



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request to amend the Weber County Land Use Code, Title 104 (Zones) Chapter 13 (Forest Residential Zone (FR-1), to allow the nightly rental of a condominium dwelling within a platted condominium project

Agenda Date: Tuesday, April 22, 2014

Applicant: Scott Littlefield, et al. (Paid for by the Cobbles Condominiums)

File Number: ZTA 2014-03

Property Information

Approximate Address: Not Applicable

Project Area: Not Applicable

Zoning: Not Applicable

Existing Land Use: Not Applicable

Proposed Land Use: Not Applicable

Parcel ID: Not Applicable

Township, Range, Section: Not Applicable

Adjacent Land Use

North: Not Applicable	South: Not Applicable
East: Not Applicable	West: Not Applicable

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: SW

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 13 (Forest Residential Zone FR-1) Section 3 (Conditional Uses)
- Weber County Land Use Code Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 25 (Nightly Rentals)
- Weber County Land Use Code Title 108 (Standards) Chapter 8 (Parking and Loading Space, Vehicle Traffic and Access Regulations) Section 2 (Parking Spaces for Dwellings)
- Weber County Land Use Code Title 108 (Standards) Chapter 5 (Planned Residential Unit Development (PRUD)) Section 4 (Use Requirements)

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. Typically the criteria for recommending in a legislative matter require compatibility with the general plan and existing ordinances.

Background

The applicant, as an owner within the Cobbles Condominium Project, is proposing to amend the Weber County Land Use Code (LUC) §104-13-3 to include Nightly Rental as a use allowed by conditional use permit in the FR-1 Zone¹. The FR-1 Zone²

¹ See Exhibit A, attached. The applicant is representing the interests of himself and a number of other owners within the Cobbles Condominiums, as provided in the petition included therewith.

² See Exhibit C attached for a map of FR-1 property in Weber County

does not currently expressly allow the use of dwellings for Nightly Rental³ uses in the same way that the FR-3⁴ and the DRR-1⁵ zones do.

However, the FR-1 zone does currently allow certain types of short term rental units when approved as part of a “Bed and Breakfast Dwelling” and “Bed and Breakfast Inn” conditional use permit. Also, dwelling units within a Planned Residential Unit Development (PRUD) may be used as a nightly rental when the use is approved as part of a PRUD conditional use permit.⁶ Because PRUD’s are listed as allowed conditional uses in the FR-1 zone, it is conceptually possible for nightly rentals to be permitted in the zone; but because the applicant’s condominium project was approved without such PRUD approval, no nightly rentals are currently approved.

It may be determined that the criteria for conditional use permit review may adequately provide for effective mitigation of foreseen potential detrimental impacts of nightly rentals with the exception of parking space requirements. The attached ordinance contemplates minor modification to the parking requirements section⁷ as it relates to all rental sleeping rooms throughout the County; and for consistency and clarification purposes, it also contemplates similar modifications to the PRUD chapter as it specifically relates to nightly rentals.

Of further consideration, as staff prepared this code text amendment we observed that the requirements of LUC §108-7-25 regarding nightly rentals was inadvertently changed during the recent codification process. Whereas it previously defined nightly rentals as having a term of less than thirty days it now mistakenly provides for a term of less than three days. For clarification purposes this proposed amendment returns the code back to thirty days.

Please see Exhibit B (attached) to review the proposed new text. Underlined text indicates new additions, strikeouts indicate deleted text.

Summary of Planning Commission Considerations

When making legislative considerations for land use matters the Planning Commission should focus on providing a reasonable balance between certain private property rights and the use’s potential negative impacts on others. The following considerations should assist the Planning Commission to find such balance for this application:

First, is it reasonable to permit the use in the FR-1 zone? This is a key question for the Planning Commission to consider, the answer for which should be responsive to the intent of the FR-1 zone. The FR-1 zone is intended “to provide area for residential development in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.”⁸ The minimum lot area in the FR-1 zone is one acre.⁹ Considering that the zone is intended for low density forest residential development, and that the established uses in the zone are primarily single family residential in nature, allowing nightly rental units throughout the zone may not precisely align with the zone’s single family residential character.

To be sensitive to this potential detriment the applicant has suggested that the allowance only be extended to platted condominium projects, in a manner similar to that allowed by the PRUD ordinance. At this current time the applicant’s condominium project is the only platted condominium in the zone; therefore the text would only be applicable to it. If at some point in the future additional condominiums were to be established in the zone they would most likely be established via the PRUD subdivision process, which specifically permits nightly rentals as part of a potential PRUD conditional use permit. Thus, it can be determined that there is already potential for nightly rental uses in the zone within certain types of planned developments – provided that the harmful impacts of odor, vibration, light, dust, smoke, or noise¹⁰ can be mitigated – but not within existing single family dwelling unit developments.

