The guest parking shall be in the rear of the Inn.~~

250 ~~(5) Meals shall be served to registered overnight guests only.~~

251 ~~(6) Signs are limited to one name plate or one identification sign of not more than eight~~
 252 ~~square feet in area.~~

253 ~~(7) Design review approval, as provided in Title 108, Chapter 1 is required. The site shall be~~
 254 ~~landscaped to provide a visual and noise buffer to adjoining property. A landscape plan~~
 255 ~~shall be submitted with the design review application.~~

256 ~~(8) The inn shall be of a historic period or other distinguishable architectural style or design~~
 257 ~~so as not to resemble the modern block motel appearance.~~

258 ~~(9) A business license shall be obtained.~~

259 ~~(10) All units shall be in one building, together with owner's residence.~~

260 ~~(11) As an accessory and incidental use, small events, such as weddings, family reunions,~~
 261 ~~business retreats, and art or cooking classes are allowed, provided they do not exceed~~
 262 ~~75 participants and not more than four events held per calendar month.~~

263 ~~(g)~~(d) **Boat sales or service.** Refer to paragraph (b) of this section.

264 ~~(h)~~(e) **Campgrounds or picnic areas, commercial.** A commercial campground or picnic area
 265 shall comply with Title 108, Chapter 20. If located along any street in the FBV zone except open
 266 space, an opaque fence or wall shall surround the use. Vegetation screening shall be planted on
 267 the outside of the fence or wall to allow the use to blend in with surrounding uses. A drip
 268 irrigation system shall be installed to ensure long-term viability of the vegetation.

269 ~~(i)~~(f) **Car wash.** Where allowed, a car wash is subject to the following restrictions:

270 (1) Operation hours are only allowed between 6:00 a.m. and 10:00 p.m.

- 271 (2) There shall not be more than four washing bays for a manual spray car wash.
- 272 (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet, reserving
- 273 street frontage for buildings that provide street-facing commercial facades.
- 274 (4) The off-street vehicle spaces or queues required shall be as follows:
- 275 a. One bay car wash, four spaces in the approach lane;
- 276 b. Two bay car wash, three spaces in the approach lane for each wash bay;
- 277 c. Three or more bay car wash, two spaces in the approach lane for each wash
- 278 bay.

279 ~~(g)~~ (g) **Corral or stable.** This use shall be located no less than 100 feet from a public street and

280 not less than 25 feet from any side or rear lot line

281 ~~(h)~~ (h) **Dwelling or dwelling unit.** The regulations for a dwelling unit use listed in the land use

282 table are as follows:

283 (1) **Types of dwellings allowed.** A dwelling unit on a government and institutional, vehicle-

284 oriented, mixed use commercial, or multi-family residential street shall be constructed

285 to a multifamily residential standard in accordance with the International Building Code.

286 (2) **Dwelling unit location.** A dwelling unit proposed along a government and institutional,

287 vehicle-oriented commercial, or a mixed-use commercial street shall be located on a lot

288 as follows:

- 289 a. Above any street-level commercial space; ~~or~~ or
- 290 b. Behind a building that provides street-level commercial space, or if no such
- 291 building exists at the time of application, behind the area reserved for street-
- 292 level commercial space as otherwise required herein. The location shall
- 293 provide for the existing and future planned street layout of the area, including
- 294 the future street-level commercial space that will face future streets, and
- 295 internal block alleyways.

296 (3) **Two, three, four, and multi-family residential:** Unless one of the units is owner

297 occupied, a two, three, four, ~~and~~ or multi-family residential building shall be operated

298 and maintained by a professional management company that specializes in multi-family

299 residential property management.

300 (4) **Density allowance and transferable development rights.** No dwelling units in excess

301 of the base density, as defined by Title 101, Chapter 2, and as provided in Section 104-

302 22-11, are allowed in the form-based village zone except when in compliance with the

303 transferable development rights requirements of Section 104-22-11.

304 ~~(i)~~ (i) **Family food production.**

305 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or

306 one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten

307 pheasants, five turkeys, five ducks, five geese, or five pigeons.

308 (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is

309 less than 40,000 square feet.

310 (3) No more than six combined sets of Group A animals and Group B animals or fowl may

311 be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel

312 greater than two acres, except that an additional six combined sets of Group A and

313 Group B animals or fowl may be kept per each additional acre greater than two.

314 ~~(j)~~ (j) **Gas or fuel station.** A gas or fuel canopy shall not be located closer to a public street

315 right-of-way, excluding a mid-block alley, than 60 feet. The canopy shall be located to the rear

316 of the convenience store associated with the canopy.

317 ~~(k)~~ (k) **General retail sales, small items.** This use is any store that primarily retails or rents items

318 to be physically taken by the customer from the store, when those items weigh less than 80 lbs,

319 including product packaging, or that are small enough to fit in a typical passenger vehicle. The
 320 use is limited to 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of
 321 items intended to be explosive or hazardous to human health, safety, or welfare is permitted.

322 ~~(e)~~(l) **General retail sales, large items.** This use is any store that primarily retails or rents items
 323 to be physically taken by the customer from the store, when those items weigh more than 80 lbs,
 324 including product packaging, or that are too large to fit in a typical passenger vehicle. This use
 325 may include an outdoor sales yard of no greater than 6,000 square feet as long as it is completely
 326 surrounded by an opaque wall. No sales of items intended to be explosive or hazardous to human
 327 health, safety, or welfare is permitted.

328 ~~(p)~~(m) **Office uses.** A use listed in the “office uses” table may only be located above or behind
 329 first-floor street-level commercial space, reserving the street frontage for first-floor street-level
 330 commercial space. A local recreation and tourism office devoted to providing services,
 331 information, and events primarily for visitors to the Ogden Valley is exempt from this requirement
 332 provided that it is open and accessible to all members of the public.

333 ~~(q)~~(n) **Shooting range or training course, indoor or outdoor.** The facility shall provide
 334 designated shooting positions for which ballistic backstops are designed. No shooting is allowed
 335 except in these designated shooting positions. All sides down range of a shooting position shall
 336 have a non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of
 337 containing all errant bullets. For an outdoor range, the overhead backstop may be a series of
 338 baffles. Approval shall be subject to the requirements and conditions of the local fire authority.
 339 The range operator shall be onsite at all times shooting is occurring.

340 (o) Short-term rental, owner occupied. The residence shall be the owner’s primary residence, be
 341 taxed as such, and the owner shall have owned the residence for at least two years prior to
 342 submitting a Land Use Permit for the owner-occupied short-term rental. Additionally, the owner
 343 must be present at all times in which the property is being rented on a short-term basis.

344 ~~(r)~~(p) **Self-storage.** Self-storage is only allowed if located on the same lot or parcel with a
 345 building that has street-facing commercial space. The use shall comply with the following:

- 346 (1) Storage units shall be located behind or above building area that provides a first-story
 347 street-facing commercial façade and related commercial space. The building providing
 348 street-facing commercial space shall appear from the exterior as if office or residential
 349 space is offered in the area housing the storage units.
- 350 (2) If located in a separate onsite building than the building providing first-story street-facing
 351 commercial space specified in ~~Subsection (w)(1)~~ herein, the separate building shall be
 352 located behind the building with first-story street-level commercial space, and shall be
 353 no wider than the building providing first-story street-level commercial space.
- 354 (3) Storage unit bay doors or garage doors shall face away and not be visible from the
 355 nearest property line, and shall be completely obscured from view from any public right-
 356 of-way.

357 ~~(s)~~(q) **Temporary building or use.** The building or use shall be removed upon completion or
 358 abandonment of the construction work.

359 ~~(t)~~(r) **Tire shop.** Refer to paragraph (b) of this section.

360 ~~(u)~~(s) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground,
 361 and ~~nor~~ shall ~~not~~ be stationary for more than four days at a time.

~~(v) Workforce housing. Any development that proposes 20 or greater dwelling units shall provide
 363 five percent of the total dwelling units, rounded up, for workforce housing. If this will be applied to
 364 a single-family dwelling lot, the lot shall be no greater than 8,000 square feet, and may be
 365 located anywhere in the village zone regardless of lot development standards. Workforce
 366 housing shall not be clustered in groups of housing units greater than four, and shall be
 367 dispersed throughout the development. , is shall not be applied to A deed restriction shall be
 368 recorded to the property that provides for the following:~~

- ~~(1) Describes the lot or lots, or dwelling unit or dwelling units to which the deed restriction
 369 applies.
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- ~~(2) Provide that the applicable lot(s) or dwelling unit(s) are reserved for households that earn less than 80 percent of Weber County's adjusted median household income (AMI).~~
- ~~(3) Provide that no other restrictions or covenants shall be applied to the property by any nongovernmental agency if they negatively affect the affordability of the lot(s) or dwelling(s).~~
- ~~(4)~~
- ~~(5) At the time of subdivision recordation, a workforce housing covenant shall be recorded to the title of the property that specifies this requirement. Further division of a property with a workforce housing covenant shall not waive any resulting owner's responsibility of providing for this requirement.~~
- ~~(6) An applicant may join this requirement with other applicants project's for the purpose of this calculation if a covenant is recorded to each property stipulating each owner's responsibility to implement this requirement.~~

~~(w)~~

HISTORY

Adopted by Ord. 2022-04 on 1/18/2022

388 **Sec 104-22-5 Lot Development Standards**

389

390 The following site development standards apply to a lot or parcel in the Form-Based Village Zone,
 391 unless specified otherwise in this Land Use Code. The table headers provide the street types, as
 392 described in Section 104-22-7, in abbreviated form. A lot fronting or gaining access from one of these
 393 street types shall be developed in accordance with the corresponding development standard.

394

395 **(a) Lot area.**

396

STREET TYPE:	MINIMUM LOT AREA:
Government and Institutional (G/I)	None <u>No minimum</u>
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	3,000 square feet
Medium Lot Residential (MLR)	<u>8,000 square feet</u>
Large Lot Residential (LLR)	20,000 square feet
Rural Residential (RR)	40,000 square feet
Estate Lot Residential	3 acres
Open Space (OS)	None <u>No minimum</u>

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398

399 **(b) Lot width and frontage.**

400

STREET TYPE:	MINIMUM LOT WIDTH AND STREET FRONTAGE:
Government and Institutional (G/I)	12 feet
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	30 feet
Medium Lot Residential (SLR)	<u>50 feet</u>
Large Lot Residential (LLR)	100 feet

Rural Residential (RR)	150 feet
Estate Lot Residential	
Open Space (OS)	None <u>No minimum</u>

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403

(c) Front lot-line setback.

STREET TYPE:	BUILDING WITH FIRST-FLOOR STREET-LEVEL COMMERCIAL SPACE <u>BUILDING FAÇADE</u>		<u>ALL OTHER BUILDINGS</u> <u>BUILDING FAÇADES</u>	
	<u>MINIMUM</u> <u>FRONT LOT-LINE SETBACK:</u>	<u>MAXIMUM</u> <u>FRONT LOT-LINE SETBACK</u>	<u>MAXIMUM</u> <u>FRONT LOT-LINE SETBACK:</u>	<u>MINIMUM</u> <u>FRONT LOT-LINE SETBACK</u>
Government and Institutional (G/I)	5 feet, or 20 feet if providing public dining or gathering space.* <u>No minimum</u>	None <u>5 feet, or 20 feet if providing public dining or gathering space.*</u>	None <u>40 feet**</u>	40 feet** <u>No maximum</u>
Vehicle-Oriented Commercial (VOC)				
Mixed-Use Commercial (MUC)			40 <u>5 feet*</u>	5 <u>10 feet*</u>
Multi-Family Residential (MFR)	Not Applicable		None <u>5 feet</u>	No maximum <u>20 feet</u>
Small Lot Residential (SLR)	Not Applicable		<u>20 feet</u>	<u>30 feet</u>
Medium Lot Residential (SLR)	Not Applicable		None <u>30 feet</u>	No maximum <u>30 feet</u>
Large Lot Residential (LLR)				
Rural Residential (RR)				
Estate Lot Residential				
Open Space (OS)	Not Applicable			

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*This maximum front yard setback shall be waived if at least 90 percent of the lot's street front is already occupied by a similar building.

**~~This~~ Except for a public plaza, this setback distance shall remain clear from permanent building ~~or parking lot~~ improvements or significant financial investments until or unless a first-floor street-level commercial building facade is constructed that meets the five-foot maximum building setback. Any parking provided in this area shall not be included in the overall parking calculations.

412 (d) Side lot-line setback.

STREET TYPE:	MINIMUM SIDE LOT-LINE SETBACK:	MAXIMUM SIDE LOT-LINE SETBACK:
Government and Institutional (G/I)	None No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1	None, however any No maximum. Any space between buildings shall be open for pedestrian passage to internal block areas, unless designed, constructed, and actively used (when whether weather permits) for outdoor dining, shopping, or other street activities that are open to the public.-
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	5 feet	None No maximum
Medium Lot Residential (MLR)	5 feet	
Large Lot Residential (LLR)	10 feet-	
Rural Residential (RR)		
Estate Lot Residential (ELR)		
Open Space (OS)		

413
414 (e) Rear lot-line setback.

STREET TYPE:	MINIMUM REAR LOT-LINE SETBACK:
Government and Institutional (G/I)	None, unless the rear lot line is within 10 feet of an agricultural or residential zone, in which case the setback is 10 feet. No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	405 feet
Medium Lot Residential (MLR)	20 feet
Large Lot Residential (LLR)	30 feet
Rural Residential (RR)	
Estate Lot Residential	
Open Space (OS)	

416
417 (f) Lot coverage.

STREET TYPE:	MAXIMUM PERCENT OF LOT COVERAGE BY BUILDINGS:	MAXIMUM NUMBER OF RESIDENTIAL DWELLING UNITS ALLOWED PER LOT:
Government and Institutional (G/I)		None No maximum

Vehicle-Oriented Commercial (VOC)	None <u>No maximum, provided compliance with all other requirements.</u>	
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	80 85 percent	1 *4
Medium Lot Residential (MLR)	<u>50 percent</u>	<u>1*</u>
Large Lot Residential (LLR)	<u>30 percent</u>	1*
Rural Residential (RR)	<u>20 percent</u>	1*
Estate Lot Residential	<u>10 percent</u>	1*
Open Space (OS)	<u>2.5 percent</u>	Not applicable

419

420 *Not including an accessory dwelling unit, as provided in Section 108-19.

421

422 **Loading and unloading.** Each building anticipated to receive deliveries from a truck that has a gross
 423 vehicle weight greater than 26,000 lbs shall be provided with an off-street loading and unloading area
 424 behind the building.

425 **Building location.** Each building shall be located on a lot in a manner that preserves space for the
 426 extension of street rights-of-way as shown in the street regulating plan, and the lot's respective setback
 427 standard.

428

429 HISTORY

430 *Adopted by Ord. 2022-04 on 1/18/2022*

431

432 **Sec 104-22-6 Building Design Standards**

433 Sec 104-22-6.1 Building Design Standards Per
 434 Street Type

435 Sec 104-22-6.2 Building Design Standards By
 436 Village Area

437

438 HISTORY

439 *Adopted by Ord. 2022-04 on 1/18/2022*

440

441 **Sec 104-22-6.1 Building Design Standards Per Street Type**

442

443 The follow table provides regulations applicable to all buildings in the FBV zone. They are broken out by
 444 street type, as represented in the applicable street regulating plan.