³ Pursuant to LUC §108-7-25, “nightly rentals are allowed only when listed as either a *permitted or conditional use in a specific zone* or when approved as part of a planned residential unit development (PRUD).” (Italics added for emphasis)

⁴ LUC §104-17-3: Forest Residential Zone FR-3 Conditional Uses

⁵ LUC §104-29-8: Ogden Valley Destination and Recreation Resort Zone DRR-1 Land Uses

⁶ LUC §108-5-4: Planned Residential Unit Development (PRUD), Use Requirements, part (d)

⁷ LUC §108-8-2: Parking and Loading Space, Vehicle Traffic and Access Regulations, Parking Spaces For Dwellings

⁸ LUC §104-13-1: Forest Residential Zone FR-1, Zone Character and Objectives

⁹ LUC §104-13-5: Forest Residential Zone FR-1, Site Development Standards

¹⁰ LUC §108-4-4: Criteria for Issuance of Conditional Use Permit

Second, how might the use affect existing residents? As mentioned above, the FR-1 zone currently allows bed and breakfast dwelling units and inns upon approval of a conditional use permit. The function of these types of short term rental units may prove similar to the function of nightly rentals of condominium units; however, unlike bed and breakfast operations, nightly rentals would not require owner occupancy, nor be in a complex under single ownership. This could result in inattentive and/or apathetic absentee owners who are not cognizant of the use's negative effects on other owner-occupied or long-term renter occupied units. The Planning Commission should take into consideration the potential impact of the nightly rentals on other owners. The negative effect of this amendment on single family residential neighbors in the zone appears minimal considering it is only proposed to occur in condominium projects, and only after review for mitigation of harmful impacts as part of a conditional use permit. The affect it may have on future new PRUD developments in the zone also appears negligible because those future owners will have full disclosure of the allowed uses prior to their purchase.

Thus, the only neighborhood that this text amendment will substantially affect is the Cobbles Condominiums. Consideration for those owner's desires should be balanced. The applicant has asserted that the Cobbles Condominiums CC&R's do not currently prohibit nightly rentals, and has also provided a list of property owners in the Cobbles who favor the text amendment.¹¹ As of the writing of this report staff does not have a complete understanding of the opinion of all owners in the Cobbles Condominiums, but we do know that there may be contention over this issue. To gain further insight, staff has provided notice of the Planning Commission's consideration of this application to each of them. Public comment may provide a more complete understanding of other owners' desires.

Third, is there balance between the desire for the use in the zone and the need for an ordinance amendment? This consideration is a higher level review of whether there is sufficient need to amend County Code to provide for the use. An unintended consequence of specific case by case ordinance amendments is the potential for over-bloated ordinances due to years of multiple minor and seemingly reasonable amendments. Ordinance over-bloat can result in an unadministrable set of ordinances that may require considerable revisions in the future to make intelligible. The Planning Commission should consider whether this addition poses threat to the future code administration.

As a final consideration, if the Planning Commission determines that nightly rentals in non-bed and breakfast facilities in the FR-1 zone is not conducive to the intent of the zone, then there should be some direction to staff to provide the proper amendments to the code to eliminate the opportunity for nightly rentals in the zone as a part of an approved PRUD conditional use permit.

Conformance to the General Plan

Legislative decisions should be considered through the lens of policy perspectives provided in the General Plan. A review of the general plan documents returned little specificity on the subject of permitting nightly rentals within single family zones. The Ogden Valley General Plan Recreation Element does provide significant discussion on the importance of facilitating recreational uses in the valley¹², which short term rentals may do; and the Weber County Housing Assessment and Plan discusses the need for diversity in housing options throughout the County.¹³ Generally, it appears that nightly rentals support these ideals. However, the Weber County Housing Assessment and Plan also cautions about the potential for "long term destabilization [that] is typically due to the lack of maintenance of absentee owners."¹⁴ The balance between these interests may be subsided by the limitation that the proposed (and other existing) text offers that restrict nightly rentals in the FR-1 zone to condominium (and PRUD) projects, which will typically have community management and maintenance obligations through CC&R's.

Conditions of Approval

Not Applicable

Staff Recommendation

¹¹ Included in the attached Exhibit A. Two of the signors have since rescinded their support, as shown by strikeouts and initials.

¹² See Ogden Valley General Plan Recreation Element, Chapter 3 and Chapter 9;
http://www.co.weber.ut.us/planning_commission/packets/OVGP_Rec_Element.pdf

¹³ See Weber County Housing Assessment and Plan 2012-2014, Section 3.3.0;
http://www.co.weber.ut.us/mediawiki/images/9/96/Weber_Plan_Final_11192013_Online.pdf

¹⁴ See Weber County Housing Assessment and Plan 2012-2014, Section 3.1

If, after receiving public comment during a public hearing, the Planning Commission can find that the proposal is in the best interest of the County, Staff recommends approval the text included as Exhibit B with the following findings:

- There is already potential for nightly rentals in the FR-1 zone through use of a PRUD conditional use permit, thus any potential detrimental impact if expanding its allowance within the zone is negligible.
- There is sufficient public support for the text amendment.
- The amendment has been studied for legitimacy against the detriments of specific case-by-case code amendments. Staff has reviewed the proposed change as it fits into the broader scheme of other ordinances and finds that the proposed changes fit within the definitions and constructs of the existing code.
- There is general support in the General Plan documents to provide for nightly rentals as a support for recreational opportunities in the Ogden Valley as well as support for diversification in housing options.
- By permitting the use by conditional use permit, potential detrimental impacts of nightly rentals can be further mitigated by the proposal or imposition of reasonable conditions based on applicable ordinances.

The Planning Commission's decision should be made as a recommendation to the County Commission.

Exhibits

- A. Application with supporting information provided by the applicant.
- B. Proposed amendments – LUC §104-13-3: Forest Residential Zone FR-1; LUC §108-7-25: Supplementary and Qualifying Regulations, Nightly Rentals; LUC §108-8-2: Parking and Loading Space, Vehicle Traffic and Access Regulations, Parking Spaces for Dwellings; and LUC §108-5-4: Planned Residential Unit Development (PRUD), Use Requirements.
- C. Zoning Map of FR-1 property in Weber County.
- D. Previously implemented LUC §108-7-25 excerpt.

Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted 3/11/14	Received By (Office Use)	Added to Map (Office Use)
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Property Owner Contact Information

Name of Property Owner(s) SCOTT LITTLEFIELD		Mailing Address of Property Owner(s) 218 OGDEN CANYON	
Phone (801) 814-7183	Fax	OGDEN, UT. 84401	
Email Address 40716349@UTAH.EDU		Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail	

Ordinance Proposal

Ordinance to be Amended
FOREST RESIDENTIAL ZONE FR-1, CONDITIONAL USES 12-3

Describing the amendment and/or proposed changes to the ordinance:

NIGHTLY RENTALS AS PART OF A CONDOMINIUM PROJECT

Cobbles Condominium Owner Petition to the Weber County Planning Division

We, the Cobbles Condominium Owners, petition you, the Weber County Planning Division for a Zoning Ordinance Text Amendment or an addition to the conditional uses section of the Forest Residential Zone (FR1) to allow Nightly Rentals in Cobbles Condominiums.

Nightly rentals of homes are not currently prohibited under the current CCR's. Weber County currently allows nightly rentals for other condominiums in Weber County. Discussions with Weber County officials have indicated that Weber County would consider a zoning Ordinance Text Amendment or a change to the Forest Residential Zone (FR-1) to add for Cobbles Condominium pursuant to a request from owners of Cobbles Units (signatures attached).

Owners who rent their home for nightly rental agree to add the following provisions to rental contracts:

- Require all renters to sign a contract that limits group size and activities.
- Require all participants to park off the street.
- No ATVs or additional RVs allowed.
- Rentals will comply with Weber County permitting and licensing requirements.
- Observe quiet times (after 9 PM and before 9 AM).
- No loud, outside music.
- Failure of renters to comply with the provisions in the contract could require the renter to vacate the premises immediately.

All owners involved in nightly rentals will provide their phone numbers to all other residents so they can be contacted directly if there are problems.

Homeowners renting any property will have the obligation to screen all potential renters to ensure that each rental results in an experience pleasant to all residents.

Additionally, the renters are considered guests of the owners and owners will provide comfortable homes that are well-kept and owners will be available to assist these guests at any time during their stay.

Please email the add this request to the County Commission Agenda and include a notice to Cobbles HOA Board Representative Patti Littlefield and she will inform all Cobbles owners of county Commission hearings: patti.littlefield@kroger.com

Hal Lee 28 Oct 13 801 627 1017
Owner Signature Date Phone Number

Mike Bachman 28 Oct 13 801 430 0583
Owner Signature Date Phone Number

Daniel R. Broun 10/28/13 801-940-6390
Owner Signature Date Phone Number

Thomas L. 1/8/14 801-791-3477
Owner Signature Date Phone Number

~~801 643-4721 PD~~
~~Owner Signature Date Phone Number~~

Rob Montgomery 1-13-14 801-791-1219
Owner Signature Date Phone Number

Scott Fairfield 1/13/14 801-814-7183
Owner Signature Date Phone Number

Patricia Littlefield 1/13/14 801-814-7091
Owner Signature Date Phone Number

Brenda Lee 1/19/14 801 915 9792
Owner Signature Date Phone Number

~~Naomi Douglass 1-19-14 801-732-9521 PD~~
~~Owner Signature Date Phone Number~~

1-30-14 801-644-2887
Owner Signature Date Phone Number

Owner Signature Date Phone Number

A Summary Document Supporting the Cobbles Condominium Owner Petition to the Weber County Planning Division

Abstract: *This document presents an analysis of benefits derived from nightly single family rentals at county, municipal and community levels. In particular, this Summary Document provides an overview of revenue and competitive benefits enjoyed by county and municipal organizations that choose to support nightly single family rentals as well as an assessment of property value and owner revenue advantages realized at a community level.*

Ogden Valley, Ogden City and Greater Weber County Considerations

Vacation revenue encompasses sectors including, but not limited to: ski resort revenue, local ski resort employment, restaurant sales, outdoor sport equipment rentals, lodging, and associated retail and grocery sales. The Ogden Valley enjoys outdoor opportunities that will attract visitors to vacation destinations based on the availability of: downhill ski, cross country ski, snow shoe, hiking, mountain biking, boating, conventional angling and fly fishing which all have resources available in the immediate Ogden Valley vicinity. The Ogden Valley is truly blessed with a plethora of outdoor vacation destination opportunities that are available to vacationers on a twelve month basis, depending upon the sport of choice.