445

446 (a) Height.

STREET TYPE:		MINIMUM BUILDING HEIGHT			MAXIMUM BUILDING HEIGHT				
STREET TYPE:	CORNER LOT IN NORDIC VALLEY VILLAGE AREA	CORNER LOT	INTERNAL LOT	LOT IN NORDIC VALLEY VILLAGE AREA	CORNER LOT		INTERNAL LOT		
Government and Institutional (G&I)						One-story	55-feet	45-feet	35-feet
Vehicle-Oriented Commercial (VOC)			25-35 feet		40-50 feet				
Mixed-Use Commercial (MUC)									
Multi-Family Residential (MFR)			One story		35 feet				
Small Lot Residential (SLR)			One story						
Medium Lot Residential (MLR)									
Large Lot Residential (LLR)									
Rural Residential (RR)									
Estate Lot Residential									
Open Space (OS)			None		25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use.				

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448 ~~*A lot on the corner of a mid-block alley, as illustrated on the applicable street regulating plan, is not a~~
 449 ~~corner lot for the purpose of this table.~~

450

451 (b) Building area.

452

STREET TYPE:	MAXIMUM BUILDING FOOTPRINT:
Government and Institutional (G&I)	30,000 square feet*
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	10,000 square feet
Multi-Family Residential (MFR)	None
Small Lot Residential (SLR)	
Medium Lot Residential (MLR)	
Large Lot Residential (LLR)	
Rural Residential (RR)	
Estate Lot Residential	
Open Space (OS)	

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454

*Government buildings and schools are exempt from building area maximum.

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(c) First-floor building standards.

STREET TYPE:	VERTICAL DISTANCE OF FIRST-FLOOR SURFACE ELEVATION FROM THE STREET SIDEWALK'S SURFACE ELEVATION*:	MINIMUM FIRST-FLOOR STORY HEIGHT	FIRST-FLOOR LOAD-BEARING SUPPORTS
Government and Institutional (G&I)	30 inches maximum.	12 feet	Columns and beams, no interior load bearing walls. A column shall be at least 10 feet away from another column or exterior load-bearing wall.
Vehicle-Oriented Commercial (VOC)		15 feet	
Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	5 feet minimum, except 30 inches for building area to be used for commercial purposes.	10 feet, except 15 feet for areas of the first floor to be used for commercial space.	For commercial area, same as MUC. Not applicable for residential parts of the building.
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable

Medium Lot Residential (MLR)				
Large Lot Residential (LLR)				
Rural Residential (RR)				
Estate Lot Residential				
Open Space (OS)				
(d) Transparent fenestration requirements.				
	MINIMUM BUILDING-FACADE FENESTRATION FOR THE FIRST-STORY FAÇADE OF A BUILDING		MINIMUM BUILDING-FACADE FENESTRATION FOR THE SECOND-STORY AND ABOVE	
STREET TYPE:	STREET-FACING:	ALLEY-FACING:	STREET-FACING:	ALLEY-FACING:
Government and Institutional (G&I)	50 percent	30 percent	30 percent	
Vehicle-Oriented Commercial (VOC)	70 percent	40 percent	40 percent	
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)	70 percent for commercial facade, 30 percent for residential facade.	40 percent	40 percent	
Small Lot Residential (SLR)	Not applicable		Not applicable	
Medium Lot Residential (MLR)				
Large Lot Residential (LLR)				
Rural Residential (RR)				
Estate Lot Residential				
Open Space (OS)				

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(e) Main entrance requirements. Each building along a government and institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family street shall be provided with a main entrance that faces the street. Except when the building is setbackset back from the street right-of-way at least four feet, the main entrance shall be recessed from the building's façade no less than five feet.

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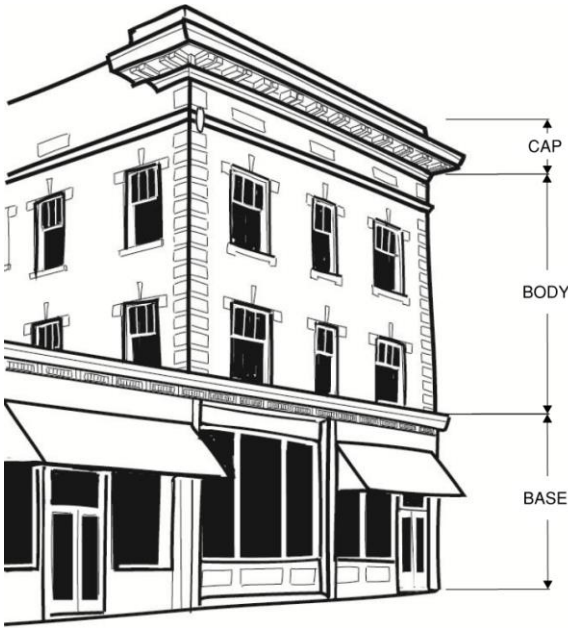
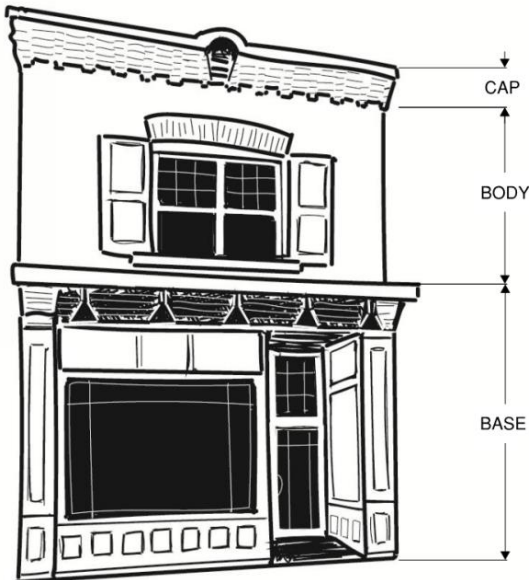
HISTORY

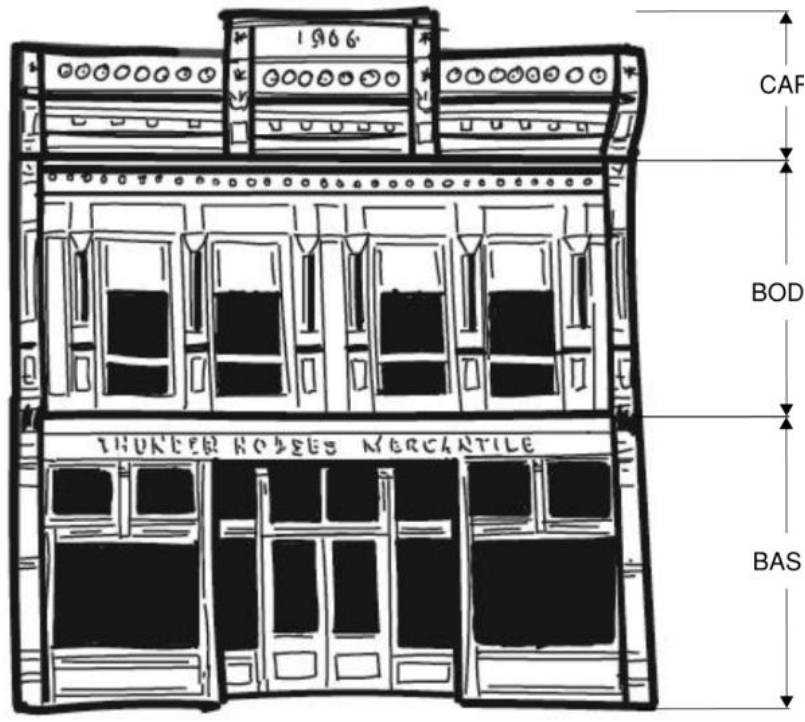
Adopted by Ord. [2022-04](#) on 1/18/2022

Sec 104-22-6.2 Building Design Standards By Village Area

The following provides regulations applicable to the architecture and design of buildings in each village area. Each village area, as depicted in the applicable street regulating plan, has a unique architectural theme.

- (a) **Licensed architect required.** In each village area, buildings shall be designed by a licensed architect. A building's street-facing facade shall be designed to have a base, body, and cap, each of varying design features and building material. At least one of the building materials used on the building facade shall also be used on all other sides of the building.
- (b) **Modification of standards.** After receiving recommendation from a licensed architect, the planning commission may allow minor modifications to the applicability of the standards in this section as long as it results in a design that better aligns with the intent of the design theme and blends well with the design of adjacent buildings.
- (c) **Old Town Eden Village Area Building Design Standards.** In addition to applicable standards in this chapter, the following standards apply to all buildings in the Old Town Eden Village Area, except buildings on a lot that contains one or two single-family dwellings:
 - (1) **Design theme.** All buildings shall have architectural styling and materials that resemble historic commercial main-street buildings in the Western United States that were in existence between 1880 and 1910. Each new building shall provide diversity and variety in building design, architectural features, and building material that set each building apart from adjacent buildings.
 - (2) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12-inch shift between adjacent rooflines. If the building will have a sloped roof, parapet walls shall be constructed to hide the roof slope.
 - (3) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six-inch shift in the [plain plane](#) of adjacent walls. Each street-facing facade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.
 - (4) **Building material.** Each building facade that faces the street shall consist of brick, or wood, or a faux material that is hard to distinguish from real brick, or wood. Metal may be used for accent material.
 - (5) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina, are allowed. Other muted earth-tone paints may be used as long as they complement the age period. No more than 70 percent of a building's facade shall be white.
 - (6) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.





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(d) **New Town Eden Village Area building design standards.** In addition to applicable standards in this chapter, the following standards apply to all buildings in the New Town Eden Village Area, except buildings on a lot that contains one or two single-family dwellings:

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(1) **Design theme.** All buildings shall have architectural styling and materials that implement agrarian-style architecture. Agrarian-style architecture shall incorporate at least two of the following four options:

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a. Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.

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519

b. An attached shed-roof at a 4/12 or greater slope that is not attached to the main roof structure.

520

c. A clerestory or cupola.

521

d. Gable-style dormer windows.

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(2) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.

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(3) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six-inch shift in the plain plane of adjacent walls. Each street-facing facade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.

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(4) **Building material.** Building facade walls shall be finished with no less than two diverse types of material. The primary building material shall be wood siding or similar appearing siding.

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a. Brick or stone may be used in place of wood if approved by the Land Use Authority.

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- b. Metal siding may be used on the building's body, as long as the building's base is made of brick or stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and is treated to create a natural-appearing aged patina.

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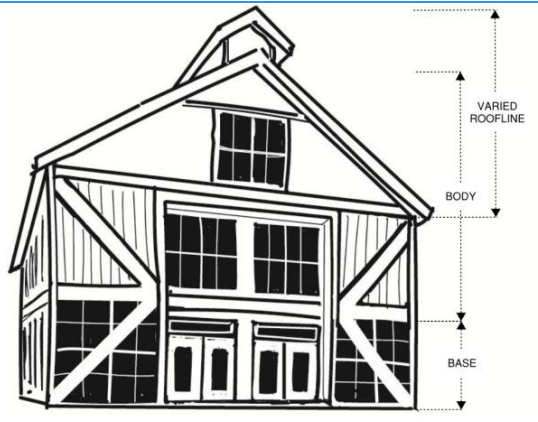
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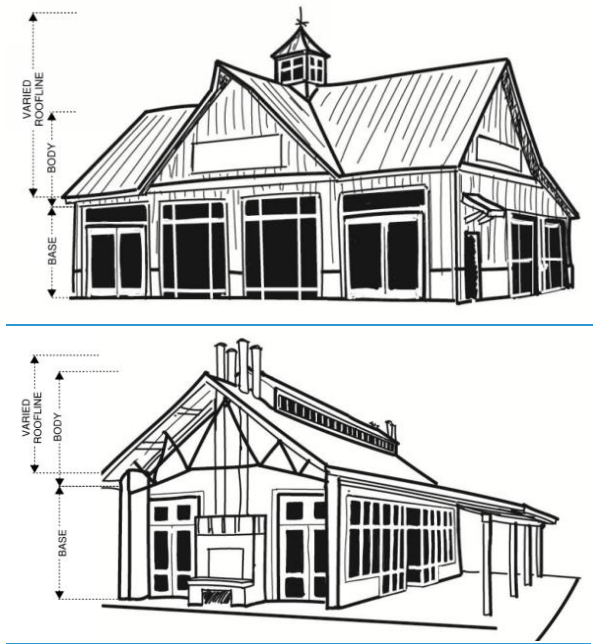
- (5) **Colors.** Muted earth-tone colors are required. No more than 70 percent of a building's facade shall be white.

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- (6) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.

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- (e) **Nordic Valley Village Area building design standards.** In addition to applicable standards in this chapter, the following standards apply to all buildings in the Nordic Village Area, except buildings on a lot that contains a one or two single-family dwelling:

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- (1) **Design theme.** All buildings shall have architectural styling and materials that implement a modern interpretation of alpine design. A modern interpretation of alpine design includes a balance between modern alpine and classical alpine design features. The following design features are intended to provide minimum stylistic requirements to implement this design theme.

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- (2) **Rooflines.** Buildings shall have varying rooflines of predominantly gabled roofs. Rooflines shall be broken every 100 feet, with no less than a 12 inch shift between adjacent rooflines that are on the same [plain plane](#).

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- (3) **Building massing.** The wall massing of building facades shall be broken at least every 50 feet with no less than a six--inch shift in the [plain plane](#) of adjacent walls. Each street-facing façade shall be designed and constructed to have a building base, building body, and a varying building roofline.

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- (4) **Building material.** Building façade walls shall be finished with no less than two primary and one secondary type of building material. The primary building materials shall be real cut stone, glass, or wood siding or similar appearing siding with a natural wood finish. The secondary building materials include metal, wood, large-cut timbers, metal beams and columns, or concrete or other flat-surface building material which may be colored as allowed herein.

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- a. Each building shall have at least 60 percent primary building material.

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- b. The base of the building shall be at least 60 percent stone, except those areas occupied by transparent fenestration.

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- c. Use of metal shall be limited to trim, balconies, railing, exposed structural components, and roofs.

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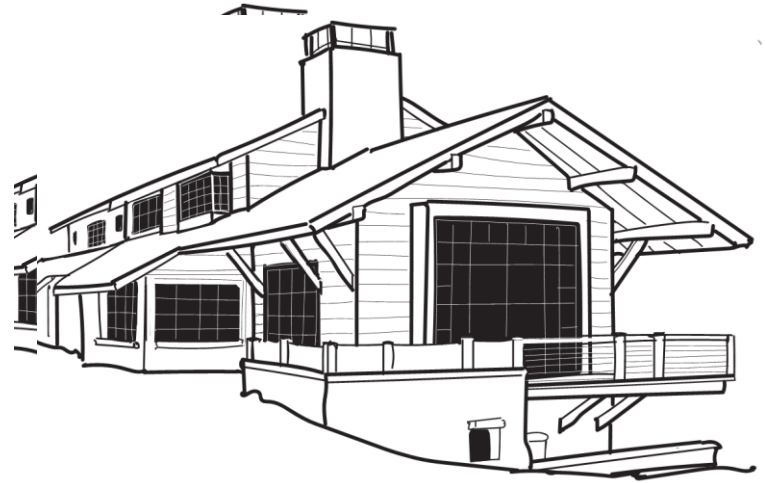
- d. No more than ten percent of any building façade shall be exposed concrete.