Potentially most problematic for the Ogden Valley and Weber County in terms of competing with other markets for vacation travel revenue is the shortage of short-term rental opportunities in the Ogden Valley and greater Ogden City areas. The fifty year Master Plan for Snowbasin ski resort offers a long-term growth plan to address this shortage, but mechanisms to address this shortage in the near-term will rely on case-by-case solutions. Short-term, single family rentals (SFRs) offer one avenue of relief to this resource restraint.

"A relative rarity in the USA a decade ago, such alternative lodging options now represent a nearly \$25 billion segment of the travel business,It's gone from being a literal cottage industry to nearly a quarter of U.S. lodging revenues...."

- Brent Hieggelke, SecondPorch.com – USA Today

The availability of short term lodging is a key goal of the Town of Vail. Very early on the town recognized the need to provide a wide range of lodging opportunities to our guests and visitors. Short term rentals fill a unique niche in the market that cannot be filled by hotel rooms alone.

- *Town of Vail, Colorado Association of Ski Towns Survey (2011)*

"10.4% of Park City's winter visitors come from California, which means 180,000 California skiers not coming to Mammoth." (Mammoth Lakes currently prohibits SFR within township limits)

- *Mammoth Vacation Home Rentals, why allowing short-term family home rentals makes good sense for Mammoth, <http://www.mammothvhr.org/>*

Weber County; as with all local and municipal entities, wrestles constantly with acquiring sufficient revenue to provide services while minimizing the county and city tax burden on residents. SFRs offer an additional mechanism for revenue generation for local and municipal governments through the transient occupancy tax (TOT). The TOT funds received from SFR receipts have proved beneficial for both Park City and Lake Tahoe, to wit:

*"Both Park City and Lake Tahoe had restrictions on nightly SFR rentals. When Park City changed its ordinance allowing SFR nightly rentals and the collection of TOT from it they received an increase in TOT receipts of 9.95% **and an increase in tourism spending of 4.7%**. Lake Tahoe's TOT receipts increased by 13.4% and **tourism spending increased by 8.9%**. Interestingly, Lake Tahoe found that the average days stayed by a transient renter in a hotel/motel at 3.4 days, condos at 3.5 days, and private SFRs at 10.4 days...."*

- *Mammoth Vacation Home Rentals, why allowing short-term family home rentals makes good sense for Mammoth, <http://www.mammothvhr.org/>*

In broad terms, decisions made by Weber County when addressing short-term rental opportunities for vacation destination customers play prominently into the future success of the Ogden Valley, Weber County and Ogden City economies. To the extent which the Ogden Valley can compete as a relevant vacation destination against other world-class destinations in the American west will define the area's economic ceiling in the coming ten and twenty year time frames.

Considerations for Cobbles Condominium

Cobbles Condominium resale prices have plummeted by 30 to 50% of pre 2008 property values based on a comparison of pre 2008 and post 2009 home sale prices. The condominium has suffered two foreclosures and the overall prognosis for property value recovery commensurate to home prices in the Ogden City and Ogden Valley areas is dismal.

Fortunately, four properties, including two of the foreclosed properties have been acquired by homeowners who have spent, or are planning to spend, considerable funds to revitalize those properties. While the infrastructure spending on these properties is absolutely vital, it is unlikely that those efforts will translate, in and of themselves, to a property price recovery to pre 2008 values in the foreseeable future.

In order for Cobbles Condominium to realize a significant property value increase in the foreseeable future the condominium needs a game-changing paradigm shift that will create property value increases heretofore unrealized in the Condominium or, for that matter, in Ogden Canyon. The exposure of Condominium properties to non-local potential buyers during their vacation stay has the potential to be that mechanism. Conversely, the limiting of SFRs at Cobbles Condominium would be a debilitating hurdle to realizing potential property value upsides. Prohibition of SFRs in the Condominium would unreasonably and permanently destroy property value for current and future unit owners.

In terms of retention and enhancement of property values, SFR's offer a tremendous advantage to Cobbles Condominium. Because the SFR clientele is discerning, it is imperative for a successful SFR property owner to consistently maintain their property **as well or better** than owner-occupied properties.

"Vacation rentals are often the best kept houses in the area. They need to be, in order to attract return guests. Some of us buy older homes that are headed towards decay and renovate them. Property values of vacation homes are often higher than they are on other homes because the rental income makes the property more valuable."

- North American Association of Vacation Rentals (NAAVR)

The ability for homeowners in Cobbles Condominium to enjoy SFR capability would add enormously to the earning potential of each condominium property:

"Short-term rentals are the accommodations of choice for a growing number of bargain-seeking travelers who, in a single night, shell out enough to cover 25 percent of the property's monthly mortgage. In some instances, there's an opportunity to charge even more during high demand periods, during special events, holidays, and seasonal peaks."

- AshleyM. Halligan, Personal, financial investment returns make short term rentals ever more popular, Deadline News.com, January 27, 2012.

Additionally, utilization of a property as a SFR would make tax benefits available to condominium owners:

"If the property is rented for more than 15 days out of the year, the owner can take a business use deduction on a host of operating, upkeep and maintenance costs as well as the cost of large-ticket purchases such as hot tubs, replacing the HVAC, remodeling work and a host of other costs."

- AshleyM. Halligan, Personal, financial investment returns make short term rentals ever more popular, Deadline News.com, January 27, 2012.

SFR capability for Cobbles Condominiums would result in an enhanced property preservation ethos at the Condominium, an increased earning capability for owners that participate in nightly SFRs and the acquisition of tax benefits for property owners who choose to make investments in their property. The net effect of these benefits is a decrease in the likelihood of future

foreclosures at the Condominium, stability and enhancement of property values, and an increase in owner wealth that would be in turn be reinvested in Cobbles Condominium properties.

Conclusion

The right for owners to enjoy SFR capability is a question currently being considered at vacation destinations throughout the United States. Forward-looking county and municipal planning departments, as well as residential organizations are assessing the cost benefit analysis of the SFR question.

In the mid to long term, vacation destination planning departments that make the decision to add short-term rental capacity to their lodging market via SFR will realize widespread economic benefit in the form of vacation-driven revenues for local businesses, more local jobs and a robust transient occupancy tax to obviate property tax increases. County and municipal organizations associated with vacation destinations that forego this opportunity will be at a competitive disadvantage to attract vacation revenue dollars as compared to competitor markets that choose to increase short term rental capacity and maximize transient occupancy tax potential.

Local community organizations that opt in for SFR will realize more personal wealth and experience more substantial property value increases than communities that prohibit this opportunity. In the case of Cobbles Condominium the decision for this option is the difference between permanently limiting a property's value versus choosing prosperity for Cobbles Condominium and for greater Weber County.

1 **CHAPTER 13. FOREST RESIDENTIAL ZONE FR-1**

2 Sec. 104-13-1. Zone character and objectives.

3 Sec. 104-13-2. Permitted uses.

4 Sec. 104-13-3. Conditional uses.

5 Sec. 104-13-4. Permitted signs and regulations.

6 Sec. 104-13-5. Site development standards.

7 ...

8 **Sec. 104-13-3. Conditional uses.**

9 The following uses shall be permitted only when authorized by a conditional use permit obtained
10 as provided in title 108, chapter 4 of this Land Use Code:

- 11 (1) Bed and breakfast dwelling, subject to the following standards:
- 12 a. Two parking spaces shall be provided for the host family plus one space
 - 13 for each guest room;
 - 14 b. Proprietor or owner shall occupy the property;
 - 15 c. Meals shall only be served to overnight guests;
 - 16 d. Signs are limited to a nameplate identification sign not exceeding two
 - 17 square feet in area per dwelling;
 - 18 e. Not more than two guests sleeping rooms per dwelling;
 - 19 f. Allowed only in existing dwellings with no exterior additions nor change
 - 20 in residential character; and
 - 21 g. Business license shall be obtained.
- 22 (2) Bed and breakfast inn, subject to the following standards and criteria:
- 23 a. Proprietor or owner shall occupy the premises;
 - 24 b. Not more than seven sleeping rooms per inn.
 - 25 c. The lot must be at least 2½ acres in area with frontage on a public street
 - 26 of at least 250 feet in width;
 - 27 d. The lot shall have frontage on a major street as shown on the county
 - 28 general plan (state highway or county major street);
 - 29 e. The lot shall not be in a recorded subdivision unless the lot is specifically
 - 30 created for the purpose of a bed and breakfast inn;
 - 31 f. The inn shall be at least 300 feet from the nearest existing dwelling;
 - 32 g. Two parking spaces shall be provided for the host family plus one space
 - 33 for each guest sleeping room;
 - 34 h. The guest parking shall be in the rear of the inn;
 - 35 i. Meals shall be served to registered overnight guests only;
 - 36 j. Signs are limited to one nameplate or one identification sign of not more
 - 37 than eight square feet in area;
 - 38 k. The site shall be landscaped to provide a visual and noise buffer to
 - 39 adjoining property; a landscape plan shall be submitted with site plan;