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(5) **Colors.** Muted earth-tone colors are required. No more than 30 percent of a building's facade shall be white.

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(6) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.



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589 HISTORY

590 *Adopted by Ord. [2022-04](#) on 1/18/2022*

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592 **Sec 104-22-7 Street Types And Street Design**

593 [Sec 104-22-7.1 Street Types And Right-Of-Way Cross](#)

594 [SectionsSec 104-22-7.2 Street Design Standards](#)

595 HISTORY

596 *Adopted by Ord. [2022-04](#) on 1/18/2022*

597

598 **Sec 104-22-7.1 Street Types And Right-Of-Way Cross Sections**

599

600 (1) ***Right-of-way dedication.*** As development occurs on each lot or parcel, the owner shall dedicate
601 area for public right-of-way with a width as depicted in the table below or as otherwise adopted,
602 to form a block pattern as depicted in the applicable street regulating plan.

603 (2) ***Drawings required.*** Each application for development shall provide engineered construction
604 drawings of the street improvements required herein.

605 (3) ***Street type, description, and purpose.***

606 a. ***Government/institutional street.***

A government/institutional street or alley has street-front buildings that are intended to serve the traveling public. The primary purpose of the street is for the siting of government or public-service oriented buildings fronting the street. Public-service oriented buildings may include any governmental, nonprofit, or for-profit school as long as the school provides the same K-12 educational courses required by the State of Utah, or a school that is an accredited institution of higher education. Hospitals or other medical services buildings, including medical, dental, or mental-health offices, laboratories, or similar public-health related offices, a public transportation facility or a multimodal transportation hub are also intended to be street-adjacent. Except for a public transportation facility, pickup and drop off areas shall be located to the rear of the building.

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b. **Vehicle-oriented commercial street.**

A vehicle-oriented commercial street or alley has street-front buildings that are intended to serve the traveling public, such as a large grocery store, drive-through or drive-up window service of varying kinds, and gas station. Street-front buildings that are not vehicle oriented are also allowed. Multi-family residential uses are allowed only if located above first-floor street-level commercial space.

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c. **Mixed-use commercial street.**

A mixed-use commercial street has street-front buildings that are oriented toward pedestrian traffic. At the street-level, these buildings shall be exclusively used or reserved for commercial retail. Multi-family residential uses are allowed if located above first-floor street-level commercial space.

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d. **Multi-family residential street.**

A multi-family residential street has street-front buildings that are used for multi-family dwellings, and are ~~setback~~ [set back](#) from the street enough to provide a stoop or door yard between the facade and the street's sidewalk. First-floor building space intended for residential uses shall be offset by half a story from the plane of the street's sidewalk. First-floor street-level commercial area is permitted, but not required. Commercial uses are not permitted above the first-floor street-level.

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e. **Mid-block alley.**

Each street type may have an associated mid-block alley, where shown on the applicable street regulating plan. As development occurs, sufficient area shall be preserved and constructed to provide the mid-block alley to provide access to parking areas, garages, and other uses or buildings that are located in the middle of the block. The location of an alley shall be in the locations depicted by the applicable street regulating plan, and designed at a minimum in accordance with the ~~graphic to the right~~ [standards herein](#), and at a maximum to the standards applicable for a public street. Some mid-block alleys connect to adjoining residential streets. Where they connect, the applicable standards shall change to residential street standards. Snow removal for an alley is the responsibility of all landowners, collectively, or an HOA, that have a parking area that has an access from the alley.

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f. **Small-lot residential street.**

A small-lot residential street has street-front buildings that may be ~~setback~~ [set back](#) more than multi-family residential street facades, but are less likely to have a noticeable front yard area.

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g. **Medium-lot residential street.**

A medium-lot residential street has street-front buildings that ~~are setback~~

further ~~may be set back more~~ than ~~multi-family~~ small-lot residential street facades to provide a small front yard area.

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h. **Large-lot residential street.**

A large-lot residential street has street-front buildings that ~~are setback~~ may be set back enough to create a sizeable front yard on a lot that is large.

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i. **Rural residential street.**

A rural residential street has street-front buildings that ~~are setback~~ may be set back enough to create a sizeable front yard on a lot that is at least an acre large.

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j. **Estate lot residential street.**

An estate lot residential street has street-front buildings that ~~are setback~~ may be set back enough to create a sizeable front yard on a lot that contains multiple acres.

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k. **General open space street.**

A general open space street has very limited buildings adjacent to the street, and only those that are incidental and accessory to the open space.

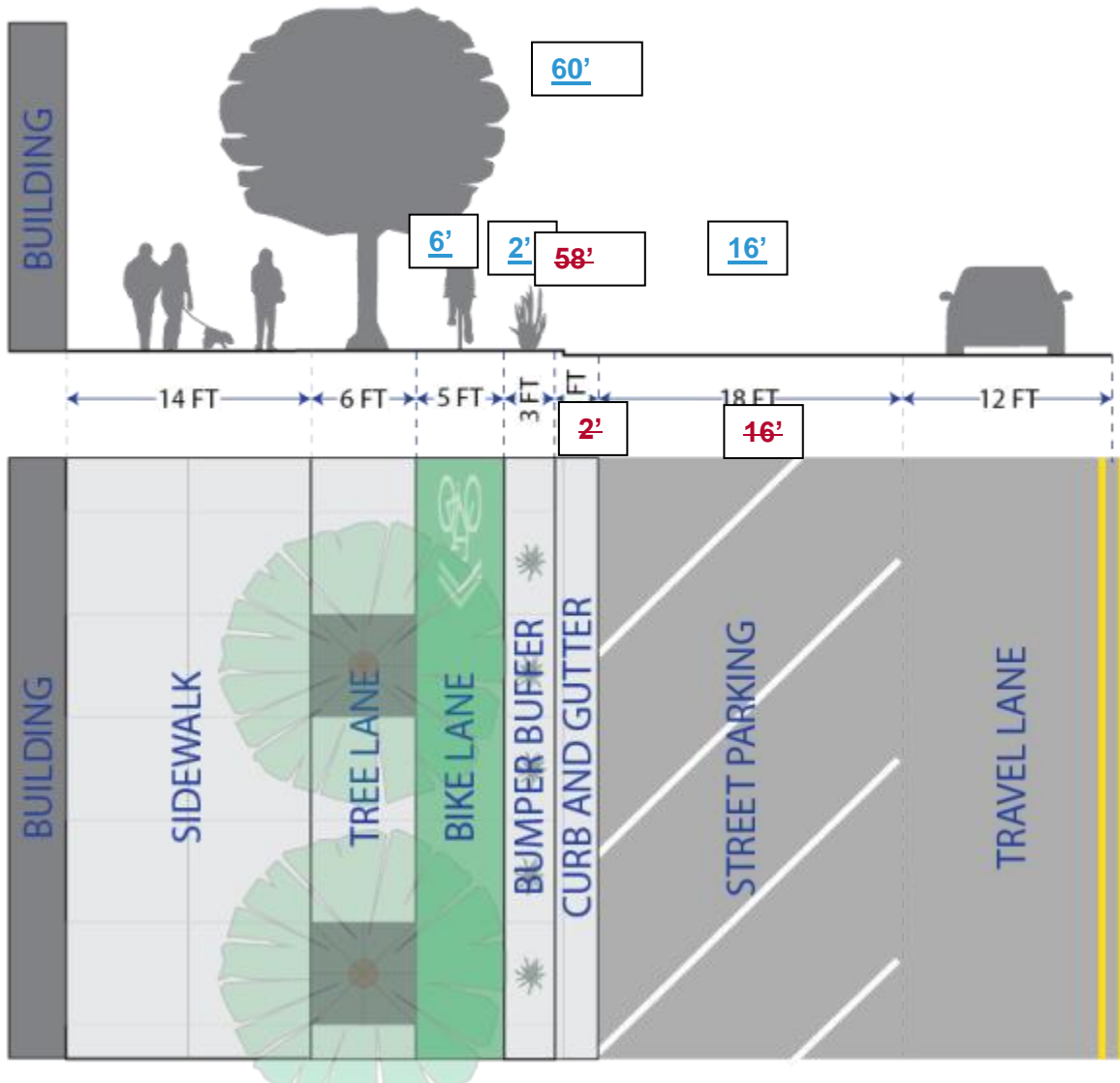
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(4) **Street right-of-way design.**

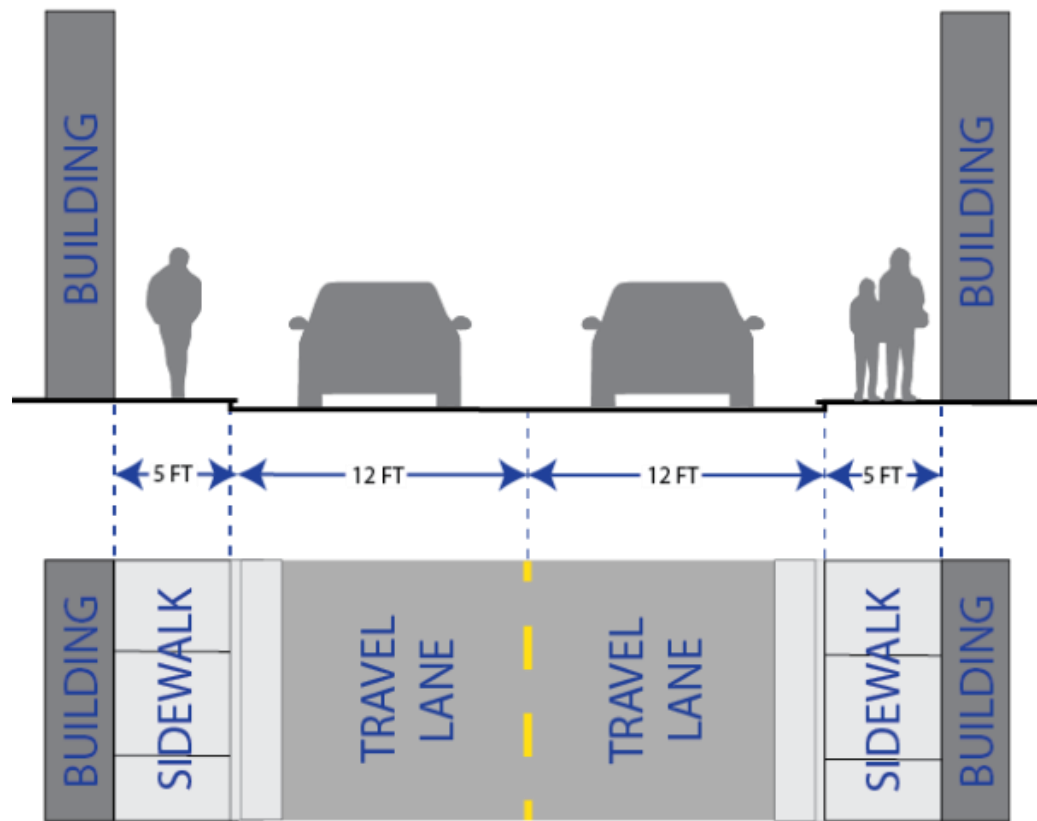
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- a. **Commercial street design.** The design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street, and multi-family residential street is as follows:



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- b. **Commercial alley design.** The design for a governmental and institutional alley, vehicle-oriented commercial alley, mixed-use commercial alley, and multi-family residential alleys as follows:



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C. **Residential street design.** The design for all non-multi-family residential streets is as follows: See Section 106-4-5.

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Editors note: The color adjacent to each street type corresponds with the street colors on the streetregulating plan map(s). The color codes for each are as follows:

RGB	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
R	25	176	204	255	255	255	255	138	83	75
G	151	33	51	120	170	210	255	153	128	191
B	156	157	0	0	0	0	0	66	69	96

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~~HISTORY~~

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~~Adopted by Ord. 2022-04 on 1/18/2022~~

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HISTORY

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Adopted by Ord. 2022-04 on 1/18/2022

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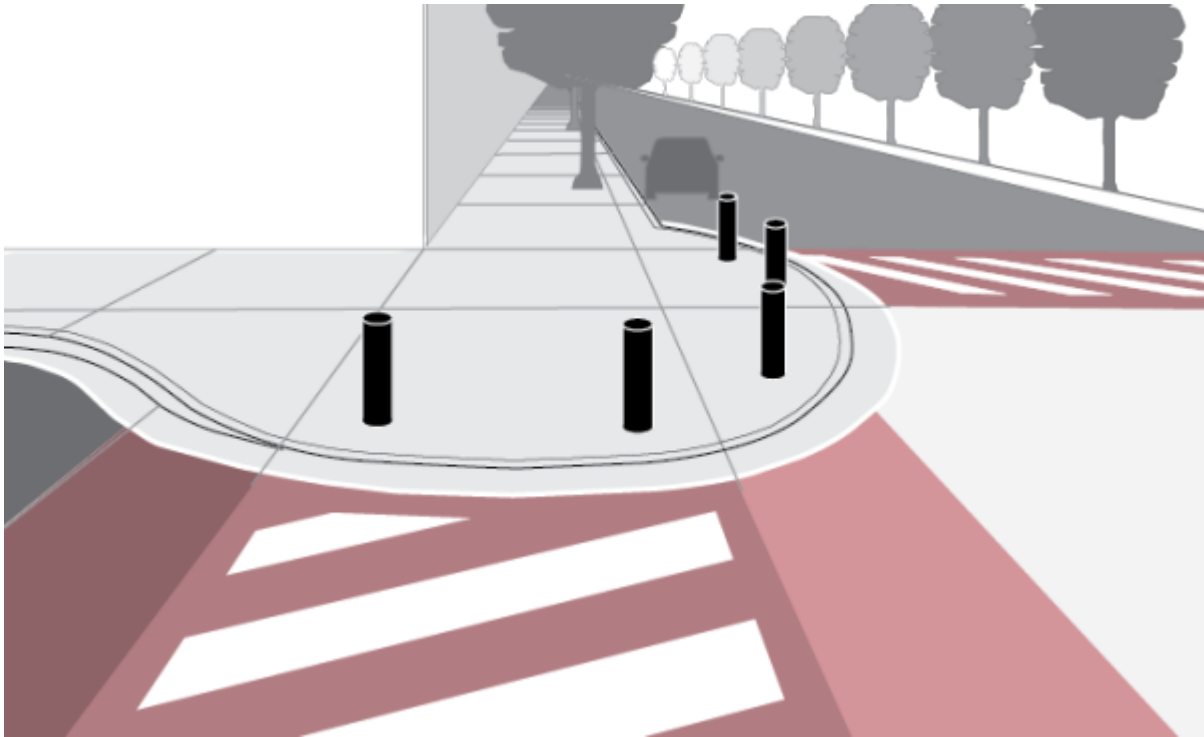
661 **Sec 104-22-7.2 Street Design Standards**

662

663 For all mixed-use commercial, vehicle oriented commercial, multi-family residential, and
 664 government/institutional street types, the following provisions shall apply. Other streets shall follow
 665 adopted residential street design standards.