- 40 l. The inn shall be of a historic period or other distinguishable architectural
41 style or design so as not to resemble the modern block motel
42 appearance;
- 43 m. A business license shall be obtained;
- 44 n. All units to be in one building together with owner's residence.
- 45 (3) Church, synagogue or similar permanent building used for regular religious
46 worship.
- 47 (4) Educational institution.
- 48 (5) Educational/institutional identification sign.
- 49 (6) Golf course, except miniature golf.
- 50 (7) Parking lot accessory to uses permitted in this zone.
- 51 (8) Planned residential unit development in accordance with title 108, chapter 5 of
52 this Land Use Code.
- 53 (9) Private park, playground or recreation area, but not including privately owned
54 commercial amusement business.
- 55 (10) Public building, public park, recreation grounds and associated buildings.
- 56 (11) Public utility substations.
- 57 (12) Ski resorts, including summer skateboard activities as an accessory use.
- 58 (13) Water storage reservoir developed by a public agency.
- 59 (14) Conference/education center, with five acre minimum lot size.
- 60 (15) Nightly rental of a condominium dwelling unit within a platted condominium
61 project, subject to the additional parking requirements for rental sleeping rooms
62 as provided in title 108, chapter 8, section 2 of this Land Use Code.
- 63 (*Ord. of 1956, § 12-3; Ord. No. 3-72; Ord. No. 19-77; Ord. No. 15-86; Ord. No. 9-90; Ord. No.*
64 *14-92; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 99-23; Ord. No. 2003-2; Ord.*
65 *No. 2010-20)*
- 66 ...

67 CHAPTER 7. SUPPLEMENTARY AND QUALIFYING REGULATIONS

- 68 Sec. 108-7-1. Purpose and intent.
- 69 Sec. 108-7-2. Projections permitted into required yard setbacks.
- 70 Sec. 108-7-3. Fencing requirements.
- 71 Sec. 108-7-4. Area of accessory building.
- 72 Sec. 108-7-5. Exceptions to height limitations.
- 73 Sec. 108-7-6. Minimum height of dwelling.
- 74 Sec. 108-7-7. Clear view of intersecting streets.
- 75 Sec. 108-7-8. Setbacks for animals and fowl.
- 76 Sec. 108-7-9. Water and sewage requirements.

- 77 Sec. 108-7-10. Required building setback from designated collector or arterial streets.
- 78 Sec. 108-7-11. Group dwellings.
- 79 Sec. 108-7-12. Towers.
- 80 Sec. 108-7-13. Residential facility for persons with a disability facility requirements.
- 81 Sec. 108-7-14. Residential facility for troubled youth; facility requirements.
- 82 Sec. 108-7-15. Residential facility for elderly persons; facility requirements.
- 83 Sec. 108-7-16. Large accessory buildings (1,000 square feet or larger).
- 84 Sec. 108-7-17. New construction in residential and commercial developments.
- 85 Sec. 108-7-18. Swimming pools.
- 86 Sec. 108-7-19. Building on dedicated substandard streets or public by right of use roads.
- 87 Sec. 108-7-20. Occupying recreational vehicles.
- 88 Sec. 108-7-21. No obstruction of irrigation ditches, drains and/or canals.
- 89 Sec. 108-7-22. Temporary real estate sales office.
- 90 Sec. 108-7-23. River and stream corridor setbacks (Western Weber County).
- 91 Sec. 108-7-24. Wind energy conversion systems (small wind energy systems).
- 92 Sec. 108-7-25. Nightly rentals.
- 93 Sec. 108-7-26. Land use applications involving lots/parcels with existing violations.
- 94 Sec. 108-7-27. Solar energy systems.
- 95 Sec. 108-7-28. Garage sales/yard sales.
- 96 Sec. 108-7-29. Flag lot access strip, private right-of-way, and access easement standards.
- 97 Sec. 108-7-30. Flag lots.
- 98 Sec. 108-7-31. Access to a lot/parcel using a private right-of-way or access easement.
- 99 Sec. 108-7-32. Access to a lot/parcel at a location other than across the front lot line.

100 | ...

101 | **Sec. 108-7-25. Nightly rentals.**

102 | The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than
103 | thirty (30) days is considered a nightly rental. Nightly rentals are allowed only when listed as either a
104 | permitted or conditional use in a specific zone or when approved as part of a planned residential unit
105 | development (PRUD).

106 | *(Ord. of 1956, § 23-25; Ord. No. 2009-14)*

107 | **CHAPTER 8. PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS**

- 108 Sec. 108-8-1. Purpose and intent.
- 109 Sec. 108-8-2. Parking spaces for dwellings.
- 110 Sec. 108-8-3. Access to lots in subdivisions.
- 111 Sec. 108-8-4. Parking space for non-dwelling buildings and uses.

- 112 Sec. 108-8-5. Adjustments for unusual and unique conditions.
- 113 Sec. 108-8-6. Computation of parking requirements.
- 114 Sec. 108-8-7. Parking lot design and maintenance.
- 115 Sec. 108-8-8. Off-street truck loading space.
- 116 Sec. 108-8-9. Business requiring automobile access.
- 117 Sec. 108-8-10. Vehicular traffic to commercial or manufacturing zones.
- 118 Sec. 108-8-11. Regulations governing accessory vehicle off-street parking within required side yard
- 119 areas.
- 120 Sec. 108-8-12. Off-site improvements required.

121 ...

122 **Sec. 108-8-2. Parking spaces for dwellings.**

123 In all zones there shall be provided in a private garage or in an area properly located for a
 124 future garage:

Single-family dwelling	Two side-by-side parking spaces
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

125 (1) If any dwelling unit is increased by occupant use after the original building permit
 126 is issued, the parking requirements shall reflect that increase.

127 (2) Rental sleeping room. In addition to the above parking space requirements,
 128 dwelling units with more than two sleeping rooms shall provide three-fourths
 129 additional parking space per each additional room used as a rental sleeping
 130 room. ~~In addition to the above parking space requirements, three-fourths parking~~
 131 ~~space shall be provided for each rental sleeping room in a dwelling unit.~~

132 (Ord. of 1956, § 24-2; Ord. No. 27-80; Ord. No. 9-81; Ord. No. 2011-3, § 24-2, 2-15-2011)

133 ...

134 **CHAPTER 5. PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)**

135 Sec. 108-5-1. Definitions.

136 Sec. 108-5-2. Purpose and intent.

- 137 Sec. 108-5-3. Permitted zones.
- 138 Sec. 108-5-4. Use requirements.
- 139 Sec. 108-5-5. Area regulations.
- 140 Sec. 108-5-6. General requirements.
- 141 Sec. 108-5-7. Submission of application.
- 142 Sec. 108-5-8. Planning commission consideration.
- 143 Sec. 108-5-9. Planning commission action.
- 144 Sec. 108-5-10. County commission action.
- 145 Sec. 108-5-11. Building permit issuance.
- 146 Sec. 108-5-12. Time limit.
- 147 ...

Sec. 108-5-4. Use requirements.

- 150 (a) An over all development plan for a planned residential unit development showing
- 151 residential uses, housing types, locations, sizes, height, number of residential units,
- 152 access roads, common open spaces, etc., may be approved by the planning commission
- 153 and county commission and building permits issued in accordance with such plan, even
- 154 though the residential uses and dwelling types and the location of the buildings proposed
- 155 may differ from the residential uses and dwelling types and regulations governing such
- 156 uses in effect in the zone in which the development is proposed provided the
- 157 requirements of this chapter are complied with. Accessory nonresidential uses may be
- 158 included in planned residential unit developments of 100 units or more to provide a
- 159 necessary service to the residents of the development as determined by the planning
- 160 commission provided agreements and restrictive covenants controlling the proposed
- 161 uses, ownership, operational characteristics and physical design to the county's
- 162 satisfaction are filed by and entered into by the developer to assure that the approved
- 163 necessary services intent is maintained.
- 164 (b) Once the overall development plan showing details of buildings, structures and uses has
- 165 been approved by the county commission, after recommendations of the planning
- 166 commission, no changes or alterations to said development plan or uses shall be made
- 167 without first obtaining the approval of the planning commission and county commission,
- 168 except for landscaping, provided subsection (c) of this section has been complied with.
- 169 (c) The landscaping plan submitted for approval of the PRUD, shall be considered the
- 170 minimum acceptable landscaping for the PRUD. Any alterations to the landscape plan
- 171 shall be submitted to the township planning commission and shall be stamped by a
- 172 licensed landscape architect certifying the following:
 - 173 (1) That the area of landscaping area exceeds the approved landscape plan;
 - 174 (2) That the number and quality of plants exceed the approved landscape plan;

175 (3) That the portion of landscaping per phase exceeds the portions per phase of the
176 approved plan; and

177 (4) That all requirements of the Land Use Code have been met.

178 No money held in the financial guarantee for the completion of landscaping of any phase
179 of a PRUD shall be released until all landscaping requirements are completed for that
180 phase, with the exception of single-family dwellings. In the case of single-family
181 dwellings, that portion of the guarantee, equal to that portion of the phase represented by
182 the dwelling, may be released.

183 (d) Any housing units to be developed or used, in whole or in part, for ~~time-share~~
184 ~~condominiums rental apartment, lockout~~-sleeping rooms (including lockout sleeping
185 rooms) for nightly rentals, ~~etc.~~, shall be declared and designated on the site development
186 plan, and shall adhere to the additional parking requirements for rental sleeping rooms as
187 provided in title 108, chapter 8, section 2 of this Land Use Code.