666

667 (a) **Pedestrian priority design.** The street shall be designed to prioritize pedestrian use. At primary
 668 points of conflict between pedestrian uses and vehicle uses, the street facility shall be designed
 669 and constructed to promote pedestrian safety, comfort, and efficiency.



670

671 (1) **Raised crosswalks.** Where a pedestrian-way intersects with a vehicle-way, the
 672 pedestrian-way shall be raised at least six inches above the grade of the vehicle-
 673 way, or to the level of the adjoining pedestrian-ways, whichever is higher. This shall
 674 include but is not limited to the installation of crosswalks and intersections that are
 675 raised to the same plane as the sidewalk or adjoining pathways.

676 (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety,
 677 street improvements at intersections, pedestrian crossings, and mid-block alleys, if
 678 different, shall be constructed with curb extensions that bulb-out directly adjacent to
 679 the lane of travel. Bike lane widths shall not be obstructed or made narrower at any
 680 point along a curb extension bulb-out. Bulb-outs shall be designed to the
 681 specifications of this ordinance and the County Engineer, or as otherwise adopted.
 682 Where a bulb-out provides access to a raised pedestrian crosswalk, bollards shall be
 683 installed along the curve of the bulb-out to keep vehicles from entering the pedestrian-
 684 way. Examples of bulb-outs are depicted in the images above.

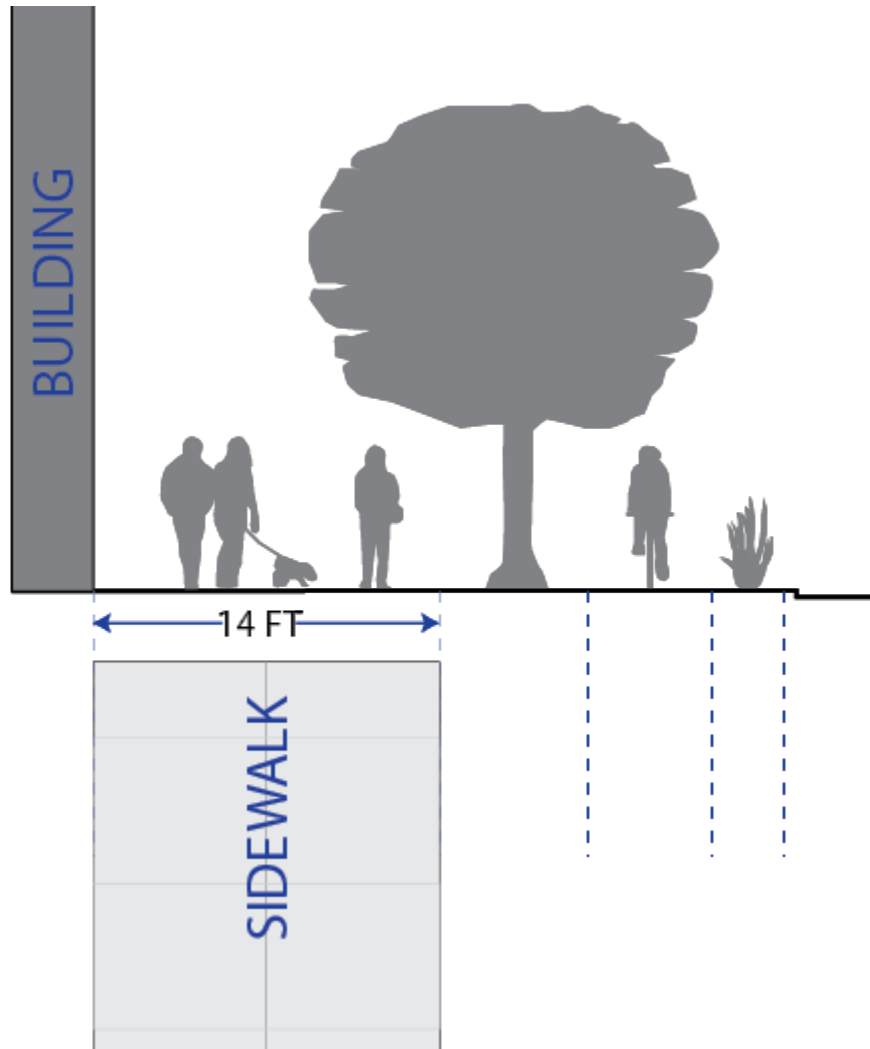
685 (3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective
 686 striping, crosswalks shall be constructed of stamped and colored concrete to provide
 687 clear contrast between the street and crosswalk.

688 (4) **Mid-block crosswalk.** Each block shall be provided with a mid-block crosswalk. Solar
 689 powered user-activated rapid flashing beacons shall be installed on midblock
 690 crosswalk signage.



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- (b) **Sidewalk required.** As part of the required street improvements within the FBV zone, a sidewalk shall be installed in the designated sidewalk area, as depicted in Section 104-22-7.1, on the side of the street of the development and for the entire length of the development lot's street frontage.



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- (1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required sidewalk along any street designated as residential except the multi-family

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residential street

- (2) **Covered boardwalk alternative.** The County Commission may, but is not obligated to, approve the encroachment of a covered boardwalk, or similar, by legislative approval of an encroachment and maintenance contract. The adjoining landowners shall bear full responsibility for the operations and maintenance of the boardwalk. The covered boardwalk shall comply with the overhead projections standards of this chapter.



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- (c) **Street trees required.** As part of the required street improvements within this zone, street trees shall be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the street as the development and for the entire length of the development lot's street frontage. Tree species shall be approved by the Planning Director and County Engineer as part of the review of the development. A street tree plan shall be submitted as part of a development application and shall be accompanied by a letter from a certified arborist or landscape architect, certifying that the proposed tree type is suitable considering site conditions and local climate. The plan shall include planting methods that are specific to the site conditions. Planting methods shall provide means of protecting the longevity of the tree and the street infrastructure. Street trees shall be provided with a permanent watering method with irrigation infrastructure installed underground.

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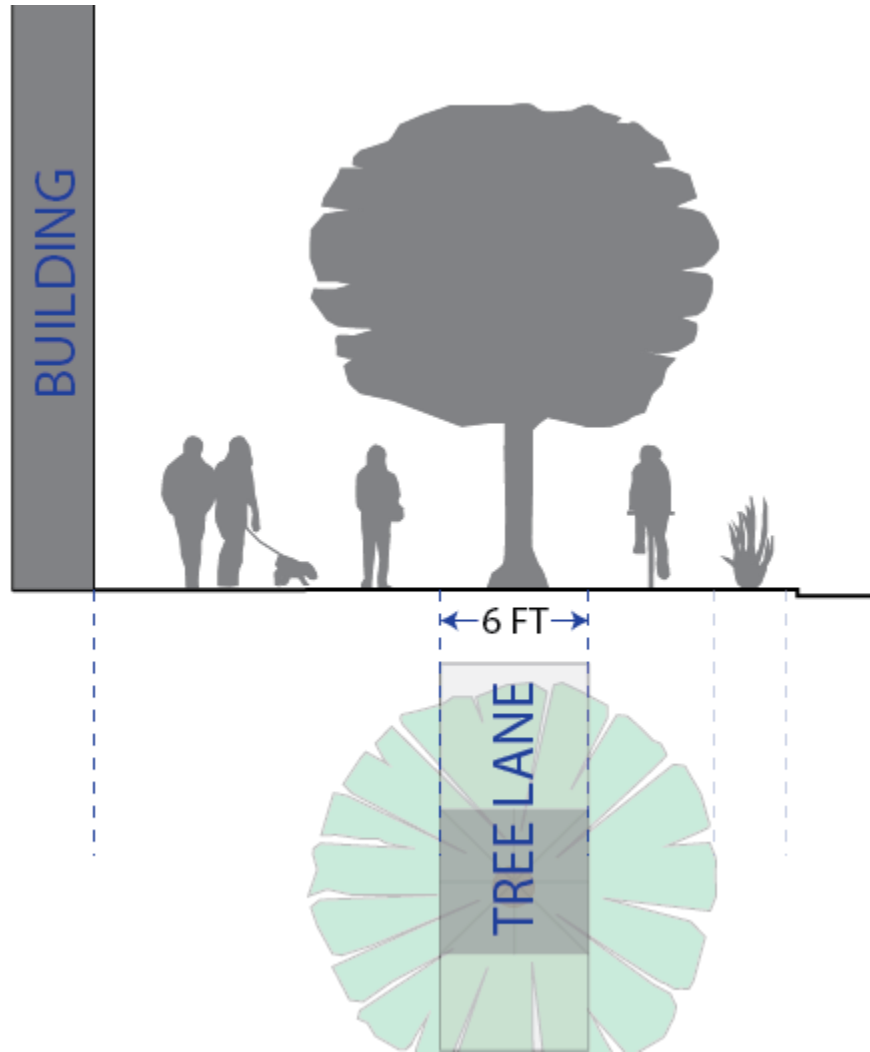
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- (1) **Tree planting.** No street tree shall be planted within the clear view triangle as provided in Section 108-7-7, Section 106-4-5, or the American Association of State Highway and Transportation Officials (AASHTO) standards. To provide continuous shade of the pedestrian areas, spacing between tree trunks shall equal the average diameter of the specific tree species' canopy at maturity. However, in the Nordic Valley Village area, each block shall have the same number of trees that is equal to one tree per every 50 linear feet of street on both sides of the street, and the trees may be grouped in clusters of no greater than ~~five~~ ten trees, rather than equally spaced along the right of way.

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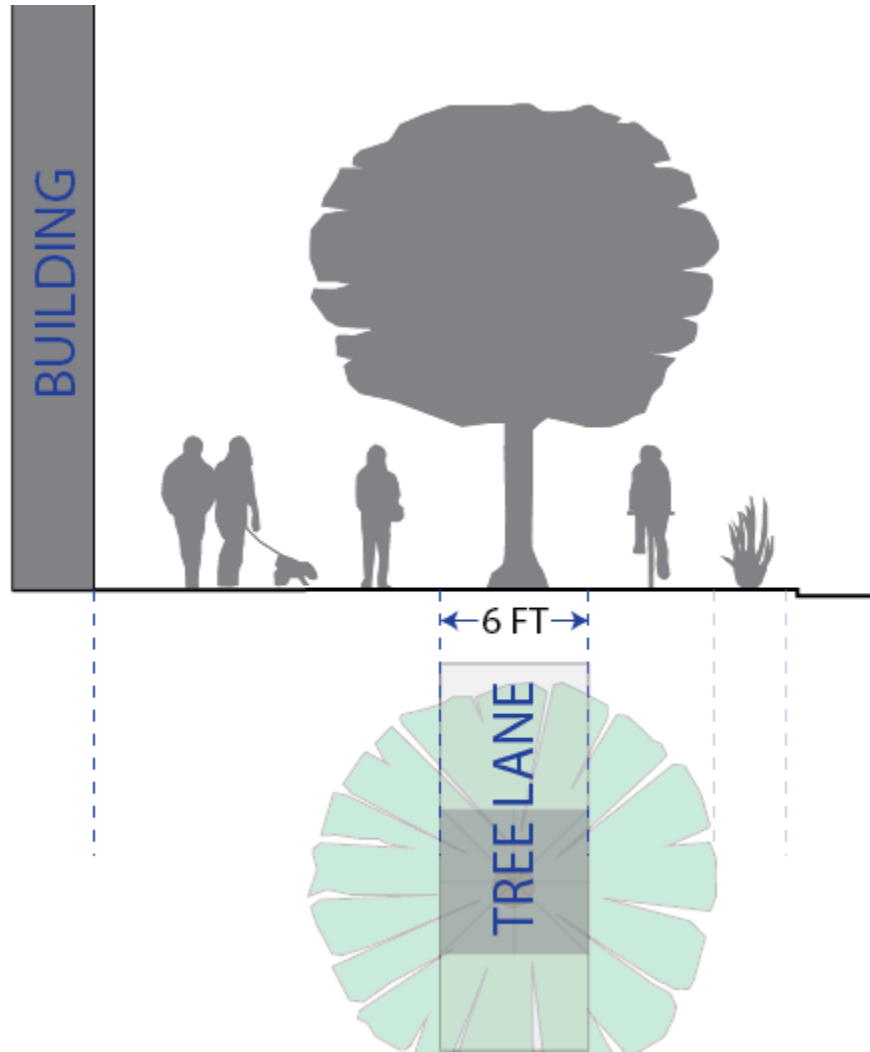
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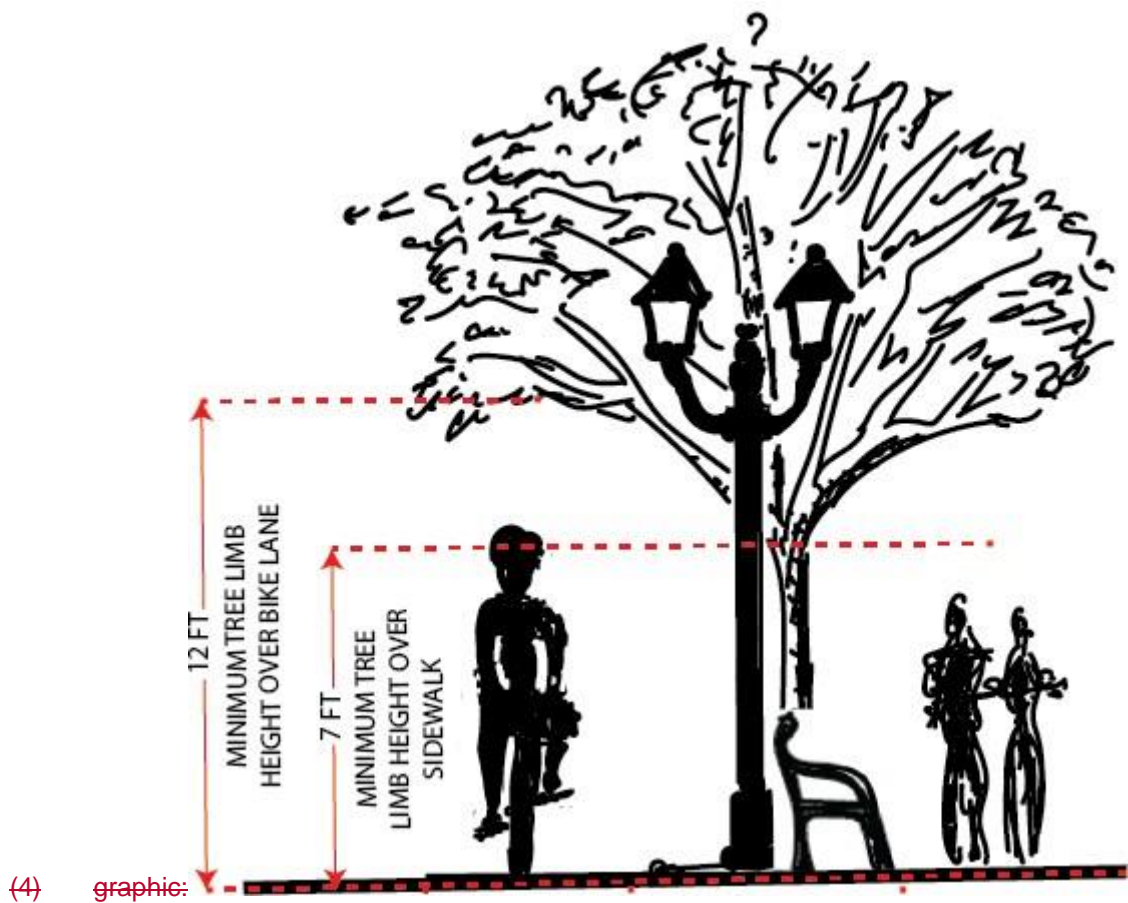
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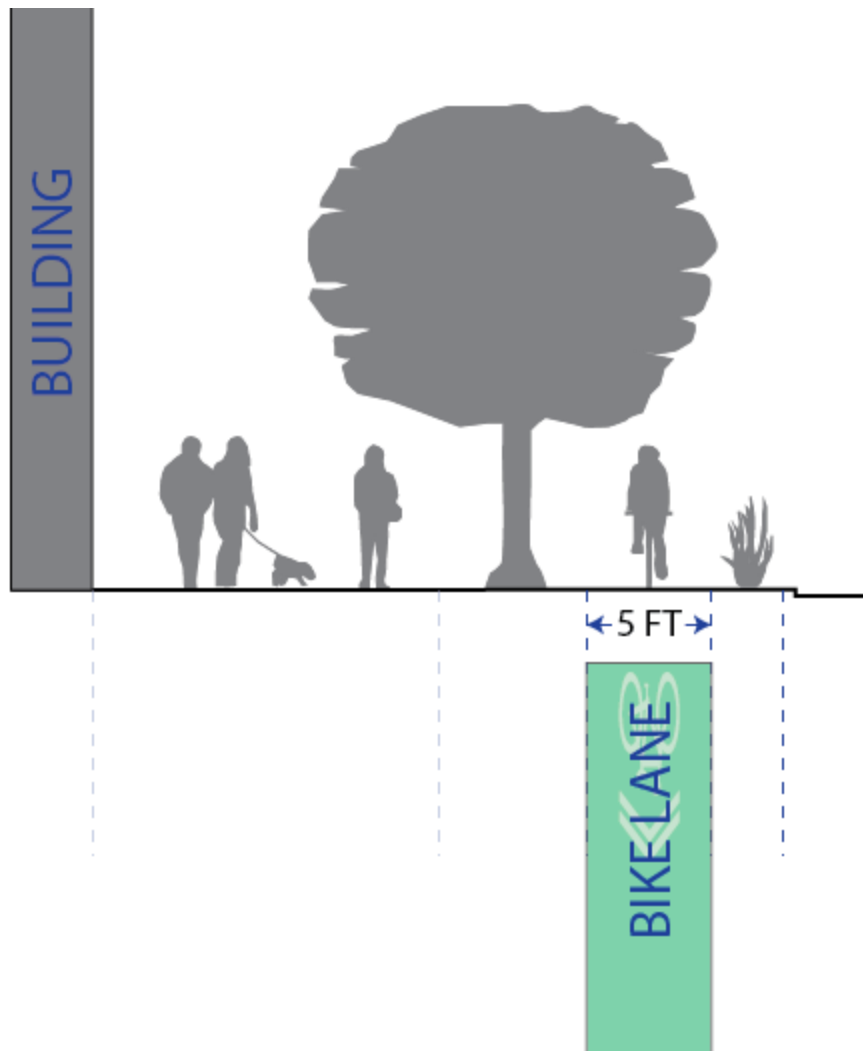
(3)(2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance entity is approved by the County to provide tree maintenance, a street tree shall be maintained by the owner or proprietor of the property that is immediately adjacent to the street right-of-way where the tree is located. A tree maintenance plan shall be submitted as part of the development review for new development. Trees shall be pruned in a manner that gives at least a seven foot clearance above the sidewalk and a 12 foot clearance above a bike lane or parking area, as depicted by the following [graphic](#):



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(d) **Bike facilities required.**

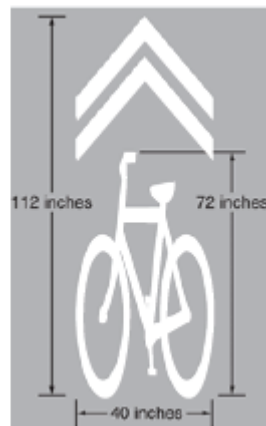
- (1) **Separated bike lane.** A concrete bike lane that is five feet in width shall be installed as part of the required street improvements. The bike lane shall be on the same plane as the sidewalk, and shall be separated from the pedestrian walkway by the tree lane.



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- (2) **Bike lane alternative.** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall be applied to the center of the lane, and marked with retroreflective sharrows as depicted by the following graphic:

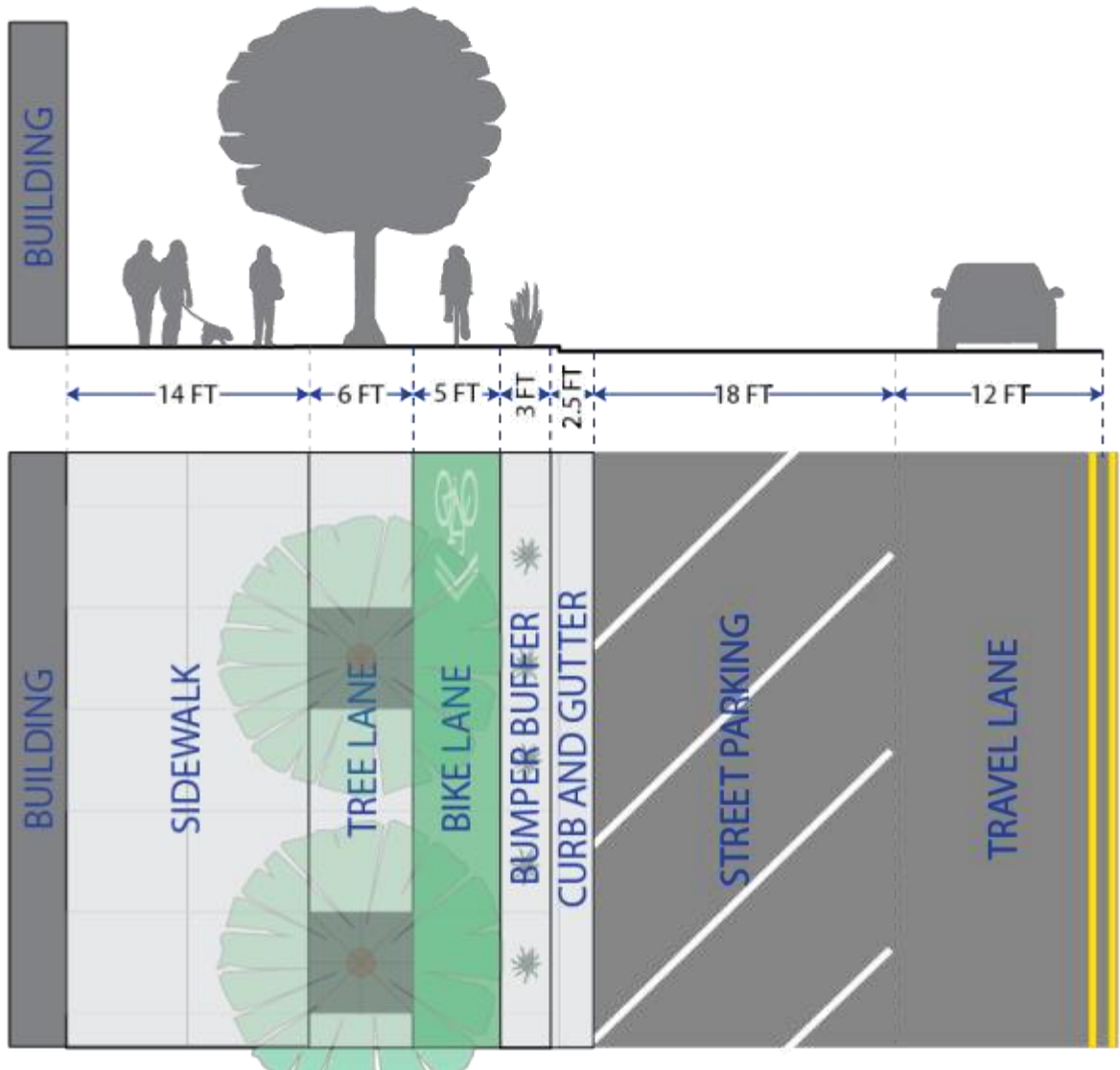


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- (e) **Street parking required.**

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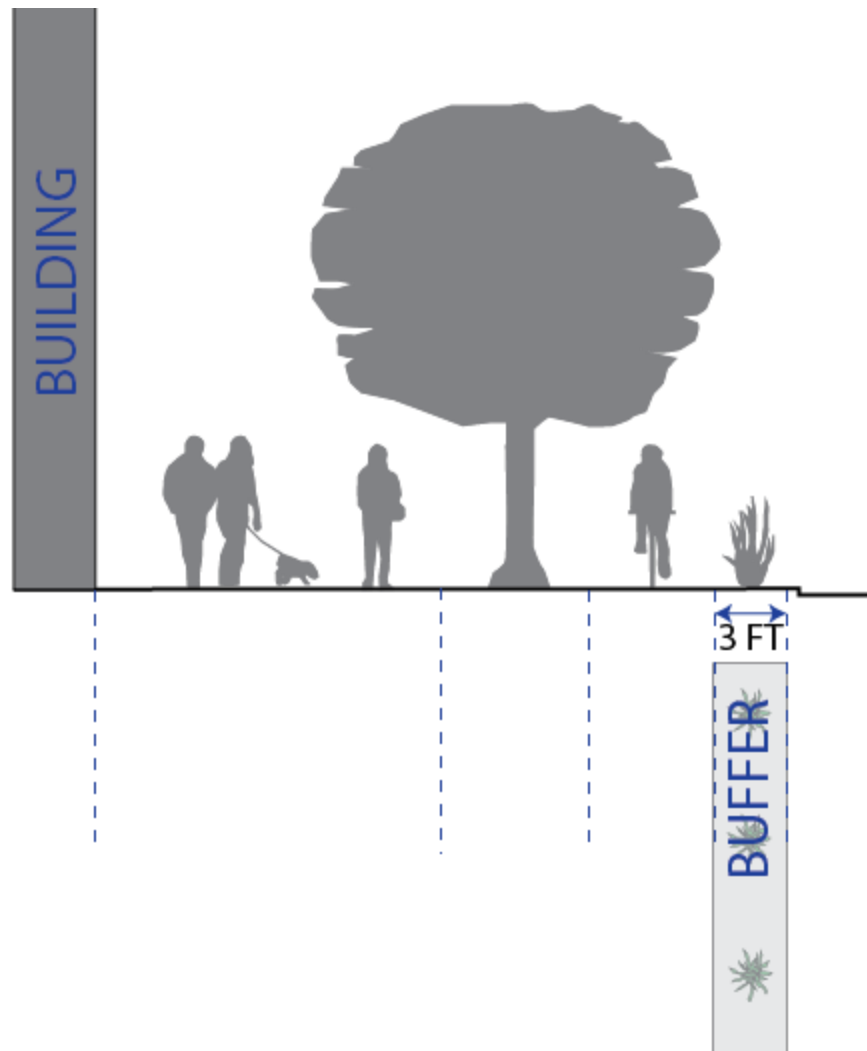
- (1) **45-degree angle parking.** Each street shall be designed and constructed to provide 45-degree angled parking.
- (2) **Street parking alternative.** When topography results in the inability to safely create



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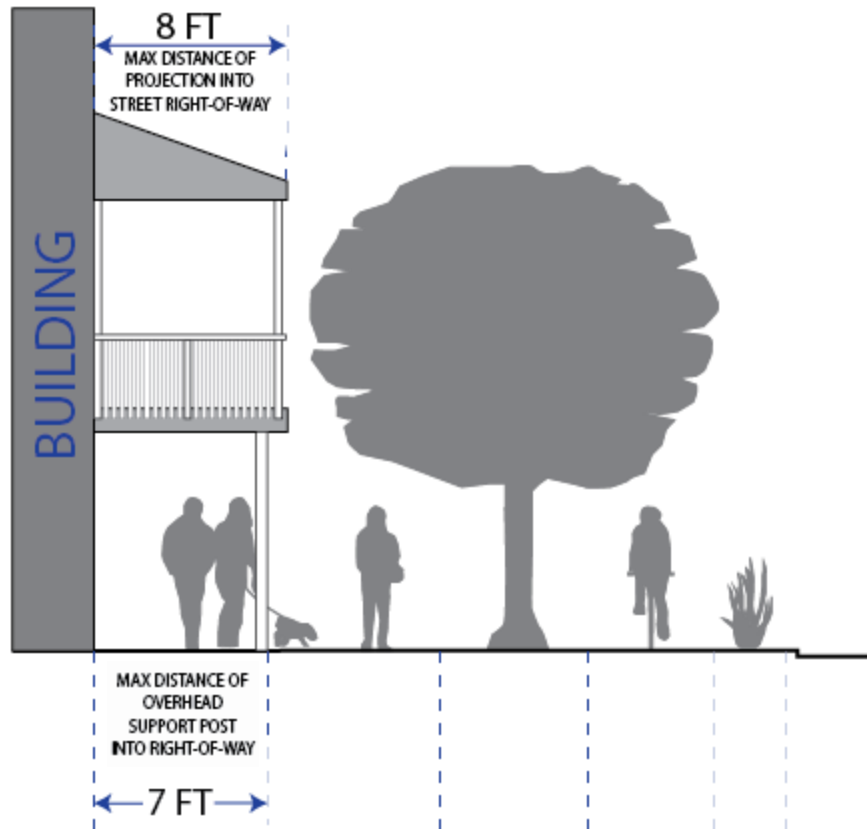
sufficient street right-of-way width, the County Engineer has discretion to allow a parallel street-parking design instead.

- (3) **Parking bumper buffer.** A three-foot parking buffer shall be provided between the bikelane and the curb for vehicle bumper overhang. Vegetation may be in this buffer.



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- (f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each street and internal alleyway in accordance with the County's standard curb and gutter cross sections and in a manner that accommodates the street designs herein.
- (g) **Items in public right-of-way.**
 - (1) **Overhead projections.** Overhead building projections such as but not limited to awnings, canopies, balconies, and cantilevers, are permitted within the public right-of-way, provided that they leave a vertical clearance over the sidewalk or walkway of no less than nine feet, and shall not project more than eight feet into the public right-of-way. Any support post beneath the building projection shall be no greater than seven feet from the building façade, be designed to offer minimal disruption to sidewalk traffic, and meet all ADA clearance requirements.



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(2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside dining, benches, bike racks, planters, and street sales and displays are permitted between street trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.

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(3) **Street Lighting.** Street lighting shall be installed as part of the required street improvements within this zone. Street lighting shall ~~compliment~~complement the architectural design theme of the area.

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(4) **Overhead utilities.** All new development shall move all existing overhead utilities underground, and install all new utilities underground as well.

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(h) **Round-a-bout.** A round circle along any street intersection on the street regulation plan indicates a planned round-a-bout. As development occurs, street right-of-way shall be dedicated to the County to accommodate at least a 110-foot diameter round-a-bout. Round-a-bout improvements shall be installed if required by the County Engineer. Otherwise, all improvements installed shall be installed in a manner that does not create an undue burden on the construction of a future round-a-bout.

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HISTORY

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Adopted by Ord. 2022-04 on 1/18/2022

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799 HISTORY

800 ~~Adopted by Ord. 2022-04 on 1/18/2022~~

801

802 **Sec 104-22-8 Street Regulating Plans**

803 The following maps depict the adopted Street Regulating Plans for their respective areas. The plans
804 illustrate the intended street layout of the area and the designated street types. The plan is intended to
805 be a guide for the placement of streets and mid-block alleys, and is not designed to survey-level accuracy.
806 A mid-block alley shall be as close to the middle of the block as is practicable, and the street placement
807 shall be within 200 feet of the location depicted on these maps. A land owner proposing development in
808 an area that a street or alley is planned shall be responsible for dedicating the land and constructing the
809 street or alley improvements.

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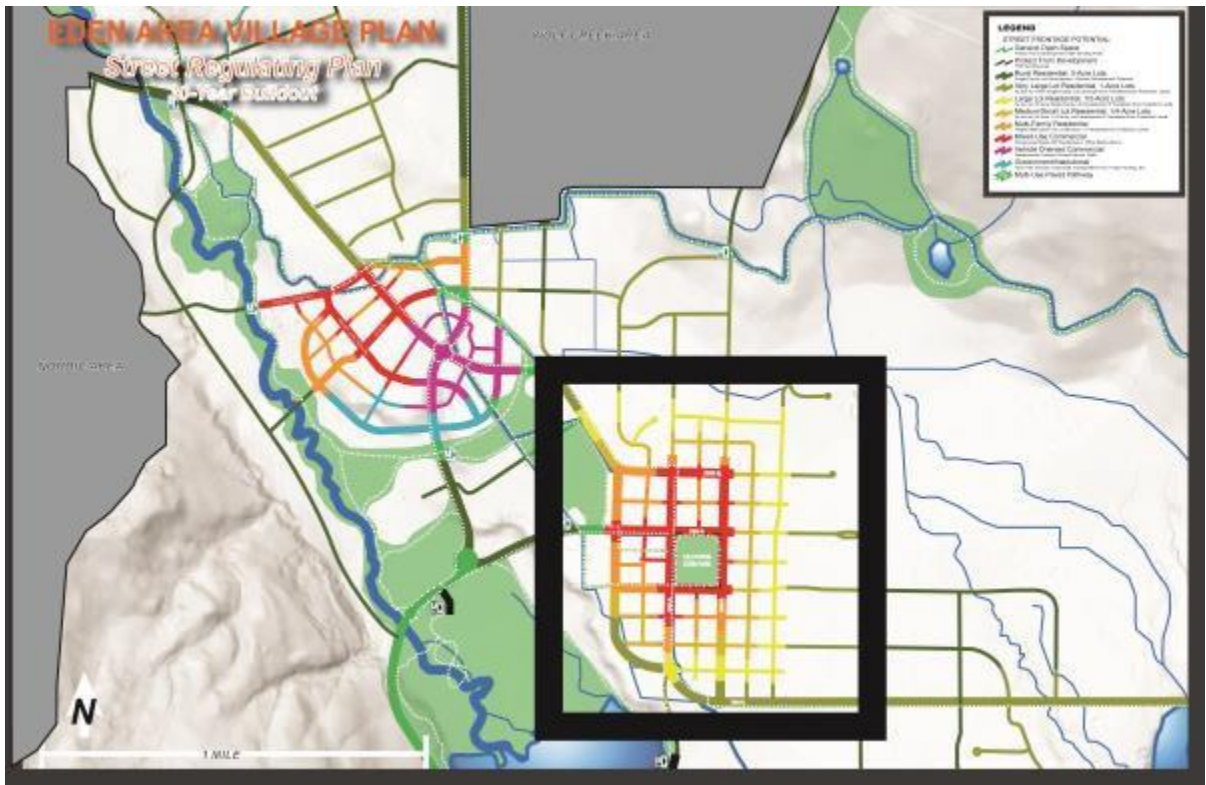
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814 (a) *Old Town Eden Street Regulating Plan Map.*

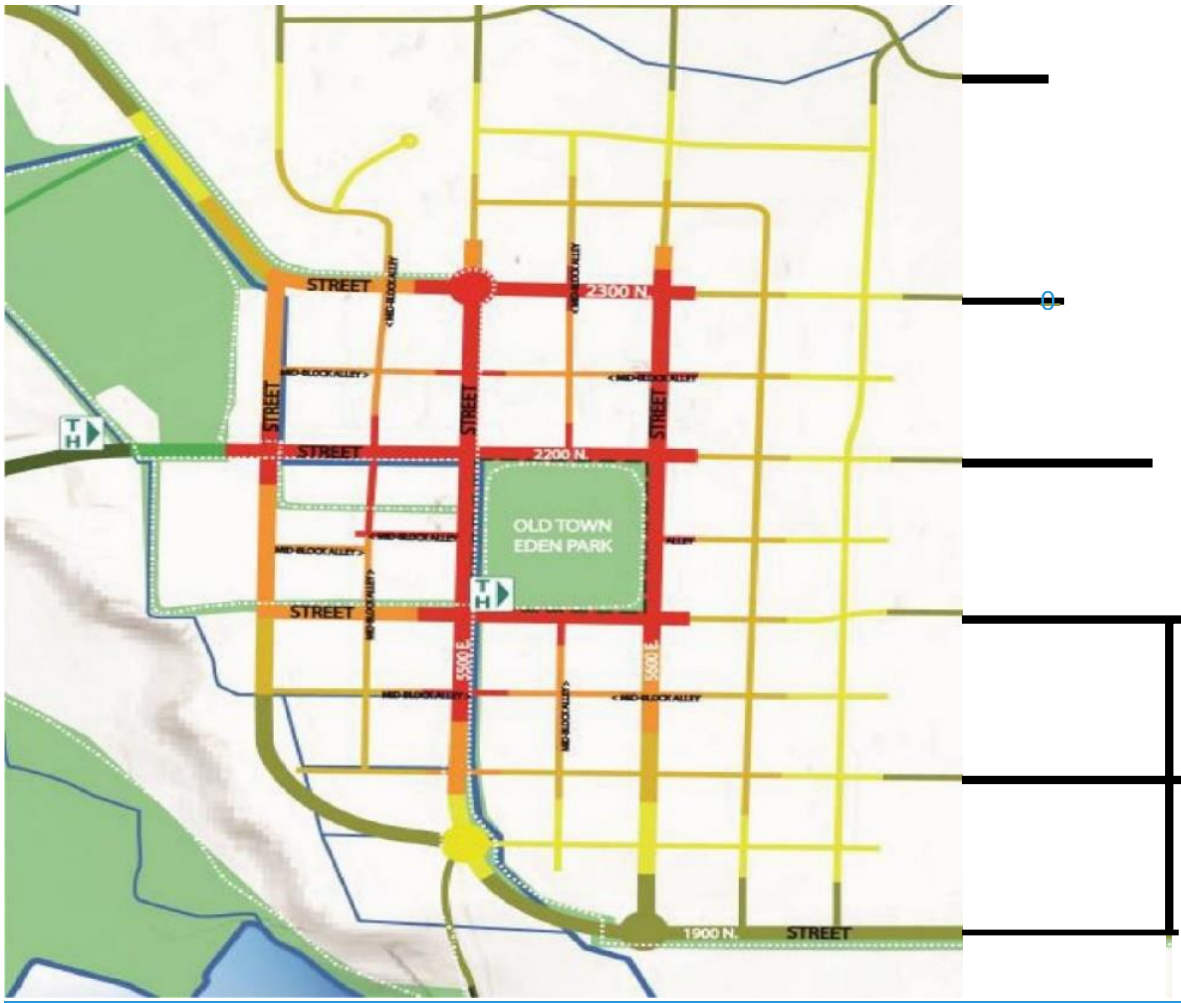
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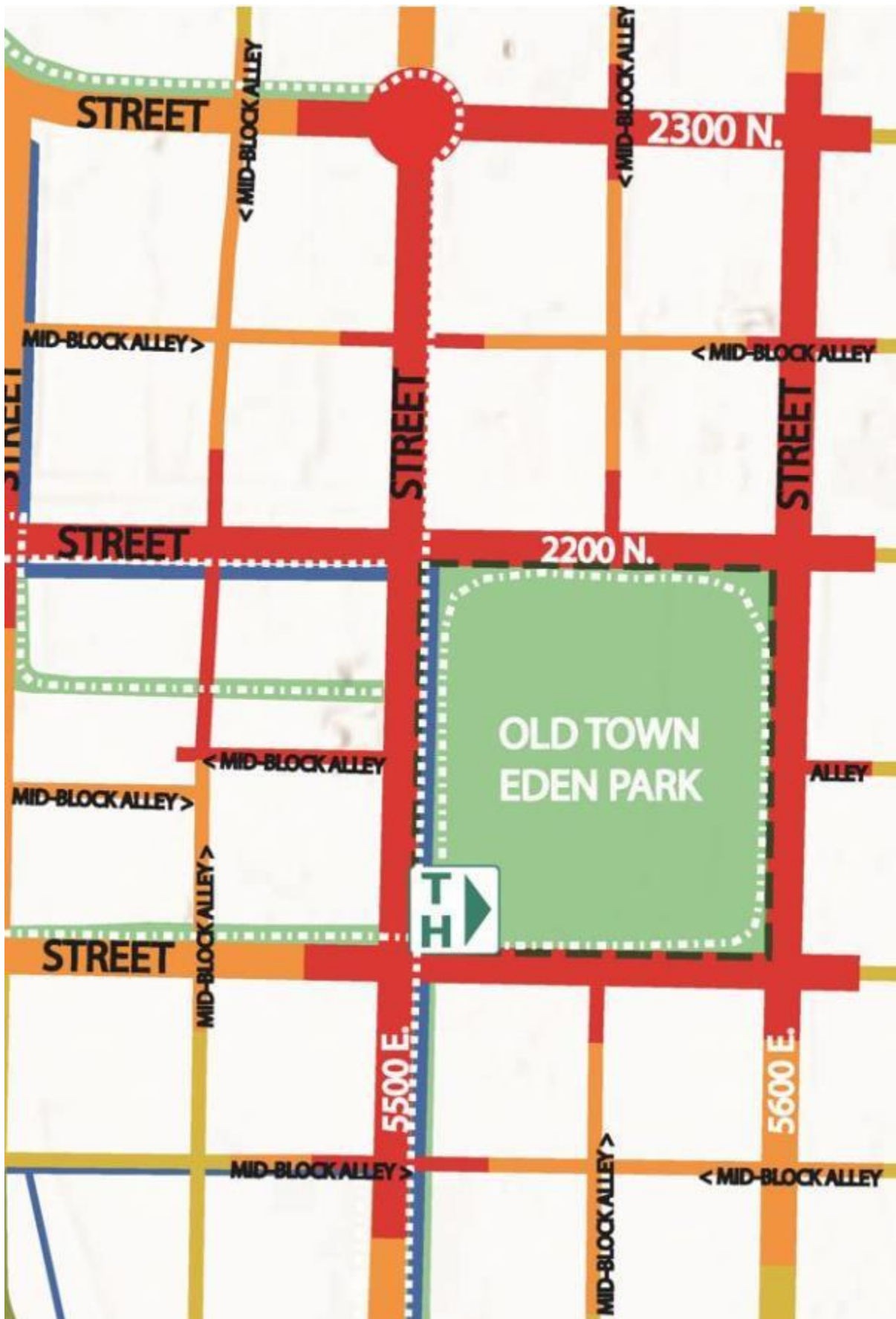
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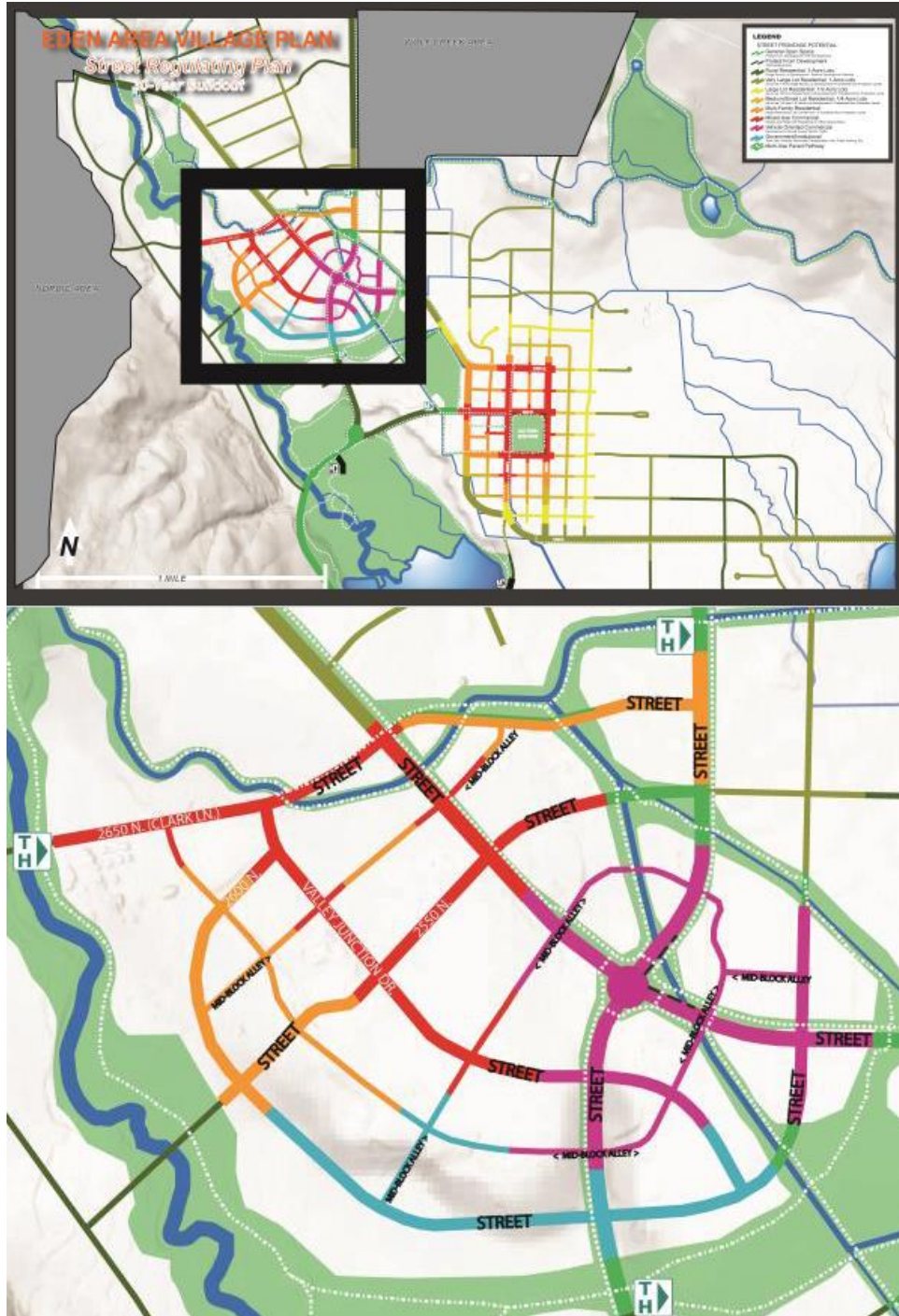


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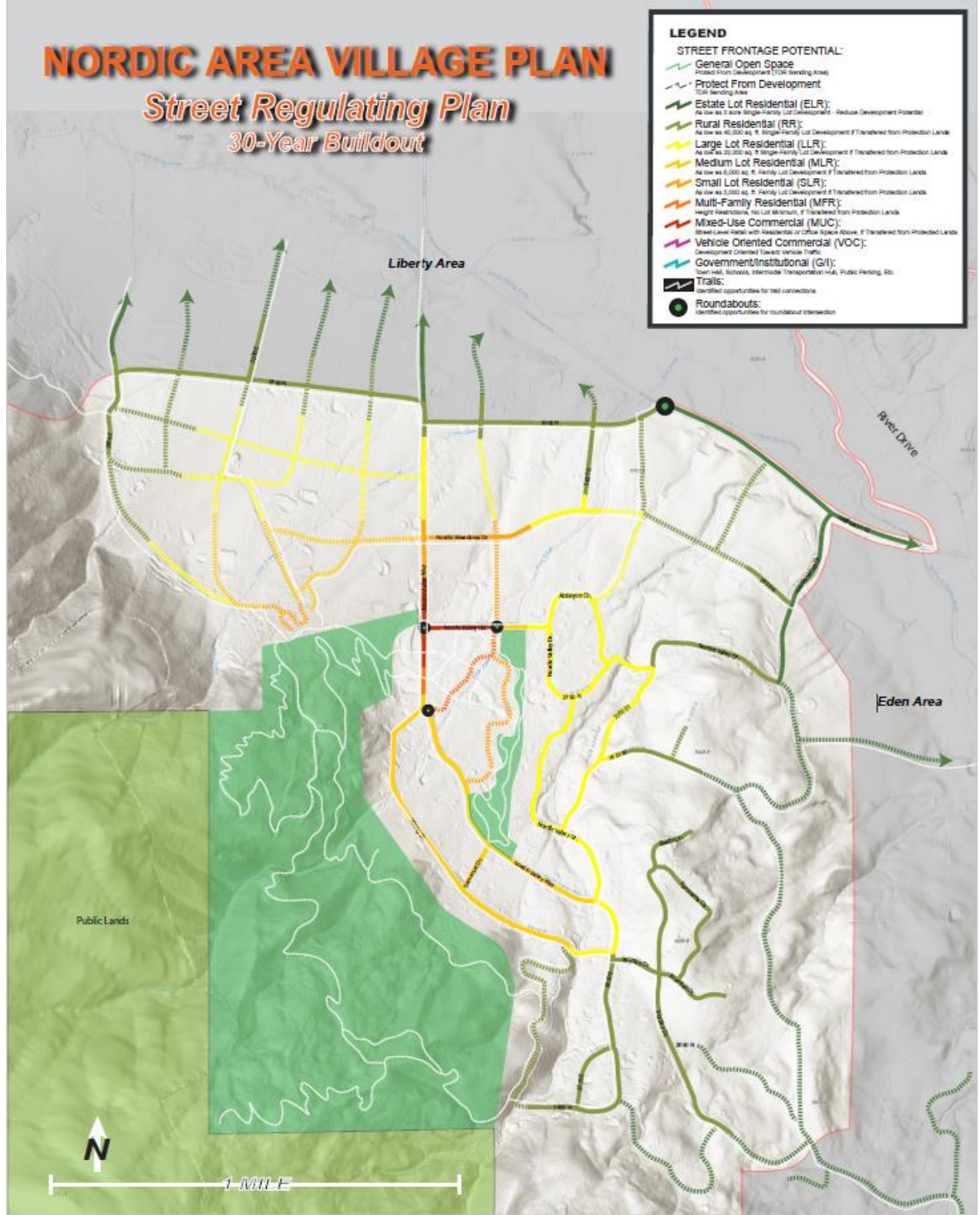
(b) *New Town Eden Street Regulating Plan Map.*



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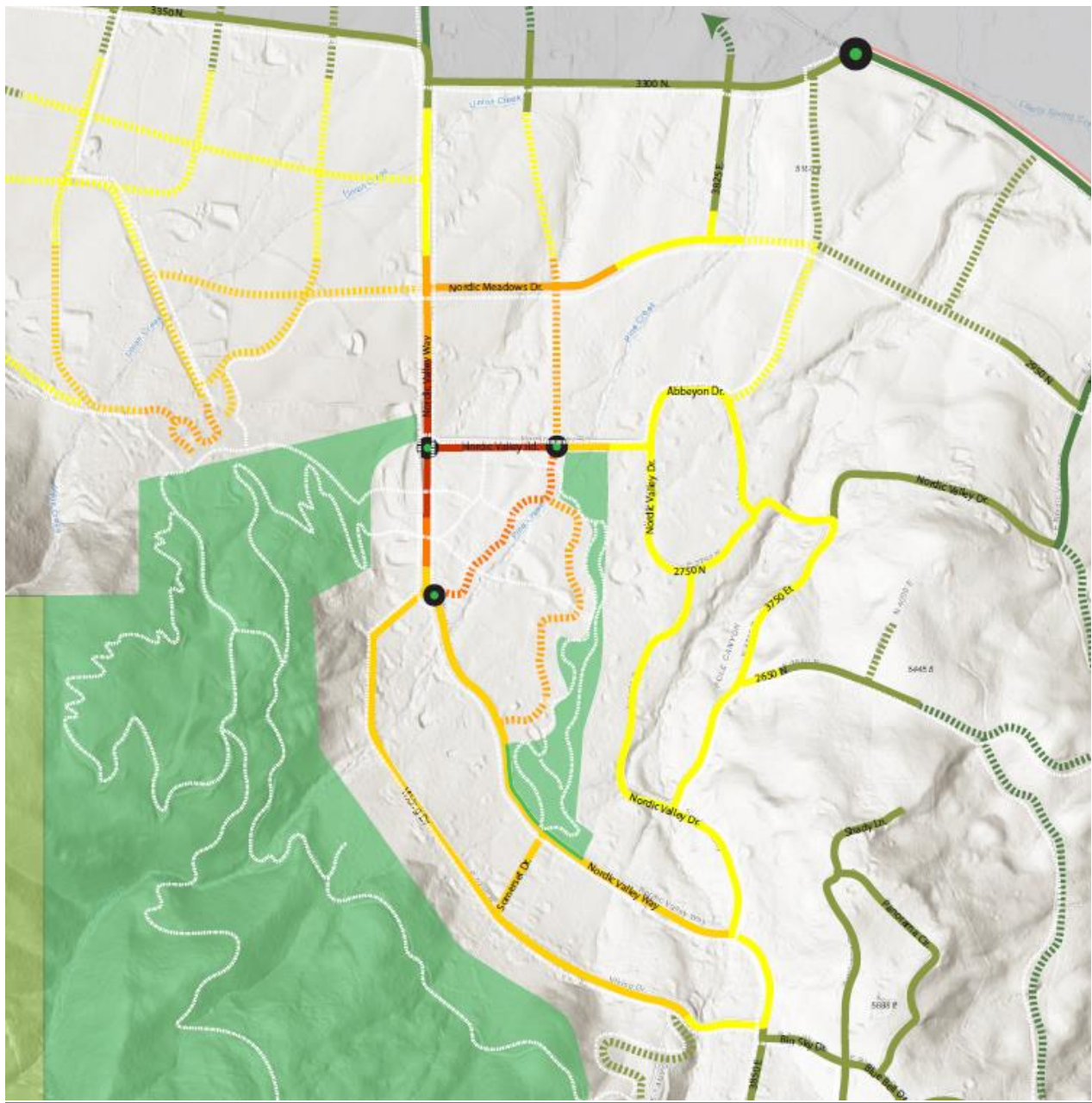
(c) Nordic Valley Village Area Street Regulating Plan Map.



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HISTORY

Adopted by Ord. 2022-04 on 1/18/2022

Sec 104-22-9 Parking and Internal Block Access.

(a) **Parking required.** Each application for development shall include a parking plan that demonstrates that sufficient parking will be provided by the street parking adjacent to the building or an off-street parking lot within 1000 feet of the building. ~~With exception to seasonal day-skiing parking lots, all~~ All parking lots shall be hard-surface asphalt or concrete. Street parking not adjacent to the lot's street-frontage shall not be counted in determining that sufficient parking has been provided.

(b) **Parking flexibility.** Except for residential uses, the Land Use Authority may reduce the minimum

- 846 parking spaces required if sufficient evidence suggests that the required number of spaces is
 847 excessive for the building and proposed use or uses therein.
- 848 ~~(b)~~(c) **Parking related to a change of use.** If a change of use occurs, more parking may be
 849 required if the new use merits it, as determined by the Land Use Authority. The applicant
 850 proposing to change the use shall be required to provide the additional off-street parking within
 851 1000 feet of the use.
- 852 ~~(e)~~(d) **Residential parking.** The minimum required parking for a residential use shall be located
 853 off-street within the same block as the residential use.
- 854 ~~(d)~~(e) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces,
 855 and a five-foot wide landscape planting area that runs the depth of the parking row shall be
 856 located at each end of a parking row.
- 857 ~~(e)~~ **Parking structure design standards.** When located adjacent to a vehicle-oriented commercial,
 858 mixed use commercial, or multi-family commercial street, a parking structure shall have first-floor
 859 street-level commercial space along the street's frontage. However, for a corner lot, this
 860 requirement applies to the façade that is adjacent to the more prominent street, as determined
 861 by the land use authority; the other façade shall have the same for no less than fifty percent of
 862 that façade's street frontage. The other fifty percent, and the area of the parking structure above
 863 the street level commercial space, shall have a street-facing facade that disguises the parking
 864 structure to generally look like other buildings in the area.
- 865 (f) ***Cross-access and cross-access easement.*** For all parcels or lots along a governmental or
 866 institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family residential street,
 867 providing access to adjacent existing or future development without the need to access the public
 868 right-of-way is required. This access shall be provided by a mid-block alley, where shown on a
 869 street regulating plan, or other alley or shared driveway as may be deemed necessary by the land
 870 use authority. When no new alley access is deemed necessary because an alley access or street
 871 access is already provided to the lot or parcel through another lot or parcel, then a cross-access
 872 easement shall be provided along adjoining lot lines, as follows:
- 873 (1) A cross access easement shall provide an easement to all landowners in the block that
 874 develop along a governmental or institutional, vehicle-oriented commercial, mixed-use
 875 commercial, or multi-family residential street that is framing the block. The easement
 876 shall allow ingress and egress to these other lots or parcels, including ingress and
 877 egress infrastructure.
 - 878 (2) At a minimum, each developed lot or parcel shall have two points of ingress and egress,
 879 at least one of which shall be stubbed to adjacent property where practicable. Except
 880 that a parking area is allowed to only provide a single access as long as it does not
 881 block the accessibility to other areas within the block that ~~is~~are or could be used for
 882 public parking.
 - 883 (3) Each parking area that is located within the block and that will be open to the public for
 884 public parking shall be designed to extend to the parcel boundary and shall provide a
 885 cross access easement along all sides of the parking area abutting the adjacent lot(s)
 886 or parcel(s) in a manner that allows the adjoining lot or parcel owner to extend that
 887 public parking area seamlessly into their parcel.
 - 888 (4) When locating a cross-access easement or designing the cross-access infrastructure,
 889 good faith efforts shall be made to coordinate the location and design with the adjoining
 890 land owner.
 - 891 (5) The Planning Director may require the cross-access to be located in a manner that
 892 optimizes internal block traffic circulation.
 - 893 (6) Construction of the cross-access infrastructure shall be completed prior to the issuance
 894 of a certificate of occupancy for any structure on the lot or parcel, or a completion bond
 895 may substitute for completion if allowed by the County Engineer.
 - 896 (7) When a lot or parcel is being developed that abuts an existing cross-access easement
 897 or existing cross-access infrastructure, a reciprocal cross-access easement shall be

898 provided on the same lot line or parcel line in the same location and of equal width. The
899 reciprocal cross-access infrastructure shall be constructed to the same standard as, or
900 better than, the existing cross-access infrastructure on the adjacent parcel. A cross-
901 access easement shall be recorded on the title of all affected properties, along with a
902 perpetual operation and maintenance agreement between the property owners that
903 specifies, at a minimum, that the infrastructure will be operated and maintained by the
904 property owners in a manner that is safe and usable for two-way vehicle traffic.

905 (8) If property owners fail to operate or maintain cross-access infrastructure that was
906 required by the County under this section, the County may pursue enforcement
907 measures as provided in this Land Use Code.

908
909 HISTORY

910 *Adopted by Ord. 2022-04 on 1/18/2022*

911
912 **Sec 104-22-10 Signage**

913
914 In addition to the signage regulations in this Land Use Code, no signage shall be affixed to a
915 building higher than the top of the second story.

916
917 HISTORY

918 *Adopted by Ord. 2022-04 on 1/18/2022*

919
920 **Sec 104-22-11 FBV Transferable development rights**

921 (a) ***Density allowance and transferable development rights.*** As provided in the Ogden Valley
922 General Plan, the creation of dwelling units in the FBV zone shall not create any new density in
923 the Ogden Valley Planning Area unless otherwise provided in this Land Use Code. To establish
924 the residential dwelling unit rights that exist on a lot or parcel in the FBV zone, or to increase or
925 decrease residential dwelling unit rights on a lot or parcel in the FBV zone, the following apply:

926 a.(1) For a lot or parcel rezoned to the Form-Based Village Zone from a zone that allows
927 residential dwelling units, the base density, as defined in Title 101, Chapter 2, shall be
928 the same as the density that was allowed in the prior zone. This shall be documented
929 by recording a covenant to the lot or parcel that provides a calculation of the base
930 density. The covenant shall run with land, and be between the owner and the County.

931 b.(2) Additional residential dwelling units are permitted on any lot that has street
932 frontage on, or gains primary access from, any street type in the street regulating plan
933 except a rural residential an Estate Lot Residential street and a general open space
934 street. However, no new density is allowed unless the landowner has successfully
935 negotiated the reallocation of an equal number of dwelling unit rights from another lot
936 or parcel that has an available dwelling unit right as determined by the lot or parcel's
937 base density and adjusted for any previous dwelling unit right reduction or addition. The
938 reallocation shall be made by recording a covenant to each affected lot or parcel. Each
939 covenant shall run with the land and be between the owner and the County. Each
940 covenant shall document the applicable lot or parcel's calculated base density; the
941 number of dwelling units already developed on the lot or parcel; the number of dwelling
942 unit rights subtracted from, or added to, the base density by any means; and the number
943 of dwelling unit rights remaining for the lot or parcel.

944 c.(3) Residential dwelling unit rights may be transferred to a lot or parcel in a FBV zone
945 from any lot or parcel in the following zones within the Ogden Valley Planning Area: RE-
946 15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FBV.

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~~e.~~ Regardless of number of residential dwelling unit rights transferred to a lot or parcel in the FBV zone, the number of dwelling units actually constructed shall be limited by what can be constructed given compliance with the standards of this chapter.

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~~e.(4) A dwelling or dwelling unit specifically devoted to the housing of employees working in the local service industry and earning less than 80 percent of the county's median household income, does not count toward density allowances and are not required to be established through transferable development rights.~~



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to discuss and/or take action on an application to amend the Form-Based Village zoning ordinance along with other sections of the Weber County Land Use Code to add provisions and exhibits intended to create a Nordic Valley Village Area.

Applicant: Skyline Mountain Base

Agenda Date: Tuesday, March 22, 2022

File Number: ZTA 2021-07

Frontier Web Address: <https://frontier.co.weber.ut.us/p/Project/Index/13886>

Staff Information

Report Presenter: Scott Perkes
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(801) 399-8772

Report Reviewer: CE

Applicable Ordinances

§101-2: Definitions
§104-22: Form-Based Village Zone (FBV)

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 County recently received an application by Skyline Mountain Base to create a smaller Destination And Recreation Resort Zone (DRR-2), as opposed to the existing DRR-1 zone, in order to create the regulatory framework to which their property could be rezoned. In reviewing this request, County staff ultimately recommended that the applicant pursue an amendment to the recently adopted Form-Based Village (FBV) zoning classification as a means to achieve the desired outcome for their property.

Following this recommendation, the applicant has spent the past several months working and negotiating with staff to identify adjustments and additions needed to the FBV ordinance to accommodate their vision. The attached Exhibit A contains the revised draft of the FBV zoning ordinance created through this effort.

Policy Analysis

Policy Considerations:

Form-Based Village Zone (FBV) Amendments (See Exhibit A):

Definitions:

Various definitions have been added and/or modified. For example, dwelling types, such as “three-family” and “four-family dwellings” have added definitions that were previously absent from the Definitions section.

Land Use Table:

One of the largest changes to the FBV ordinance entails the expansion and recategorization of the land use table. The previous table adopted to govern the uses within the New-Town and Old-Town Villages made specific reference to only a handful of uses while referencing the uses outlined in the CV-2 zone also

applying to any property in the FBV zone. The proposed table imports all the uses from the CV-1, CV-2, and CVR-1 zones. As such, the table is much larger, but simply consolidates all of the commercial zoning uses into a single table within the FBZ ordinance rather than simply referencing the other commercial zones. With all of the commercial uses consolidated into a single table, we took the opportunity to categorize uses by industry sector and street type in addition to cleaning and thinning the overall table. We also took this opportunity to make some adjustments to the permitted, non-permitted, and conditional uses to better fit within the Form-Based Village context.

Addition of Special Regulation Sections:

In addition to porting over the uses from the other commercial zoning classifications, we also ported over the special regulations associated with various uses as well to further clarify the context in which some uses are either permitted or conditionally permitted.

Addition of a Medium-Lot Residential (MLR) and Estate-Lot Residential (ELR) Street Types:

In the originally adopted FBV ordinance, street types for single-family residential skipped from Small-Lot Residential (SLR) (6,000 sq. ft.) straight to Large-Lot Residential (LLR) (20,000 sq. ft.). The proposed adjustments adds a Medium-Lot Residential (MLS) street type and shuffles around the other street types to fit it into the stratification. By doing so, a Small-Lot Residential (SLR) lot starts as low as 3,000 sq. ft., with Medium-Lot Residential (MLR) starting at 8,000 sq. ft. From there, Large-Lot Residential (LLR) stays at 20,000 sq. ft. However, from there we changed the previous “Very Large Lot Residential (VLLR)” descriptor to “Rural Residential (RR)” and kept the 40,000 sq. ft. lot size. Lastly we changed the previous “Rural Residential (RR) descriptor to “Estate Lot Residential (ELR)” and kept the 3 acre lot size. See **Figure 1** below for a side-by-side comparison of these street types and lot areas:

Figure 1: Street Types and Lot Area Comparison

Previous Street Types & Lot Areas:

STREET TYPE:	MINIMUM LOT AREA:
Government and Institutional (G/I)	None
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	6,000 square feet
Large Lot Residential (LLR)	20,000 square feet
Very Large Lot Residential (VLLR)	40,000 square feet
Rural Residential (RR)	3 acres
Open Space (OS)	None

Proposed Street Types & Lot Areas:

STREET TYPE:	MINIMUM LOT AREA:
Government and Institutional (G/I)	None
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	3,000 square feet
Medium Lot Residential (MLR)	8,000 square feet
Large Lot Residential (LLR)	20,000 square feet
Rural Residential (RR)	40,000 square feet
Estate Lot Residential	3 acres
Open Space (OS)	None

Adjustments to Development Standards and Street Cross Sections:

Minor adjustments to development standards were made to accommodate for the addition of the Medium-Lot Residential (MLR) street type as well as to facilitate development within topographically challenged areas.

Height Allowances Specific to Nordic Village:

The height table has been adjusted to add columns specific to the Nordic Village area. These adjustments allow a maximum building height on a lot in the Nordic Village to be 55-feet tall. It also limits buildings on corner lots in the Nordic Village Area to a minimum of 25-feet.

Adjustments to the Parking Standards:

A minor adjustment to the previous language would now allow for seasonal day-skier parking lots to be of a material other than hard-surface asphalt or concrete.

Addition of Specific Nordic Village Design Standards:

Similar to New-Town and Old-Town Eden, the proposal defines specific design and architectural standards for the Nordic Village area. The overall theme chosen by the applicant for the Nordic Village is that of a modern interpretation of alpine design that includes a balance between modern alpine and classical alpine design features.

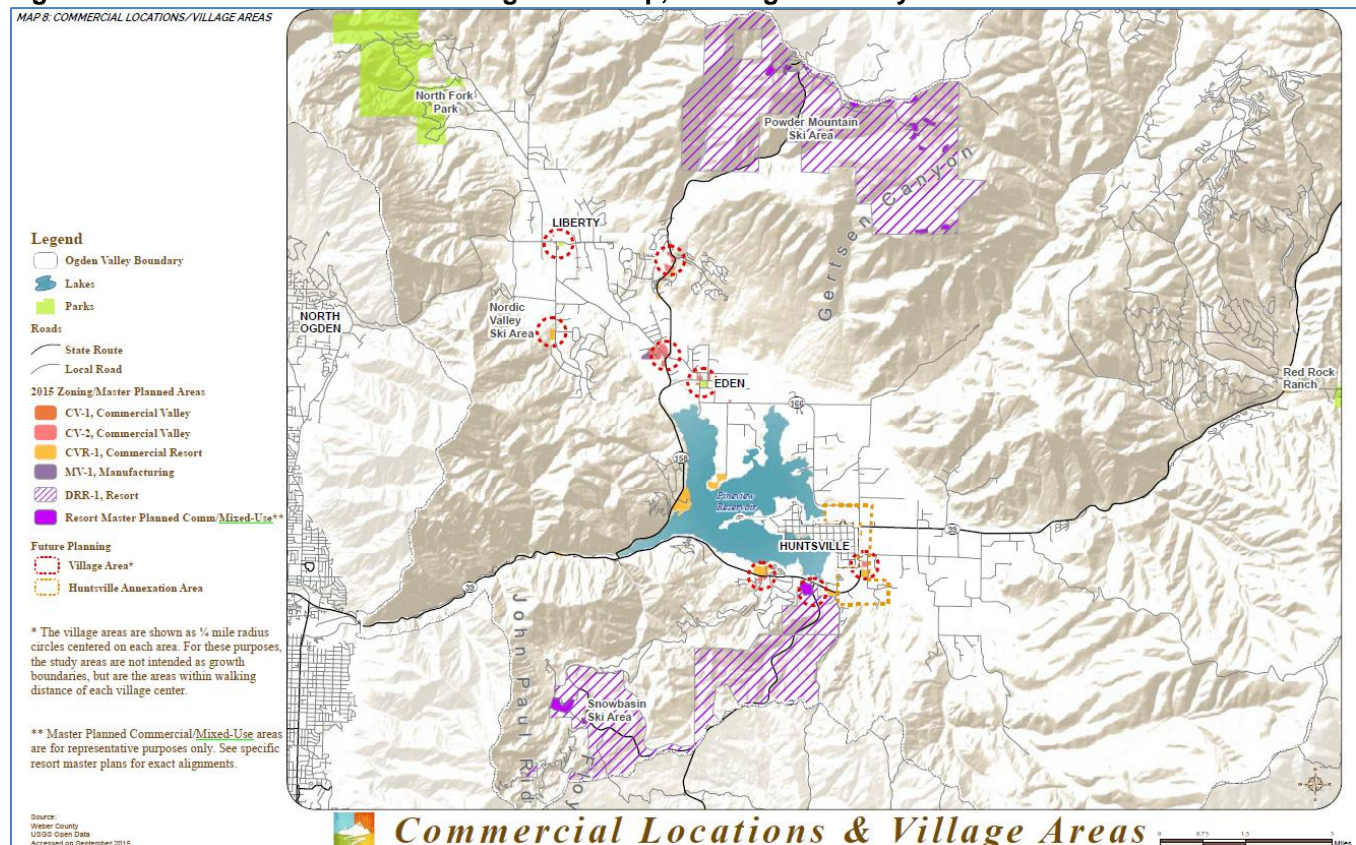
Addition of a Specific Nordic Village Street Regulating Plan:

Similar to the existing street regulating plans for New-Town and Old-Town Eden, the proposed amendment adds a street regulating plan that is specific to a Nordic Village area. This plan focuses Mixed-Use Commercial (MUC) at the heart of the Nordic Ski area along Nordic Valley Way near the existing white barn, while providing a waning transect with lower intensity development radiating further outwards from the core village area.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. In 2016, the Ogden Valley General Plan was adopted after a significant public involvement process and received overwhelming support from Valley residents. See **Figure 2** below for the Commercial Locations & Village Areas map from the general plan.

Figure 2: Commercial Locations & Village Area Map, 2016 Ogden Valley General Plan



The proposed adjustments to the Form-Based Village zoning ordinance helps to implement numerous goals and objectives of the Ogden Valley General Plan including the following:

Land Use Implementation 1.1.1: Weber County will support the transfer of existing development rights (TDRs) as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas. Incentives – such as reduced road cross sections and other cost-saving measures for

master-planned developments – should be proposed to reduce development intensities and as the primary means to incentivize the purchase and transfer of development rights. Bonus density should be used sparingly, and only in the event minimal bonuses can be leveraged for significant and meaningful advancement of the goals and principles of this plan. Development rights include residential (e.g. townhouses, single family detached units, etc.) and non-residential development rights (e.g. hotel units, accessory dwelling units, retirement center units, etc.).

Commercial Development Implementation 1.1.1: Prepare small area plans for each area designated as a village on Map 8 to describe their form and function (possible examples: highway oriented, mixed-use, resort, small neighborhood commercial, etc.). Small area plans should identify defining attributes and appropriate design standards, identify future potential adjacent expansion areas, and plan for multimodal and active transportation to and within each area, as may be appropriate. The village areas are shown as ¼ mile radius circles centered on each area on Map 8. For these purposes, the study areas are not intended as growth boundaries, but are the areas within walking distance of each village center.

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 Implementation 2.1.1: As part of small area planning, revise County design standards to adopt more detailed and specific commercial design standards that specify building materials, style elements, colors, dark sky lighting, walkability, landscaping, signage, open spaces, public features, and building height and orientation. Acceptable style elements may include agrarian architecture, Old West or mine-town architecture, or mountain rustic architecture elements that are prevalent in Ogden Valley (Figure 16).

Commercial Development Implementation 2.2.1: Amend County ordinances to limit the maximum square footage of retail businesses in Ogden Valley, or develop design standards to mitigate negative visual impacts. Monitor the demand for additional retail sales in the Valley to determine a possible future need for larger retail businesses.

Transportation Principle 1.3: Support the development of on-street, street-adjacent, or street-alternative active transportation facilities and infrastructure in Ogden Valley as an integral part of the Valley’s transportation system.

Streetscape Design Implementation 1.1.1: Develop and adopt multimodal streetscape cross sections for villages based on the small area plans referenced in Commercial Development Goal 1, and implement key elements during programmed road creation, maintenance, and upgrade projects. During small area planning, consider the need for traffic calming measures, reduced speed limits, consistent landscaping and lighting, and other public improvements.

Streetscape Design Implementation 1.1.3: Develop intersection designs that utilize roundabouts rather than stop signs and lights. Encourage UDOT to do the same.

Moderate Income Housing Implementation 1.1.3: Encourage the development of low-to moderate-income housing within or near established cities, towns and village areas in order to protect agricultural lands and provide open spaces within the unincorporated areas of Weber County.

Past Action on this Item

No action has occurred on this item to-date. The Ogden Valley Planning Commission has viewed the proposal in work session during their 2/15/22 meeting. Additionally, during the 12/28/2021 meeting, the Planning Commission was introduced to a proposed village plan by Skyline Mountain Base to begin developing a village area for the Nordic Valley Ski resort.

Noticing Compliance

A hearing for this item was noticed to be held on March 22, 2022 with the Ogden Valley Planning Commission in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

Posted on the County's Official Website (10 days prior to the public hearing)

Posted on the Utah Public Notice Website (10 days prior to the public hearing)

Published in a local newspaper (Standard Examiner) (10 days prior to the public hearing)

Staff Recommendation

Staff recommends that the Planning Commission consider the text included as Exhibit A and offer staff feedback for additional consideration, if any. Alternatively, when/if the Planning Commission is comfortable with the proposal, a positive recommendation could be passed to the County Commission with the following findings:

1. The changes are supported by the 2016 Ogden Valley General Plan.
2. The proposal serves as an instrument to further implement the vision, goals, and principles of the 2016 Ogden Valley General Plan.
3. The changes will enhance the general health and welfare of County residents.

Exhibits

- A. Proposed Amendments to the Form-Based Village (FBV) zoning ordinance.

A full copy of this staff report including this Exhibit A is available through the following weblink: <https://frontier.co.weber.ut.us/p/Project/ViewFile?ProjectDocumentId=63723>