188 *(Ord. of 1956, § 22D-4; Ord. No. 9-81; Ord. No. 2004-17)*

Exhibit C: Zoning Map of FR-1 Property in Weber County

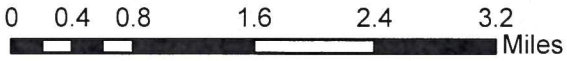
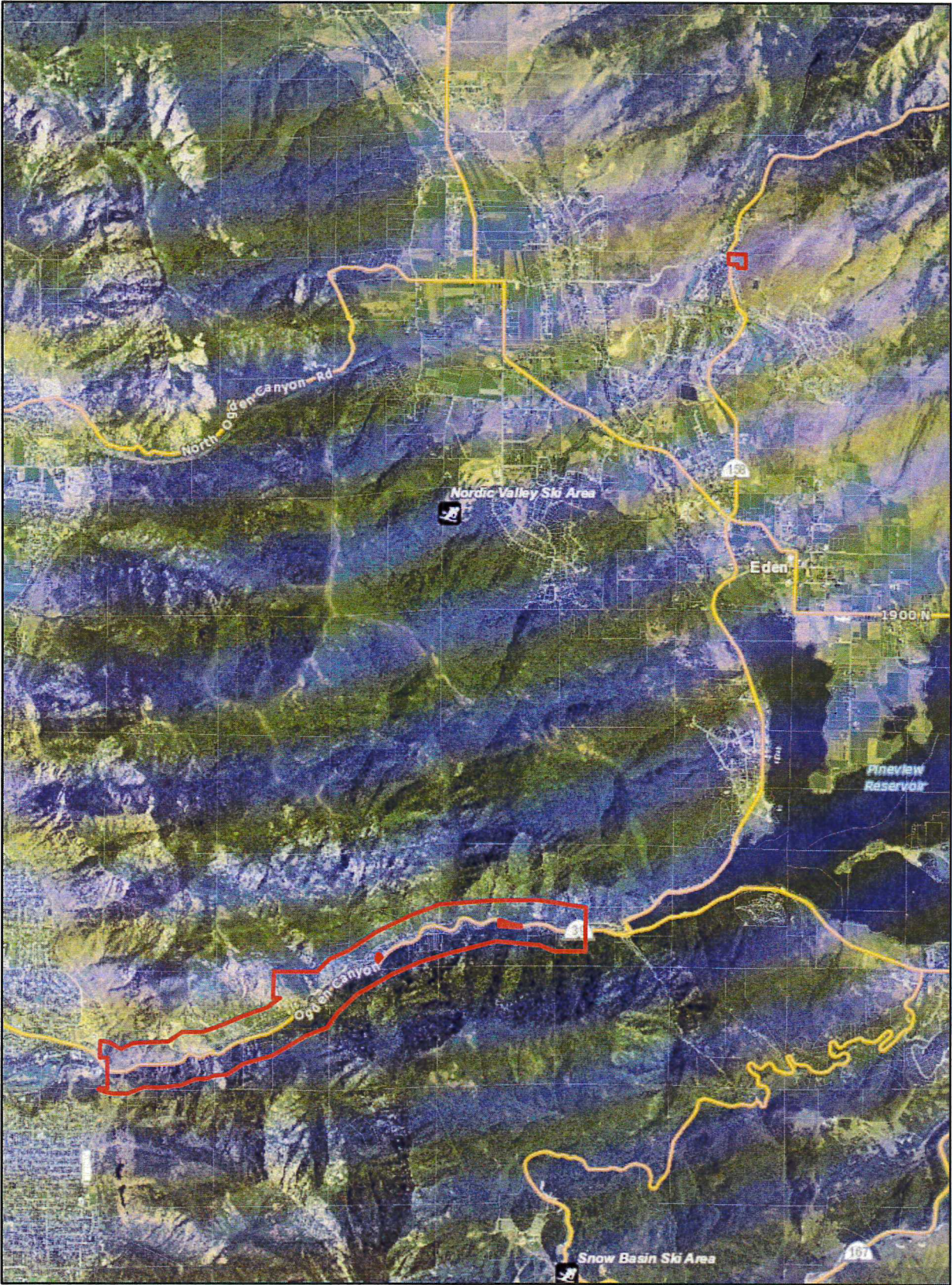


EXHIBIT D: PREVIOUS CODE EXCERPT

6. Small wind energy systems shall not exceed sixty (60) decibels as measured at the closest property line except during short-term severe wind events. A manufacturer's sound report shall be required with an application for a small wind energy system.
7. Manufacturer specifications for components and installation shall be required with an application for a small wind energy system.

23-25. Nightly Rentals

The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than thirty (30) days is considered a nightly rental. Nightly rentals are allowed only when listed as either a permitted or conditional use in a specific zone or when approved as part of a Planned Residential Unit Development (PRUD).

23-26. Land Use Applications Involving Lots/Parcels with Existing Violations

No land use application shall be approved for any lot/parcel until all unresolved zoning, building, business license, nuisance, or other violations on any such lot/parcel, or on any parcel included in any manner as part of the application are resolved, unless approval of the application will resolve all of the existing violations. A land use application submitted for approval, which will resolve all of the existing violations, must be accompanied by a letter from the applicant stating what the existing violations are, and how the proposed land use application will resolve them.

23-27. Solar Energy Systems

Solar energy systems located on individual parcels/lots, which are used to supply energy to a principal use or structure on the parcel/lot, shall be allowed in any zone as an accessory use to a principal use or structure. Solar energy systems shall meet the setback and height requirements for an accessory building in the zone in which the system is located. Setbacks shall be measured to the outermost edge of the system nearest the property line. Solar energy systems which are attached to a building shall meet the same setbacks that are required for the building.

This section does not address large scale projects which include multiple solar energy systems designed to produce energy for wholesale purposes.

23-27. Garage Sales/Yard Sales

2011-17

Garage sales/yard sales of personal used items from a single-family dwelling shall not be held more than once every 3 months.

23-28. Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards

2012-7

1. In order to provide for safe and consistent access to lots/parcels using flag lot access strips, private rights-of-way, or access easements as the primary means of ingress and egress, the following standards shall be met, in addition to the individual requirements of Sections 23-29, 23-30, and 23-31 below: