



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration of a request for approval of a zoning map amendment to rezone approximately 23 acres located at approximately 4646 W 900 S from the A-1 zone. Approximately 4 acres is proposed to be rezoned to the C-1 zone and the remaining approximately 19 acres will be rezoned to the O-1 zone. Project link: <https://frontier.co.weber.ut.us/p/Project/Index/16613>.

Agenda Date: Tuesday, December 13, 2022

Applicant: Terakee Properties. Owner/Agent: Brad Blanch

File Number: ZMA 2022-02

Property Information

Approximate Address: Approximately 4646 W 900 S, West Weber - Unincorporated Weber County

Zoning: The area is currently zoned A-1

Existing Land Use: Vacant and Agriculture

Proposed Land Use: Commercial, Open Space, Agriculture

Existing Adjacent Land Uses

North: Agriculture and Residential	South: Vacant and Residential
East: Vacant/Residential	West: Residential and Agriculture

Planned (General Plan) Adjacent Land Uses

North: Third-Acre Development (Generally)	South: Mixed Commercial
East: Mixed Commercial, Mixed Housing	West: Mixed Commercial, Mixed Housing

Staff Information

Report Presenter: Charlie Ewert
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Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures
§104-20: Commercial Zones
§104-22: Form Based Zone

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. For this circumstance, criteria for recommendations in a legislative matter require a review for compatibility with the general plan and existing ordinances.

Summary

This proposal is for the rezone of four acres of property to the Commercial C-1 zone, and 19 acres of property to the Open Space O-1 zone. The C-1 zoned area is intended to provide the beginning of a mixed use village center, and the open space area is intended to provide park space and agritourism.

The proposal appears to generally comply with the provisions of the general plan. Staff are recommending approval with a development agreement that applies architectural and street design standards.

Please note that Exhibit A, the applicant's master development plan, contains a much larger master plan than the area currently under consideration. The larger area includes single family and multifamily buildings as well as properties for which the applicant will pursue further approvals at a later time.

Policy Analysis

A change to zoning has the potential to change the character of an area. Careful analysis of the change should be considered in order to assure the protection of the overall health, safety, and general welfare of the community. Rezones may not always be optimally beneficial to everyone affected. The rezone process is a time in which the county should try to anticipate whether the detriments to some are appropriately and reasonably mitigated and balanced with the overall desired community outcomes.

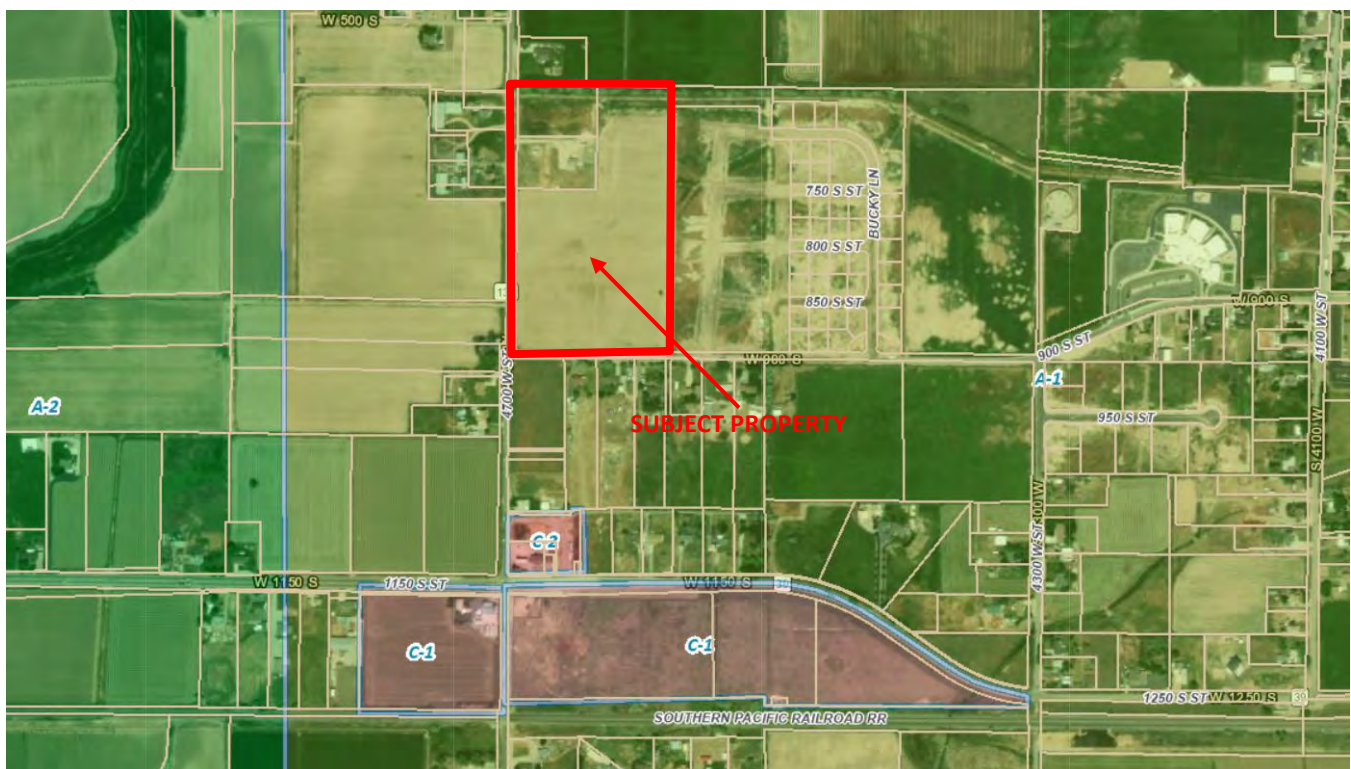
The Weber County Land Use Code has a chapter that governs application-driven rezones. The following is a policy analysis of the requested rezone based on the Land Use Code and best planning practices.

Zoning. The current zone of the subject parcel is A-1. **Figure 1¹** displays current zoning and the subject parcel(s). The A-1 zone is intended for very-low density residential and semi-agricultural uses, with a minimum lot size of 40,000 square feet.

Weber County Code § 104-2-1 says the purpose of the A-1 zone is threefold:

“Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern; set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and direct orderly low-density residential development in a continuing rural environment.”

Figure 1: Current Zoning Map and the Subject Parcel(s).



The proposed zones for the subject parcel is the C-1 zone (approximately four acres) and O-1 zone (approximately 19 acres). The applicant has expressed desire to rezone the property to the Form-Based Zone, using the same street regulating plan and architectural design standards as those found in the New Town Eden area.² The general plan advocates for the creation of a Form-Based zone approach for this area. However, a Form-Based approach requires a street regulating plan, and since a street regulating plan has not yet been adopted the area is not ready for the Form Based Zone.

¹ See also Exhibit B.

² See Weber County Code Sec 104-22.

Instead, the applicant has proposed to apply similar standards from the Form Based Zone to the subject property in through a development agreement. This is in order to move his development forward, with the anticipation that the Form Base Zone will one day regulate the area.

Pursuant to § 104-20-1, the purpose of the C-1 zone is:

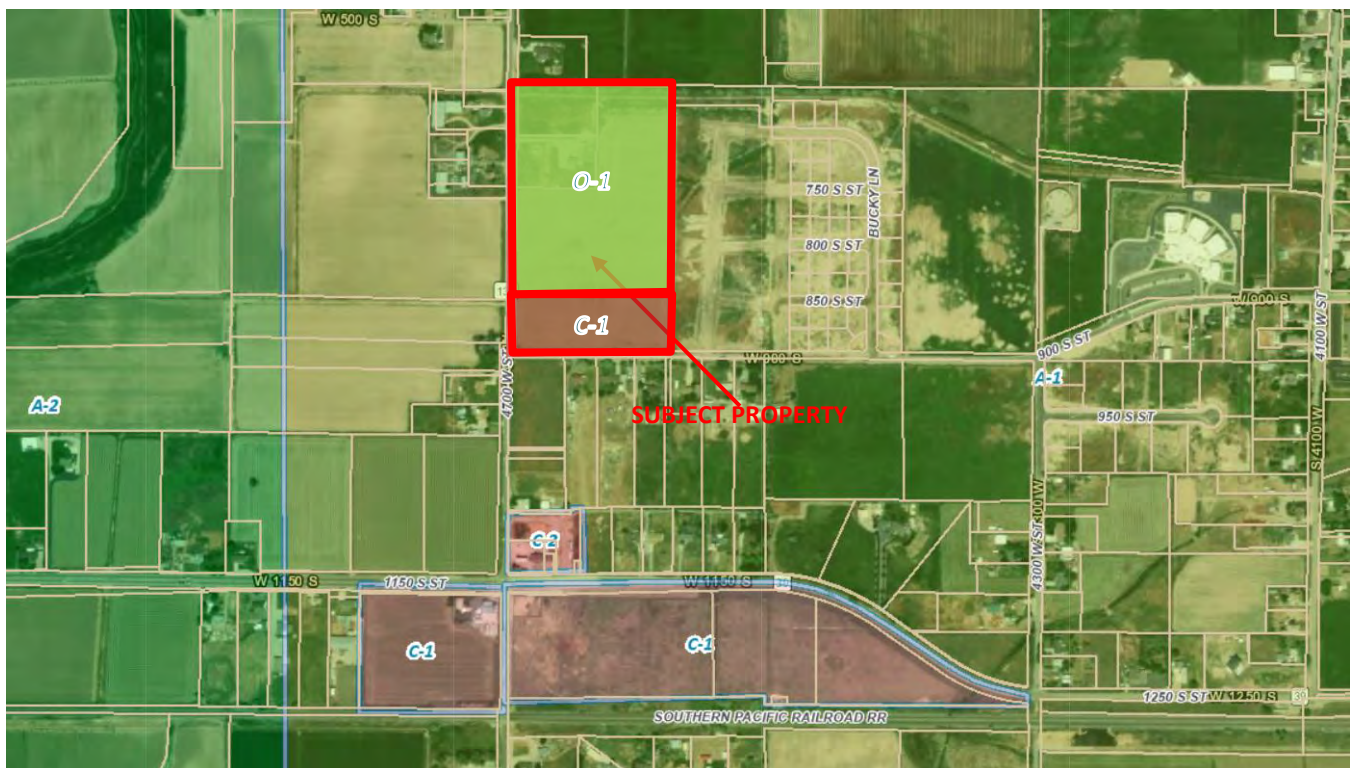
“to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of unincorporated Weber County. It is also to separate into three zones uses, based upon type of activity which are compatible and complementary, as well as intensity of land utilization and accessory use needs.

The C-1 Zone (Western Weber Planning Area Neighborhood Commercial Zone) ... is established for the purpose of providing shopping facilities and services within neighborhoods that are more likely to be primarily patronized by those in the surrounding neighborhood. Commercial uses that are primarily patronized by those outside the surrounding neighborhood are less suitable for this zone.”

The proposed rezone can be viewed in **Figure 2**³. The four-acre C-1 zone is intended to support small street-oriented commercial shops and restaurants. Applying form-based standards, the rezone focuses more on the form of the buildings and their relationship with the street instead regulating based on uses. This type of zoning tends to be friendlier to landowners by allowing a wide variety of market-demand uses. The key, however, is to design the buildings and streets to motivate uses of a specific type. In this case, the type of uses on the first-floor street-level will be retail-oriented. The uses on any level above the first floor may vary anywhere from more commercial uses to residential uses. Specific use limitations can be found in the Exhibit F.

The 19 acre O-S (Open Space) zone is intended to support a one acre public park, to be located immediately behind (northward of) the commercial properties, with a playground and pavilion area, and the remaining 18 acres are intended to be an agritourism operation,⁴ with a deed restriction that reserves more area to the West Weber Parks District for the creation of a future park at a time of the applicant's choosing, or at a time the property is proposed for a different use, whichever comes first.

Figure 2: Proposed Zoning Map and the Subject Parcel(s).



³ See also Exhibit C.

⁴ The agritourism operation to be approved by separate conditional use approval.

Changing a zone comes with a few things to consider. The Planning Commission should review the proposal in the context of the general plan to determine whether it fits the future of the area. The Planning Commission should also determine whether this is the right time for the change to occur.

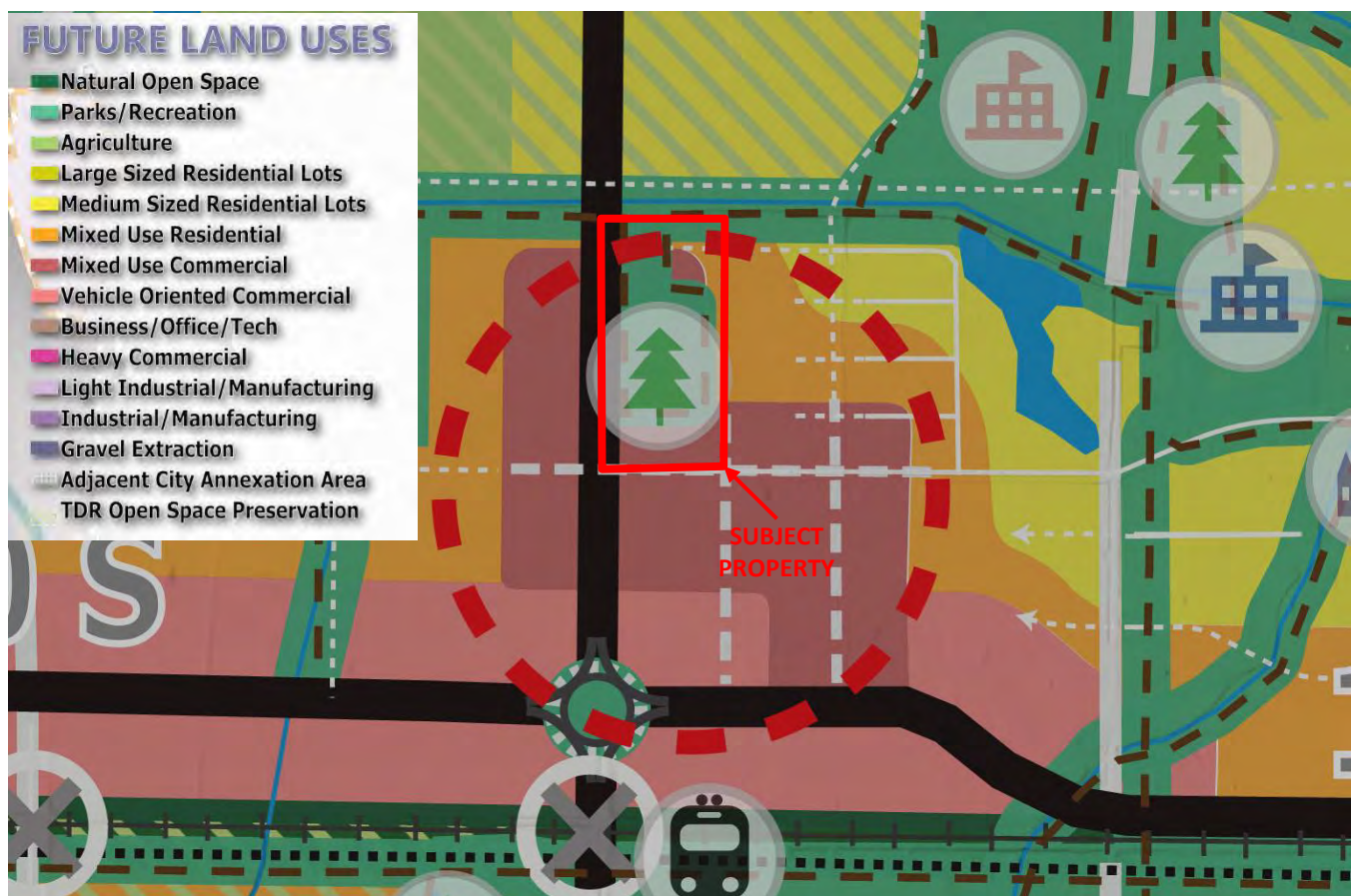
General plan. Weber County Code § 102-5-2 specifies that rezoning should be in compliance with the general plan. It does not require a rezone be approved if it complies with the plan, nor does it require a rezone be denied if it does not comply. Rather, it suggests that rezoning should pursue opportunities to implement the plan.

The applicable general plan is the new Western Weber General Plan (2022). The rezone proposal appears to comply with the intention of the general plan. **Figure 3⁵** shows that the general plan's Future Land Use Map has designated the future of the area requested for commercial zoning as "Mixed Use Commercial." The proposal's commercial rezone is generally in compliance with the intent of the Future Land Use Map.

Further, the plan designates the future of the area requested for open space zoning as "Parks/Recreation." The applicant's request to set aside one acre of land for a new park is in compliance with the Future Land Use Map. The applicant's proposal to use the remaining acreage for an agritourism operation might not be in strict compliance with the Future Land Use Map. However, the applicant's willingness to reserve some of that acreage for a future park may provide the Planning Commission with sufficient assurance that the land will eventually come into full compliance with the Future Land Use Map in time.

The general plan suggests that the smallest community park should be no less than five acres. This location is intended to eventually become a community park. Therefore, the total acreage of land reserved for a future park should be at least four acres, and be contiguous with the one acre park proposed by the applicant. Staff suggests that this acreage be transferred to the local park district when any part of the 19 acre agritourism operation is converted to another use(s).

Figure 3: Future Land Use Map of the Area.



⁵ See also Exhibit D.

General Considerations. When considering whether a general plan implementation opportunity is appropriate, the Planning Commission should consider whether this is the right time and the right place for the proposed rezone. A review of land uses and development compatibility in the area is important.

One provision of the new general plan is that rezones that may result in double the housing should only be considered if smart growth planning principles are applied. The following is an analysis of the plan's smart growth principles in relation to this proposal, with staff commentary in italics.

- **Provision for a wide variety of housing options**
 - *Allowing housing in the C-1 zone where the C-1 zone does not otherwise allow it provides for better housing options. Allowing housing in the same building as commercial uses enables relief for a pent-up housing demand on a smaller footprint. This will help alleviate the market-pressure of pushing sprawl into areas not yet ready for development, and will help prolong the rural nature of other neighborhoods of West Weber.*
- **Use of lot-averaging to create smaller lots/housing that responds to the needed moderate income housing**
 - *Allowing multifamily dwellings above and behind and in the same building as commercial space provides even better opportunities for housing affordability than other single-family development patterns, including lot averaging.*
- **Strong trail network with excellent trail connectivity that prioritizes bicycling and pedestrians over vehicles**
 - *The proposal does not directly address trail network connectivity. Using the trail network planned in the general plan, as well as the street connectivity network and other connection opportunities in the area, staff have provided possible trail connections in Exhibit E. Staff's recommendation incorporates this exhibit.*
- **Strong street connectivity and neighborhood connections that avoid the use of cul-de-sacs or deadends**
 - *The proposal does not directly address street connectivity and street network improvements. Based on the general plan, staff recommends the streets of the area be developed in the grid pattern shown in Exhibit E. For this project this may mean providing street right-of-way width for both 900 South and 4700 West. It may also require partial dedication of 4600 West.*
 - *A mid-block alley general located at 4650 West should be provided between buildings, providing access to parking and the park north of the commercial buildings.*
- **Large and meaningful open space areas with improved parks, recreation, etc**
 - *The applicant's initial proposal to donate and construct a one acre park is a decent beginning for meaning park contribution to the area. Preserving the remaining four acres will help provide a community-sized park that is meaningful for all residents within a half-mile radius.*
- **Homes that have higher efficiency ratings than required by local building codes**
 - *Buildings are required to be constructed to an efficiency standard based on the climate of the area. Usually, buildings located in higher (colder) elevations need to meet greater efficiency standards. However, given the wide degree of temperature swings in the Western Weber area over a one year period, requiring buildings to be constructed to better efficiency ratings will help alleviate the area's future demand on power and gas. This will also help provide better for better air-quality related to building emissions. Staff suggests buildings are required to be built to a higher efficiency standard than the areas minimum.*
- **Homes that have solar-paneled rooftops and watt-smart compliant batteries**
 - *Similar to building efficiencies, providing energy independence when possible is integral in a smart-growth community. Staff suggests requiring solar energy collection and storage capabilities for the buildings/use in the commercial area.*
- **Provisions that create attractive communities for the long term and that create a distinctive sense of place**
 - *The applicant's desire apply the New Town Eden Area's architectural standards is one way the applicant desires to create a sense of place. The general plan suggests identifying architectural standards that complement the unique history of small areas. It also suggests that the built environment should pay tribute to the area's agrarian roots. The New Town Eden architectural standards requires agrarian-style architecture.*
- **Use of transferable development rights from agricultural lands identified for protection**
 - *Transferable development rights is a topic that we have yet to tackle in the Western Weber area. We have outlined on the Future Land Use Map where sending areas could/should be, but we have*

not yet calculated how much density should be transferred, or at what ratio it should be transferred. Given that many other areas are shown on the Future Land Use Map with a general density of three units to the acre for the four acre parcel (12 units), it may be appropriate to grant the applicant a base density of three units to the acre. Any units desired thereafter could/should be transferred from other areas designated for preservation at a rate of one to three.

Locations of buildings and structures and their architectural designs. Please refer to Exhibit A and E. Also, please note that Exhibit A contains a much larger master plan than the area currently under consideration. The larger area includes single family and multifamily buildings as well as properties for which the applicant will pursue further approvals at another time.

Staff Recommendation

Staff recommends that the Planning Commission forward a positive recommendation to the County Commission regarding File #ZMA 2022-02, based on the following conditions and findings:

Conditions:

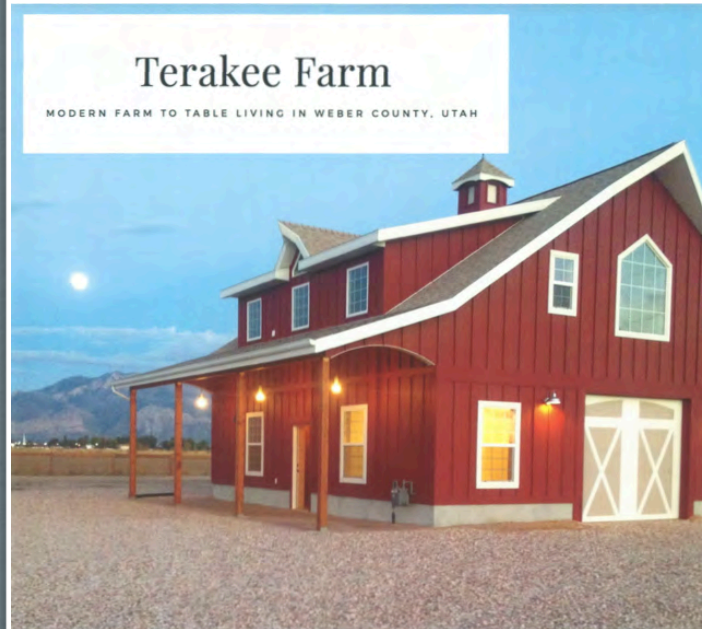
1. That a mutually agreeable development agreement executed between the applicant and the developer be recorded to the property.
2. That at least one acre of land located directly behind the commercial area and with access to a public street is donated to the park district or other mutually agreeable entity.
3. That at least four acres, contiguous to the park and configured in a manner to provide optimal future park area, is reserved for donation to the park district or other mutually agreeable entity at a time the rest of the acreage is converted to a different use.
4. That up to 12 residential units are permitted either directly above or behind the street-level commercial space, and within the same building; greater if the additional density is transferred to the property from other property in the General Plan's TDR Open Space Preservation designated area. Transfers should be incentivized at a rate of three units per one-unit transferred.
5. That the "Street Regulating Plan," as provided in Exhibit E of this report, is implemented through the development agreement.
6. That buildings are constructed to a Zone 4 or better building efficiency standard.
7. That the proposal is in compliance with standards applicable to the Mixed-Use Commercial streets in the New Town Eden area of the Form-Based Zone (Section 104-22 of the Weber County Code). The street-front's along 900 South, 4700 West, and 4600 West should all be designed and constructed to the same standard as found in that section; Except, however, 4700 West shall be provided with sufficient width to allow a center turn lane and right-turn pockets.

Findings:

1. The proposal is in compliance with the Western Weber General Plan.
2. The proposed rezone will promote the health, safety, and general welfare of the Weber County public by implementing certain parts of the Western Weber General Plan.
3. The proposal has a high likelihood of providing better housing affordability.
4. The proposal will initiate the creation of a village node, as provided in the general plan.

Exhibits

Exhibit A: Application.
 Exhibit B: Current Zone Map.
 Exhibit C: Proposed Zone Map.
 Exhibit D: Future Land Use Map.
 Exhibit E: Street Regulating Plan.
 Exhibit F: Applicable Form-Based Regulations.



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Brad A. Blanch
Founder | CEO

Terakee Farms, Inc.

Overall Development Plan

October 2022

Mission & Values

Preserving open spaces and local ecology: Nearly half of our land will be preserved as open space. These spaces will be a mixture of wild areas to preserve local habitats, parks, trails and an onsite farm. We are working closely with the University of Utah and other experts to ensure this is all done in the best possible way so we can protect as much open space as possible.

Sustainable living: Our communities will have access to fresh food that has been grown sustainably onsite. This allows residents to make healthy lifestyle choices with nutritionally dense food available right at home. It also reduces greenhouse gas emissions as our small-scale agricultural practices will require very little to no heavy machinery, and long-distance transport of our food will not be necessary.

Innovation for the future and Low Impact Development

Techniques: We will always do our part to protect the environment and the integrity of the land by looking to the best innovations and practices available to us. Preservation of vital open space is a top priority.

Conserving Water: Utah is an arid desert region, and we respect that. Within our communities we will prioritize drought tolerant and native landscaping practices. We will also continue working with the best in the industry to use water carefully along the river property and in all of our farming practices.

Value on community: By providing onsite retail, and appealing shared community spaces, residents will be inclined to interact with and develop meaningful relationships with one another. When neighbors know and care for one another it creates safer communities. According to the CDC, these relationships can have a major impact on reducing crime rates and promoting individual wellbeing.

VISION



Agri-communities are not a new concept in the United States. The idea was floating around as early as the mid 1800s according to Modern Farmer. **Several developments with a similar concept have been brought to life over the decades, including Village Homes, which was built in the late 1970s in Davis, California.** Agritopia in Gilbert, Arizona is one of the more popular agri-communities in the country today, and has been around and thriving for more than 15 years.



According to Smithsonian Magazine, “Americans have romanticized farming since the country began.” With that in mind, **it really is not surprising that many people are looking for a way to accommodate the draw towards the agrarian lifestyle that many of our ancestors enjoyed, while still satisfying our desire for modern conveniences.** An agri-community offers an ideal solution, allowing residents to balance these wants with daily necessities.

Renowned architect and urban planner, Andres Duany, has remarked that this sort of community design is the way of the future. **Mixing small-scale agriculture with urban living will promote a sustainable lifestyle, which, if done correctly and on a large enough scale, could have a huge impact on the health of the planet in the future.**

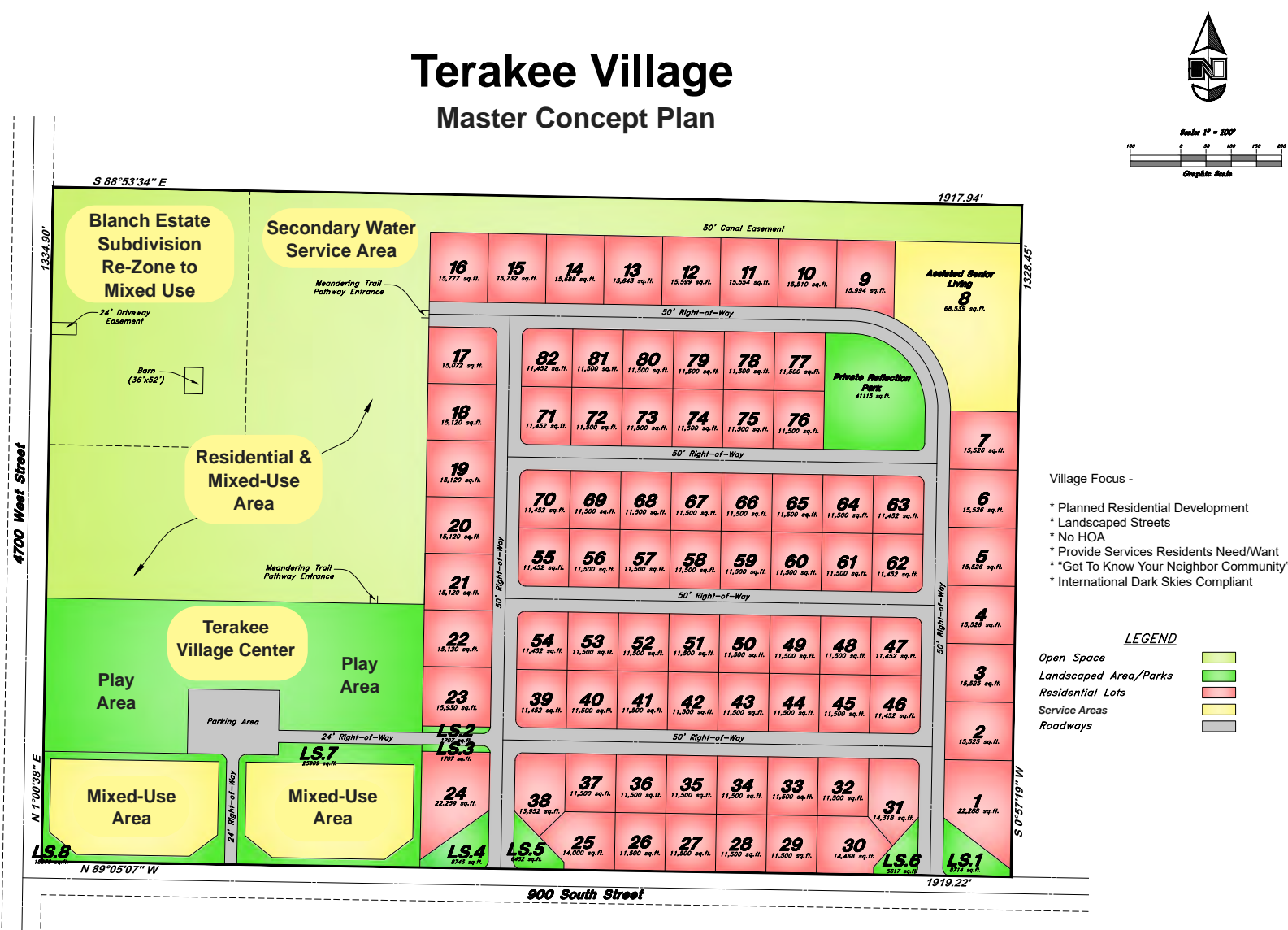
Agri-Community Design

The agri-community concept is in-line with what early Utahns valued as they built their communities. **According to Utah Historical Quarterly, the early Utah settlers valued diverse small-scale agriculture and communal support of those living nearby.** Salt Lake City itself was described as “very much part of America’s urban surge, yet it remained a city the heart of which was committed to rural values and farm-based stability.”

This value system shifted for several reasons in the late 1800s. Along with the rest of the country, Utah’s small-scale farms turned into large scale operations and community growth began so rapidly that careful planning became difficult. **Today we are beginning to see the negative impacts of this approach all over the country with virtually no open-space being preserved when community developments go in, and very little food being grown and sold directly within communities.**

At Terakee Farm, we aim to preserve Utah’s early legacy by going back to our roots. **Experts agree that approaches that preserve open-space, including the agri-community design, are the best ways to ensure that communities can sustain themselves in the future.**





GREAT BASIN ENGINEERING

Overall Development Plan
Terakee Village @ PRUD Subdivision
A part of Section 171, Town of Park, SLBAM, U.S. Survey

SHEET NO.
1
18N119

Exhibit A: Application Master Plan

Planning Commission Staff Report



Exhibit A: Application Master Plan





Local Example Ogden Redevelopment Project (23rd/24th & Fowler)

Font Porch

Rear Set Garage (attached/detached)

Single Family & Senior Residential

Downsize & Upscale Exterior/Interior

“Get to Know Your Neighbor Community”

20 Foot Front Setback

Streets & Parks Fully Landscaped

Low Impact Private Road Design

Weber County **Smart Growth** **Planning:**

- Street Connectivity
- Pathway & Trail Connectivity
- Open Space & Recreational Facilities
- Dark Sky Compliant
- Secondary Water Conservation
- Emissions & Air Quality
- Renewable Energy



Modern Farmhouse Townhome Design

- Close proximity to multi-use commercial areas, public schools, metropolitan area, walking trails, parks, recreational activities. Addresses Western Weber County “missing middle” housing shortage.”

Agritourism

A study on farm based recreation done in 2007 by the USDA describes agritourism as "a way for rural communities to diversify and stimulate their economies."



Benefits of agritourism according to the USDA study:

- Diversifies a community or farm's income
- Expands employment opportunities
- Stimulates the local economy
- Provides economic incentives to farmers to preserve agricultural land and related natural amenities
- Improves quality of life in rapidly growing areas
- Adds to local government tax revenue to support schools and public services
- Enhances the sense of place for local residents, giving them a reason to stay and invest in the community

Examples of Permitted Uses: Agro-Ecology Research & Education Center, Conference and Education Center, Community Support Agriculture, Educational Classes, Nursery, Special Events, U-Pick Operations, Agricultural Arts Center, Bakery/Cafe, Restaurant.



The Barn @ Terakee Farm

Sales Offices for Terakee Farms PRUDs.

Visual display of historic local agricultural heritage.

Approximately 3,000 square feet for small events, weddings, retail space, reunions, classes/workshops, and other special events and occasions.

Conference room for small meetings and social gatherings.

Local Community Center for Terakee Farms Residents.

Outdoor pavilion with patio area and outdoor fireplace (enclosed and heated during the winter) for family and company events and holiday parties.

Nursery & Landscape Area

Approximately four and a half acres fully landscaped, including an outdoor gazebo and fire pit area.

Nursery and greenhouse focused on specialty cut flowers and herbs.

Outdoor reception area for small events, weddings, and other special occasions.

Useful photography areas for bridal parties, schools, community groups, athletic teams, clubs/associations, etc.

Full catering capability through coordination with the commercial kitchen located within the Agro-Ecology Research & Education Center.

Agricultural animals kept and maintained on the front one acre pasture.





Annual Primary Children's Hospital The Enchanted Barnyard

Planning Commission Staff Report

@ Terakee Farms

All Proceeds Donated to Charity

Modeled after The Enchanted Garden in Carefree, Arizona

On-Site Pumpkin Patch

Straw Bale Children's Maze

Art Displays & Pumpkin Carving

Hay Rides, Farm Animals, Family Experience

Apple Cider & Seasonal Foods

Begins Last Friday in September & Runs Daily Through Halloween



Farm-to-Table Market & Cafe @ Terakee Farms

*Featuring
Fresh Local Produce
& Amenities*



Exhibit A: Application Master Plan



Planting Commission Staff Report

On Site Research & Production Facilities



COMMUNITY FARM

A fully-operating farm will surround the community at Terakee Farm, providing a unique living environment and maintaining the agricultural heritage of the area.



Our onsite produce stand will be open to the public, offering seasonal produce and artisan goods year-round.

During prime harvesting seasons, community residents will have the option to purchase seasonal produce baskets, filled with items from each weeks harvest.

We believe that everyone should have access to fresh, local food, and we are dedicated to making this contribution to the community.

BENEFITS OF THIS COMMUNITY DESIGN

After deciding to develop land that has been in our family for over one hundred years, we began weighing options, and we chose to forego the standard home-only and zero open space approach that has been a norm in Northern Utah for decades. Instead, being personally invested in the future benefit that this type of community could bring to the area, we carefully chose to design Terakee Farm as an agri-community.

The Centers for Disease Control and Prevention have been focusing on what makes a community a healthy living environment for residents, and we are paying attention.

“A healthy community is one that enables people to make healthy choices as part of their day-to-day tasks,” says Dee Merriam, the community planner with the Healthy Community Design Initiative (HCDI) in the Division of Emergency and Environmental Health Services at the National Center for Environmental Health.



An agri-community, at its core, is designed for that very purpose: to provide people with accessible and affordable options that make choosing a healthy lifestyle easier. Here are a few of the benefits as outlined by the CDC and expert urban planners in Northern Utah.

10 Benefits of the Agri-Community Design

1. Physical Activity – Close access to trail entrances, open green space, and bike paths make it easier and more appealing for residents to get outside and ride a bike, walk, or run daily. Easy access to nature has also been shown to boost individual mood and productivity.

3. Diversity – The varying lot and home sizes, at both Terakee Farm and Terakee Village, provide affordable options and allow individuals and families at different stages of life to live together within the same community.

2. Close Proximity – Onsite commercial spaces, such as a market, restaurant, and arts center also make walking, rather than driving, more appealing, which in turn reduces automobile traffic within the area.

4. Fresh Produce – An agri-community offers onsite access to healthy produce, where sustainable growing methods are practiced and the food is picked at its peak. Residents can have a stronger connection with where their food comes from and know their farmer, which will make choosing a healthier diet much easier.

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10 Benefits of the Agri-Community Design

5. Sense of Community – A community designed around shared spaces promotes an environment where neighbors know and help one another. Individuals collectively take more pride in their communities and work together to make it an enjoyable place to live. A close-knit community environment has been found to boost morale and individual happiness according to several studies.

7. Careful Water Use – Like in many agri-communities, at Terakee Farm we are combating water scarcity issues by prioritizing drought tolerant landscaping and implementing sustainable practices for farm irrigation. Low-impact development techniques will also be utilized to filter water before it reenters the water shed, which will reduce the amount of undesirable chemicals and other hazardous substances still present in the water before it goes back into the ecosystem.

6. Scenery – Agri-communities protect and preserve open spaces. In fact, Terakee Farm and Terakee Village are collectively protecting and maintaining almost half of the entire property as permanent open space. This creates a green, nature-friendly environment. The unique and varying architectural styles also offer something new and appealing within Northern Utah.

8. Small-Scale Agriculture – Unlike a large-scale agricultural farm, the small-scale agriculture practices in an agri-community allow the farmer to grow a variety of fruits and vegetables, rather than focusing on corn, soy or wheat, which are usually purchased by the consumer in the form of processed foods. Small-scale farming also doesn't require the large machinery or chemicals that large scale agricultural farms rely upon. When communities are centered around a small-scale farm it is better for the planet, and experts agree that it has the potential to be the way of the future.

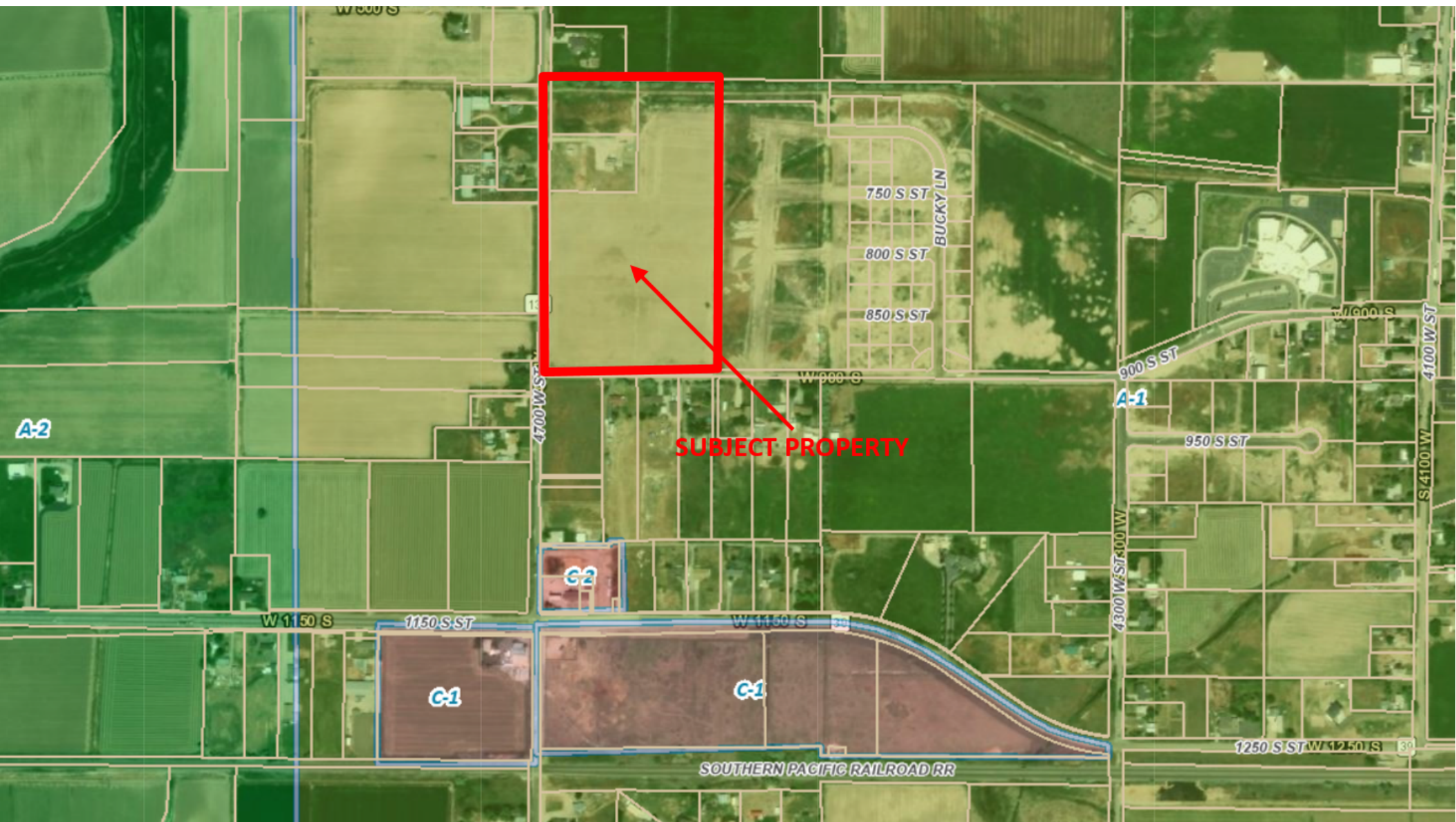
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10 Benefits of the Agri-Community Design

9. Ecological Preservation – Open spaces within agri-communities are protected and made useful. This ensures that habitats for some local wildlife can remain intact and unharmed. Terakee Farm is working closely with universities in the area to ensure that all building and development is done carefully. The use of drought tolerant landscaping within Terakee Farm also preserves local plants and wildlife, while offering residents the benefit of smaller yards with less maintenance required.

10. Historic Respect – Many agri-communities, like Terakee Farm, are being implemented in areas that are historically farming communities. By setting aside and protecting large pieces of land for farming and open space, the historical integrity of the area can be preserved as new developments take place while populations continue to grow and evolve around them.

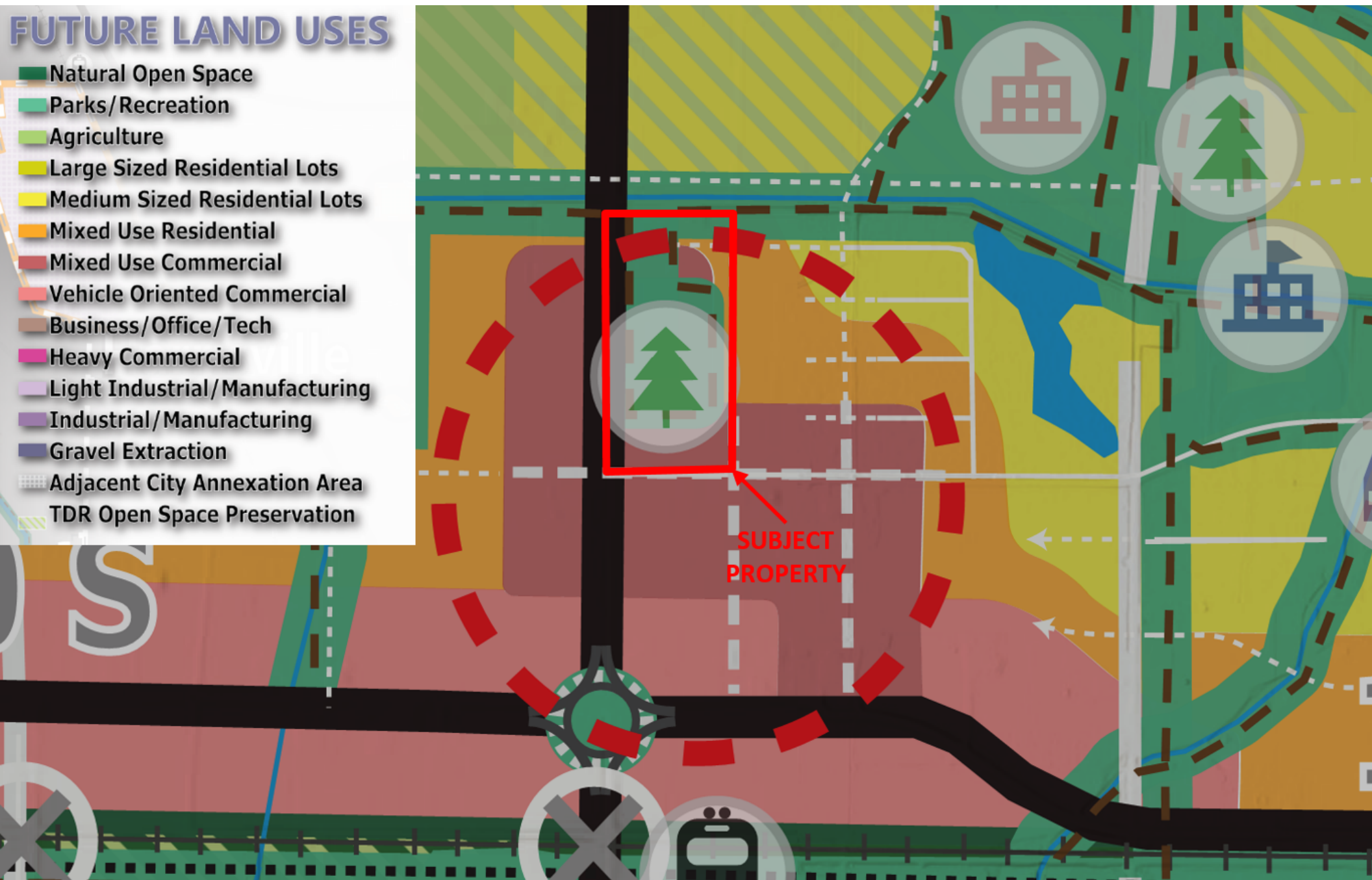
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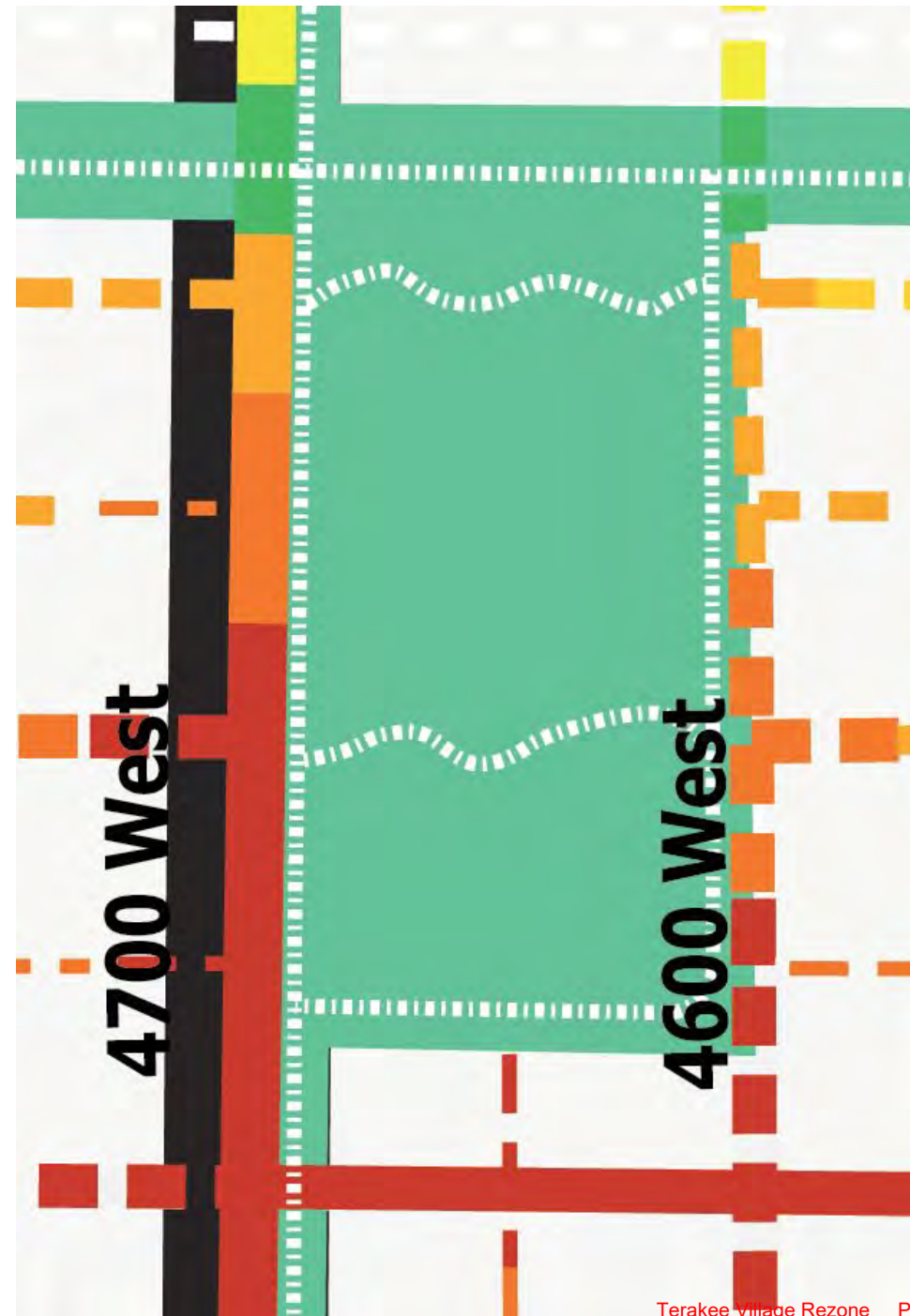




FUTURE LAND USES

- Natural Open Space
- Parks/Recreation
- Agriculture
- Large Sized Residential Lots
- Medium Sized Residential Lots
- Mixed Use Residential
- Mixed Use Commercial
- Vehicle Oriented Commercial
- Business/Office/Tech
- Heavy Commercial
- Light Industrial/Manufacturing
- Industrial/Manufacturing
- Gravel Extraction
- Adjacent City Annexation Area
- TDR Open Space Preservation





Chapter 104-22 Form-Based Zone FB

[Sec 104-22-1 Purposes And Intent](#)

[Sec 104-22-2 Applicability](#)

[Sec 104-22-3 Land Use Table](#)

[Sec 104-22-4 Special Regulations](#)

[Sec 104-22-5 Lot Development Standards](#)

[Sec 104-22-6 Building Design Standards](#)

[Sec 104-22-7 Street Types And Street Design](#)

[Sec 104-22-8 Street Regulating Plans](#)

[Sec 104-22-9 Parking And Internal Block Access](#)

[Sec 104-22-10 Signage](#)

[Sec 104-22-11 Form-Based Zone Transferable Development Rights](#)

[Sec 104 22-12 Workforce Housing](#)

Sec 104-22-1 Purposes And Intent

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

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

Sec 104-22-2 Applicability

- (a) ***New development to comply.*** The principles, standards and guidelines of this chapter apply to proposals for new development, changes in land uses, and site improvements to existing buildings, lots, or parcels that are in the Form-Based Zone. Exterior modifications to existing development shall comply if the exterior modification exceeds either 25 percent of the street-facing facade of the building, or 25 percent of the lot's street frontage.

- (b) **Other regulations apply.** In the Form-Based Zone, except when more specific regulations are provided in this chapter, the design review regulations and architectural, landscape, screening, and design standards of Title 108 Chapter 1 and Title 108 Chapter 2 apply to all lots, except a lot with only one single-family dwelling.
- (c) **Street regulating plan.** The applicable regulations herein are specific to the street type, as designated by the applicable street regulating plan. New development within the Form-Based Zone shall comply with the applicable street regulating plan. Development of any property along a street or that gains primary access from that street shall comply with the street design requirements, as provided in Section 104-22-7, and the building design standards in Section 104-22-6, for the specific type of street. A list and explanation of each street type is provided in Section 104-22-7.
- (d) **Effect of street regulating plan and graphics.** Details in a street regulating plan or any graphic in this chapter have no effect unless expressly provided by this chapter.

Sec 104-22-3 Land Use Table

The following land use table provides use regulations applicable for each street type. The table headers provide the street types, as described in Section 104-22-7, in abbreviated form. In the list, those uses designated for any street type as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in Title 108, Chapter 4 of this Land Use Code. Uses designated "N" will not be allowed on property with frontage on, or that gains access from, that street type. All uses listed are indoor uses unless explicitly stated otherwise with the terms "outdoor" or "yard."

(a) Accessory uses. An accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.											SPECIAL REGULATIONS
	G & I	V O C	M U C	M F R	S L R	M L R	LL R	R R	E L R	O S	
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 Title 108 Chapter 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.

Exhibit F: Applicable Form-Based Regulations.

Home occupation. A home occupation that is accessory to a residential use.	P	P	P	P	P	P	P	P	P	N	See Title 108 Chapter 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 accessory to an outdoor main use allowed in the zone.	P	P	P	P	P	P	P	P	P	P	
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.
Produce stand. For produce grown on the premises only.	P	P	P	P	P	P	P	P	P	P	
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.

(b) Agricultural and open space uses, generally.	G & I	V O C	M U C	M F R	S L R	M L R	LL R	R R	E L R	O S	SPECIAL REGULATIONS
Agriculture. Agriculture as a main use of the property.	N	N	N	N	N	N	P	P	P	P	
Agricultural experiment station. An agricultural experiment station.	P	N	N	N	N	N	N	P	P	P	
Agri-tourism. An agri-tourism use.	N	N	N	N	N	N	N	P	P	P	See Title 108, Chapter 21.
Aquaculture. An aquaculture use.	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 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. A grain storage elevator.	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot area required.
Greenhouse and nursery. Sales limited to plants produced on the premises.	P	P	N	N	N	N	P	P	P	P	
Manure spreading, drying and sales. The spreading, drying, and sales of manure.	N	N	N	N	N	N	N	N	P	P	
Wildlife sanctuary. A wildlife sanctuary.	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot area required.

(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	LL R	R R	E L R	O S	SPECIAL REGULATIONS
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Exhibit F: Applicable Form-Based Regulations.

Animal grazing. Animal grazing, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	P	P	P	Planning Commission Staff Report
Apiary. The keeping of bees.	N	N	N	N	C	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.

(d) Amusement, entertainment, and recreation uses. The following are uses oriented toward providing amusement or entertainment for patrons.	G &I	V O C	M U C	M F R	S L R	M L R	LL R	R R	E L R	O S	SPECIAL REGULATIONS
Amphitheater. An outdoor open-air amphitheater with raising rows of spectator seating used for entertainment and performances.	C	C	N	N	N	N	N	N	N	C	
Entertainment facility, large indoor. An indoor entertainment facility, 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.	C	C	C	C	N	N	N	N	N	N	Limited to no more than 20,000 square feet of floor area.
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 or no 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	C	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	C	10-acre minimum lot or parcel area required.
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Golf course. Golf course.	N	N	N	N	N	N	P	P	P	P	Planning Commission Staff Report 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 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. A 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. A Zoo.	P	P	N	N	N	N	N	N	N	P	10-acre minimum lot or parcel area required.

(e) Animal services and uses.	G & I	V O C	M U C	M F R	S L R	M L R	LL R	R R	E L R	O S	SPECIAL REGULATIONS
Animal grooming, 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.
Dog or cat facility. Dog or cat breeding, kennels, lodging, or training school.	P	C	N	N	N	N	N	C	C	N	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	C	
Horse or equestrian training facility and stabling, commercial. A commercial	N	N	N	N	N	N	N	N	C	C	

Exhibit F: Applicable Form-Based Regulations

equestrian training facility or horse stable.												Planning Commission Staff Report
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.
Stray animal shelter. A shelter for stray, lost, or seized animals.	P	C	N	N	N	N	N	N	N	N		
Veterinary facility. Veterinary facility.	P	P	P	C	N	N	N	N	C	C		If located completely indoors, and inaudible from an adjoining lot or parcel, this use is permitted where listed as conditional.

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



SPECIAL REGULATIONS

FOOD PREPARATION SERVICES

Alcoholic beverage production. The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.	P	P	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	
Bakery, delicatessen, or catering, small. Bakery or small-batch food processing and retail sales of goods produced on premises. Offsite catering allowed as an incidental and accessory use.	P	P	P	P	N	N	N	N	N	N	Limited to 5,000 square feet floor area.
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	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.	P	P	P	P	N	N	N	N	N	N	Limited to 5,000 square feet floor area. This use shall not include onsite slaughtering.

EATING AND DRINKING ESTABLISHMENTS FOR PRODUCTS PRIMARILY FOR ONSITE CONSUMPTION

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	
Brewery or distillery with restaurant. A brewery or distillery in conjunction with a restaurant.	P	P	P	P	N	N	N	N	N	N	

Restaurant with drive-up window. Restaurant, all food types, with drive-up windows.	P	P	C	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	
RETAIL FOOD AND DRUG SALES OF PRODUCTS PRIMARILY FOR OFFSITE CONSUMPTION											
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	
Drugstore or pharmacy. A 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	

(g) Government and institutional uses.	G & I	V O C	M U C	M F R	S L R	M L R	LL R	R R	E L R	O S	SPECIAL REGULATIONS
Cemetery. A cemetery.	P	N	N	N	N	N	N	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. A 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, and that does not qualify as a small instructional facility.	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.	P	P	C	N	N	N	N	N	N	N	Limited to 10,000 square feet floor area.
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	
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Exhibit F: Applicable Form-Based Regulations

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	Planning Commission Staff Report
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	
Visitor's 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	

(h) **Office uses.**

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

(i) <i>Residential uses.</i>	G &I	V O C	M U C	M F R	S L R	M L R	LL R	R R	E L R	O S	SPECIAL REGULATIONS
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	
Residential facility for elderly persons.	P	P	P	P	P	P	P	P	P	N	
Residential facility for handicapped persons.	P	P	P	P	P	P	P	P	P	N	
Residential facility for troubled youth.	P	P	P	P	P	P	P	P	P	N	
Short-term rental. A short-term (nightly) rental.	P	P	P	P	C	N	N	N	N	N	This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.
Short-term rental, owner occupied. An owner occupied short-term rental.	P	P	P	P	P	C	C	C	C	N	
Transient lodging. A hotel, motel, lodginghouse, condominium rental apartment (condo-tel), or timeshare condominium.	P	P	P	P	N	N	N	N	N	N	See Section 104-22-4 and Section 104-22- 12.
Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	P	N	

(j) <i>Sales with retail storefront.</i>	G &I	V O C	M U C	M F R	S L R	M L R	LL R	R R	E L R	O S	SPECIAL REGULATIONS
Agricultural implement sales or repair. A facility that sells or repairs agricultural implements.	C	C	N	N	N	N	N	N	N	N	See Section 104-22- 4. See Section 104-22- 4.
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	N	
General retail sales, large items. The sales of large items, as qualified in Section 104-22-4.	P	C	C	N	N	N	N	N	N	N	

Exhibit F: Applicable Form-Based Regulations

Nursery, commercial. A plant nursery, with associated greenhouses for retail sales of plants and accessory products.	P	C	N	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	N	
Smoke shop. A shop primarily devoted to the sale of tobacco or vaping products.	C	C	C	N	N	N	N	N	N	N	

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(k) Sales typically without retail storefront.	G & I	V O C	M U C	M F R	S L R	M L R	LL R	R R	E L R	O S	SPECIAL REGULATIONS
Christmas tree sales. The temporary siting of an outdoor Christmas tree sales establishment.	P	P	C	N	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	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	N	C	See Section 108-13-3 and Section 104-22-4.

(l) Services.	G & I	V O C	M U C	M F R	S L R	M L R	LL R	R R	E L R	O S	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	Planning Commission Staff Report
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, 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.**

	G &I	V O C	M U C	M F R	S L R	M L R	LL R	R R	E L R	O S	SPECIAL REGULATIONS
Outdoor storage. The storage of anything that meets the definition of "outdoor storage" pursuant to 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	

(n) **Utility uses.**

	G &I	V O C	M U C	M F R	S L R	M L R	LL R	R R	E L R	O S	SPECIAL REGULATIONS
Public utility substations.											
Wastewater treatment or disposal facilities.											See Title 108, Chapter 10.
Water treatment or storage facility.											
Small wind energy system.											See Section 108-7-24
Solar energy system.											See Section 108-7-27

(o) **Vehicle-oriented uses.**

	G &I	V O C	M U C	M F R	S L R	M L R	LL R	R R	E L R	O S	SPECIAL REGULATIONS
Airport. A private or commercial airport.	C	N	N	N	N	N	N	N	N	N	
Automobile sales or rentals, indoor. The	P	P	C	N	N	N	N	N	N	N	

sale or rental of a passenger automobile.											
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. Sale or rental of trailers.	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, service, and/or storage of freight trucks, or a station for transferring freight.	N	N	N	N	N	N	N	N	N	N	

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

		G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
RED		25	176	204	255	255	255	255	138	83	75
GREEN		151	33	51	120	170	220	255	153	128	191
BLUE		156	157	0	0	0	0	0	66	69	96
HTML CODE	HEX	#19979c	#b0219d	#cc3300	#ff7800	#ffaa00	#ffdc00	#ffff00	#8a9942	#538045	#4bbf60

Sec 104-22-4 Special Regulations**Sec 104-22-4.1 Special Regulations, Generally**

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

Sec 104-22-4.2 Special Regulations For Specific Uses

- (a) **Automobile or other vehicle related uses.** The use of a lot for automobile repair of any kind, automobile sales, rental, or service, boat sales, rental, or service, gas or fuel station, a tire shop, or any other use governed by this section by reference shall only be conducted within a completely enclosed building that meets the standards of this chapter.
- (1) No vehicle awaiting service shall be stored outside for more than one day.
 - (2) Sufficient parking for all employee or customer uses, including the temporary parking of vehicles awaiting pickup from owners, shall be provided on the lot.
 - (3) No vehicles associated with the use shall be parked on the street. However, up to 20 vehicles may be temporarily parked in a parking lot meeting all applicable parking standards of this Land Use Code if the vehicles are available for immediate purchase, lease, or rent, and as long as all other standards of this Land Use Code are met.
- (b) **Automobile repair of any kind.** Refer to paragraph (b) of this section.
- (c) **Automobile sales, rentals, or service.** Refer to paragraph (b) of this section.
- (d) **Boat sales or service.** Refer to paragraph (b) of this section.
- (e) **Campgrounds or picnic areas, commercial.** A commercial campground or picnic area shall comply with Title 108, Chapter 20. If located along any street in the FB zone except open space, an opaque fence or wall shall surround the use. Vegetation screening shall be planted on the outside of the fence or wall to allow the use to blend in with surrounding uses. A drip irrigation system shall be installed to ensure long-term viability of the vegetation.
- (f) **Car wash.** Where allowed, a car wash is subject to the following restrictions:
- (1) Operation hours are only allowed between 6:00 a.m. and 10:00 p.m.
 - (2) There shall not be more than four washing bays for a manual spray car wash.
 - (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet, reserving street frontage for buildings that provide street-facing commercial facades.
 - (4) The off-street vehicle spaces or queues required shall be as follows:
 - a. One bay car wash, four spaces in the approach lane;
 - b. Two bay car wash, three spaces in the approach lane for each wash bay;
 - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.
- (g) **Corral or stable.** This use shall be located no less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (h) **Dwelling or dwelling unit.** The regulations for a dwelling unit use listed in the land use table are as follows:
- (1) **Construction standards.** A dwelling unit on a government and institutional, vehicle-oriented, mixed use commercial, or multi-family residential street shall be constructed to a multifamily residential standard in accordance with the International Building Code.
 - (2) **Dwelling unit location.** A dwelling unit proposed along a government and institutional, vehicle-oriented commercial, or a mixed-use commercial street shall be located on a lot as follows:

- a. Above or behind any street-level commercial space; or
 - b. Behind a building that provides street-level commercial space, or if no such building exists at the time of application, behind the area reserved for street-level commercial space as otherwise required herein. The location shall provide for the existing and future planned street layout of the area, including the future street-level commercial space that will face future streets, and internal block alleyways.
- (3) **Two, three, four, and multi-family residential.** Unless one of the units is owner occupied, a two, three, four, or multi-family residential building shall be operated and maintained by a professional management company that specializes in multi-family residential property management.
- (4) **Density allowance and transferable development rights.** No dwelling units in excess of the base density, as defined by Title 101, Chapter 2, and as provided in Section 104-22-11, are allowed in the Form-Based Zone except when in compliance with the transferable development rights requirements of Section 104-22-11.
- (i) **Family food production.** As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys, five ducks, five geese, or five pigeons.
- (1) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than 40,000 square feet.
 - (2) No more than six combined sets of Group A animals and Group B animals or fowl may be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than two acres, except that an additional six combined sets of Group A and Group B animals or fowl may be kept per each additional acre greater than two.
- (j) **Gas or fuel station.** A gas or fuel canopy shall not be located closer to a public street right-of-way, excluding a mid-block alley, than 60 feet. The canopy shall be located to the rear of the convenience store associated with the canopy.
- (k) **General retail sales, small items.** This use is any store that primarily retails or rents items to be physically taken by the customer from the store, when those items weigh less than 80 pounds, including product packaging, or that are small enough to fit in a typical passenger vehicle. The use is limited to 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of items intended to be explosive or hazardous to human health, safety, or welfare is permitted.
- (l) **General retail sales, large items.** This use is any store that primarily retails or rents items to be physically taken by the customer from the store, when those items weigh more than 80 pounds, including product packaging, or that are too large to fit in a typical passenger vehicle. This use may include an outdoor sales yard of no greater than 6,000 square feet as long as it is completely surrounded by an opaque wall. No sales of items intended to be explosive or hazardous to human health, safety, or welfare is permitted.
- (m) **Office uses.** A use listed in the “office uses” table may only be located above or behind first-floor street-level commercial space, reserving the street frontage for first-floor street-level commercial space. A local recreation and tourism office devoted to providing services, information, and events primarily for visitors to the Ogden Valley is exempt from this requirement provided that it is open and accessible to all members of the public.
- (n) **Shooting range or training course, indoor or outdoor.** The facility shall provide designated shooting positions for which ballistic backstops are designed. No shooting is allowed except in these designated shooting positions. All sides down range of a shooting position shall have a non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of

containing all errant bullets. For an outdoor range, the overhead backstop may be a series of baffles. Approval shall be subject to the requirements and conditions of the local fire authority. The range operator shall be onsite at all times shooting is occurring.

- (o) **Short-term rental, owner occupied.** The residence shall be the owner's primary residence, be taxed as such, and the owner shall have owned the residence for at least two years prior to submitting a Land Use Permit for the owner-occupied short-term rental. Additionally, the owner must be present at all times in which the property is being rented on a short-term basis.
- (p) **Self-storage.** Self-storage is only allowed if located on the same lot or parcel with a building that has street-facing commercial space. The use shall comply with the following:
 - (1) Storage units shall be located behind or above building area that provides a first-story street-facing commercial façade and related commercial space. The building providing street-facing commercial space shall appear from the exterior as if office or residential space is offered in the area housing the storage units.
 - (2) If located in a separate onsite building than the building providing first-story street-facing commercial space specified herein, the separate building shall be located behind the building with first-story street-level commercial space, and shall be no wider than the building providing first-story street-level commercial space.
 - (3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property line, and shall be completely obscured from view from any public right-of-way.
- (q) **Ski area.** This use may include ancillary equipment and structures such as snow making equipment, snow grooming equipment, maintenance facilities, trail and wayfinding signage, ski lifts, ski fences, ticket booths, concession stands, restroom facilities, food and beverage sales, ski patrol facilities, emergency response facilities, and similar uses commonly found in ski areas. Outdoor storage and maintenance of ski related equipment is allowed provided that it is screened from view of the general public. Ski area trail wayfinding signage are exempt from other signage requirements of this Land Use Code. Any lighting associated with said signage is subject to the requirements of Section 108-16.
- (r) **Temporary building or use.** The building or use shall be removed upon completion or abandonment of the construction work.
- (s) **Tire shop.** Refer to paragraph (b) of this section.
- (t) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it be stationary for more than four days at a time.

Sec 104-22-5 Lot Development Standards

The following lot development standards apply to a lot or parcel in the Form-Based Zone, unless specified otherwise in this Land Use Code. A lot fronting or gaining access from one of these street types shall be developed in accordance with the corresponding development standard.

- (a) **Lot area.**

STREET TYPES		MINIMUM LOT AREA
	Government and Institutional (G/I)	No minimum
	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 (ELR)	3 acres
	Open Space (OS)	No minimum

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

STREET TYPES		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 (MLR)	50 feet
	Large Lot Residential (LLR)	100 feet
	Rural Residential (RR)	150 feet
	Estate Lot Residential (ELR)	
	Open Space (OS)	No minimum

(c) **Front lot-line setback.**

	FIRST-FLOOR STREET-LEVEL COMMERCIAL BUILDING FAÇADE	ALL OTHER BUILDING FAÇADES

Exhibit F: Applicable Form-Based Regulations.

Planning Commission Staff

STREET TYPES		MINIMUM FRONT LOT-LINE SETBACK	MAXIMUM FRONT LOT-LINE SETBACK	MINIMUM FRONT LOT-LINE SETBACK	MAXIMUM FRONT LOT-LINE SETBACK
	Government and Institutional (G/I)	No minimum	5 feet, or 20 feet if providing public dining or gathering space.*	40 feet**	No maximum
	Vehicle-Oriented Commercial (VOC)				
	Mixed-Use Commercial (MUC)			5 feet	10 feet*
	Multi-Family Residential (MFR)				
	Small Lot Residential (SLR)	Not applicable		20 feet	No maximum
	Medium Lot Residential (MLR)	Not applicable			30 feet
	Large Lot Residential (LLR)	Not applicable		30 feet	No maximum
	Rural Residential (RR)	Not applicable			
	Estate Lot Residential (ELR)	Not applicable			
	Open Space (OS)	Not applicable			

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

**Except for a public plaza, this setback distance shall remain clear from permanent building 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.

(d) **Side lot-line setback.**

STREET TYPES		MINIMUM SIDE LOT-LINE SETBACK	MAXIMUM SIDE LOT-LINE SETBACK
	Government and Institutional (G/I)	No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1	No maximum. Any space between buildings shall be open for pedestrian passage to internal block areas, unless designed, constructed, and actively used (when 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)		
	Medium Lot Residential (MLR)	5 feet	No maximum
	Large Lot Residential (LLR)	10 feet	
	Rural Residential (RR)		
	Estate Lot Residential (ELR)		

Open Space (OS)

(e) **Rear lot-line setback.**

STREET TYPES		MINIMUM REAR LOT-LINE SETBACK
Government and Institutional (G/I)		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)		5 feet
Medium Lot Residential (MLR)		20 feet
Large Lot Residential (LLR)		30 feet
Rural Residential (RR)		
Estate Lot Residential (ELR)		
Open Space (OS)		

(f) **Lot coverage.**

STREET TYPES		MAXIMUM PERCENT OF LOT COVERAGE BY BUILDINGS	MAXIMUM NUMBER OF DWELLING UNITS ALLOWED PER LOT
Government and Institutional (G/I)		No maximum, provided compliance with all other requirements.	No maximum
Vehicle-Oriented Commercial (VOC)			
Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)			
Small Lot Residential (SLR)		85 percent	4
Medium Lot Residential (MLR)		50 percent	1*
Large Lot Residential (LLR)		30 percent	
Rural Residential (RR)		20 percent	
Estate Lot Residential (ELR)		10 percent	
Open Space (OS)		2.5 percent	Not applicable

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

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

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

Sec 104-22-6 Building Design Standards

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

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

(a) **Height.**

STREET TYPES		MINIMUM BUILDING HEIGHT	MAXIMUM BUILDING HEIGHT
	Government and Institutional (G/I)	25 feet	50 feet
	Vehicle-Oriented Commercial (VOC)		
	Mixed-Use Commercial (MUC)		
	Multi-Family Residential (MFR)	One story	35 feet
	Small Lot Residential (SLR)		
	Medium Lot Residential (MLR)		
	Large Lot Residential (LLR)		
	Rural Residential (RR)		
	Estate Lot Residential (ELR)		
	Open Space (OS)	No minimum	25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use.

(b) **Building area.**

STREET TYPES		MAXIMUM BUILDING FOOTPRINT
	Government and Institutional (G/I)	No single commercial use shall occupy a footprint of more than 30,000 square feet*
	Vehicle-Oriented Commercial (VOC)	
	Mixed-Use Commercial (MUC)	No single commercial use shall occupy a footprint of more than 10,000 square feet
	Multi-Family Residential (MFR)	
	Small Lot Residential (SLR)	No maximum
	Medium Lot Residential (MLR)	
	Large Lot Residential (LLR)	
	Rural Residential (RR)	
	Estate Lot Residential (ELR)	
	Open Space (OS)	

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

(c) First-floor building standards.

STREET TYPES		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		
	Medium Lot Residential (MLR)			
	Large Lot Residential (LLR)			
	Rural Residential (RR)			
	Estate Lot Residential (ELR)			
	Open Space (OS)			

(d) Transparent fenestration requirements.

		MINIMUM FENESTRATION FOR THE FIRST STORY FAÇADE OF A BUILDING		MINIMUM FENESTRATION FOR THE SECOND STORY AND ABOVE	
STREET TYPES		STREET-FACING	ALLEY-FACING	STREET-FACING	ALLEY-FACING
	Government and Institutional (G/I)	50 percent		30 percent	
	Vehicle-Oriented Commercial (VOC)	70 percent		40 percent	
	Mixed-Use Commercial (MUC)				

Multi-Family Residential (MFR)	70 percent for commercial facade, 30 percent for residential facade.	
Small Lot Residential (SLR)	Not applicable	
Medium Lot Residential (MLR)		
Large Lot Residential (LLR)		
Rural Residential (RR)		
Estate Lot Residential (ELR)		
Open Space (OS)		

(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 set 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.

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

Except for single-family, two-family, three-family and four-family dwellings, the following regulations (*Sections 104-22-6.3 through 104-22-6.5*) are applicable to the architecture and design of buildings in each area. Each area, as depicted in the applicable street regulating plan, has a unique architectural theme as provided herein. Each building, except those aforementioned, is required to be designed by a licensed architect. 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 features of adjacent buildings.

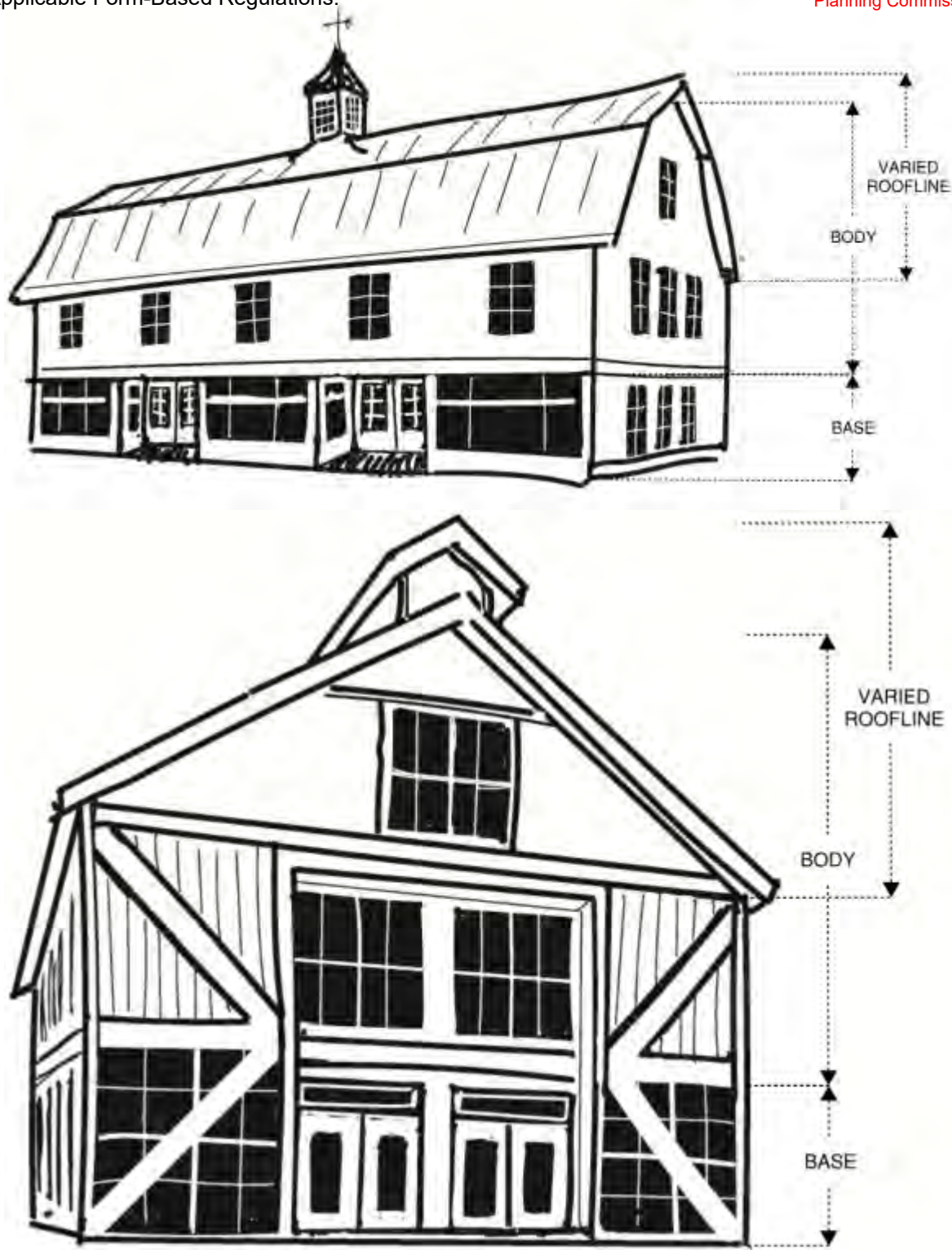
Sec 104-22-6.4 Building Design Standards

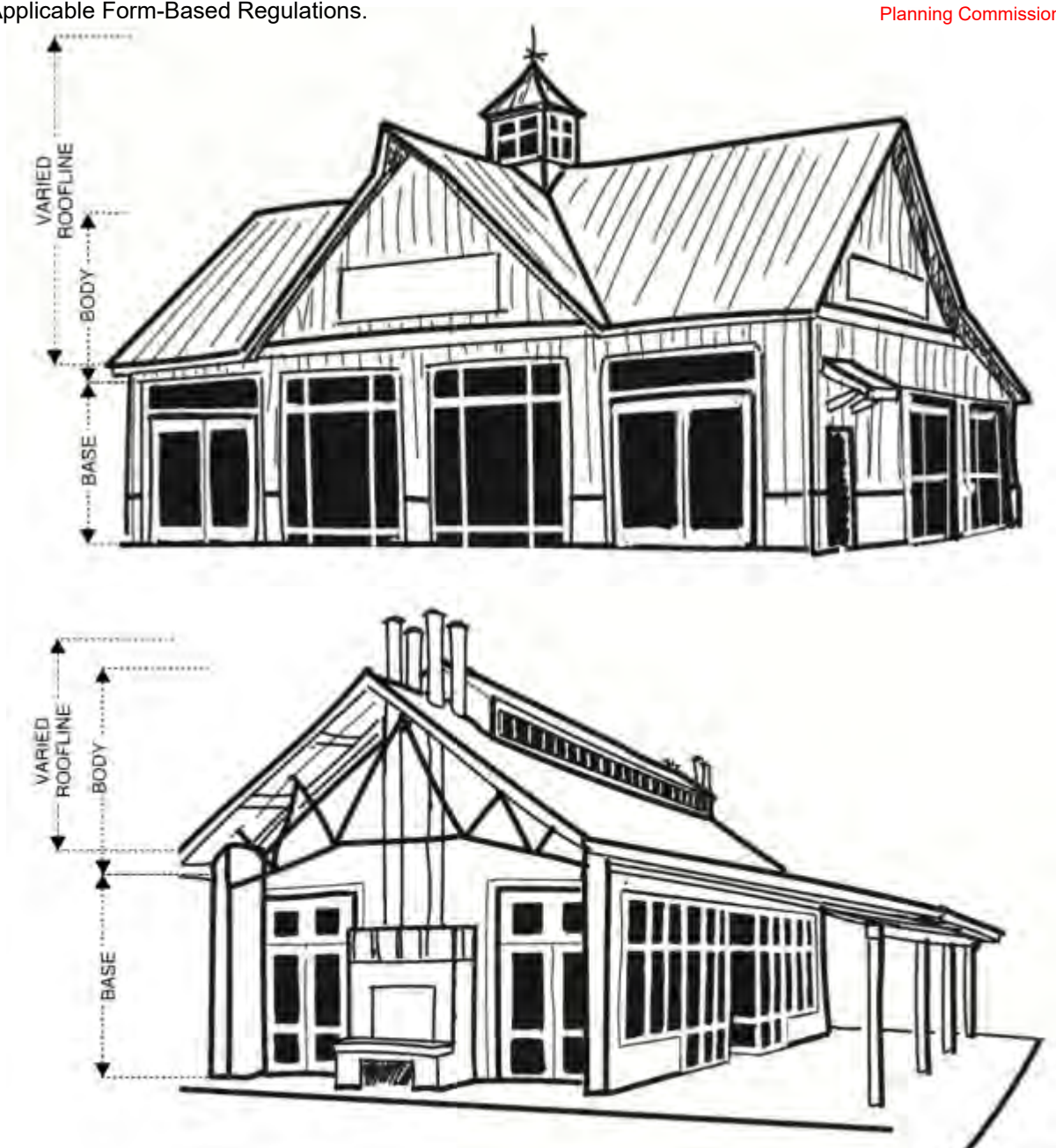
In addition to applicable standards in this chapter, the following standards apply to all buildings in the New Town Eden Area:

- (a) **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

- (1) Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.
 - (2) An attached shed-roof at a 4/12 or greater slope that is not attached to the main roof structure.
 - (3) A clerestory or cupola.
 - (4) Gable-style dormer windows.
- (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying roofline, each of varying design features and building material.
- (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.
- (d) **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 of adjacent walls. Each street-facing façade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.
- (e) **Building material.** Building façade 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. At least one of the building materials used on the building façade shall also be used on all other sides of the building.
- (1) Brick or stone may be used in place of wood if approved by the Land Use Authority.
 - (2) 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.
- (f) **Colors.** Muted earth-tone colors are required. No more than 70 percent of a building's facade shall be white.
- (g) **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.







Sec 104-22-7 Street Types And Street Design

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

- (a) **Right-of-way dedication.** As development occurs on each lot or parcel, the owner shall dedicate area for public right-of-way with a width as depicted in the table below or as otherwise adopted, to form a block pattern as depicted in the applicable street regulating plan.
- (b) **Drawings required.** Each application for development shall provide engineered construction drawings of the street improvements required herein.
- (c) **Street type, description, and purpose.**
 - (1) **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.

(2) ***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.

(3) ***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 operations. Commercial and Multi-family residential uses are allowed above or behind first-floor street-level commercial space.

(4) ***Multi-family residential street.***

A multi-family residential street has street-front buildings that are used for multi-family dwellings, and are set back from the street enough to provide a stoop or door yard between the facade and the street's sidewalk. Where possible, given terrain, 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 unless the first-floor street level is also occupied by a commercial space.

(5) ***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 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.

(6) ***Small-lot residential street.***

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

(7) ***Medium-lot residential street.***

A medium-lot residential street has street-front buildings that may be set back more than small-lot residential street facades to provide a small front yard area.

(8) ***Large-lot residential street.***

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

(9) ***Rural residential street.***

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

(10) ***Estate lot residential street.***

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

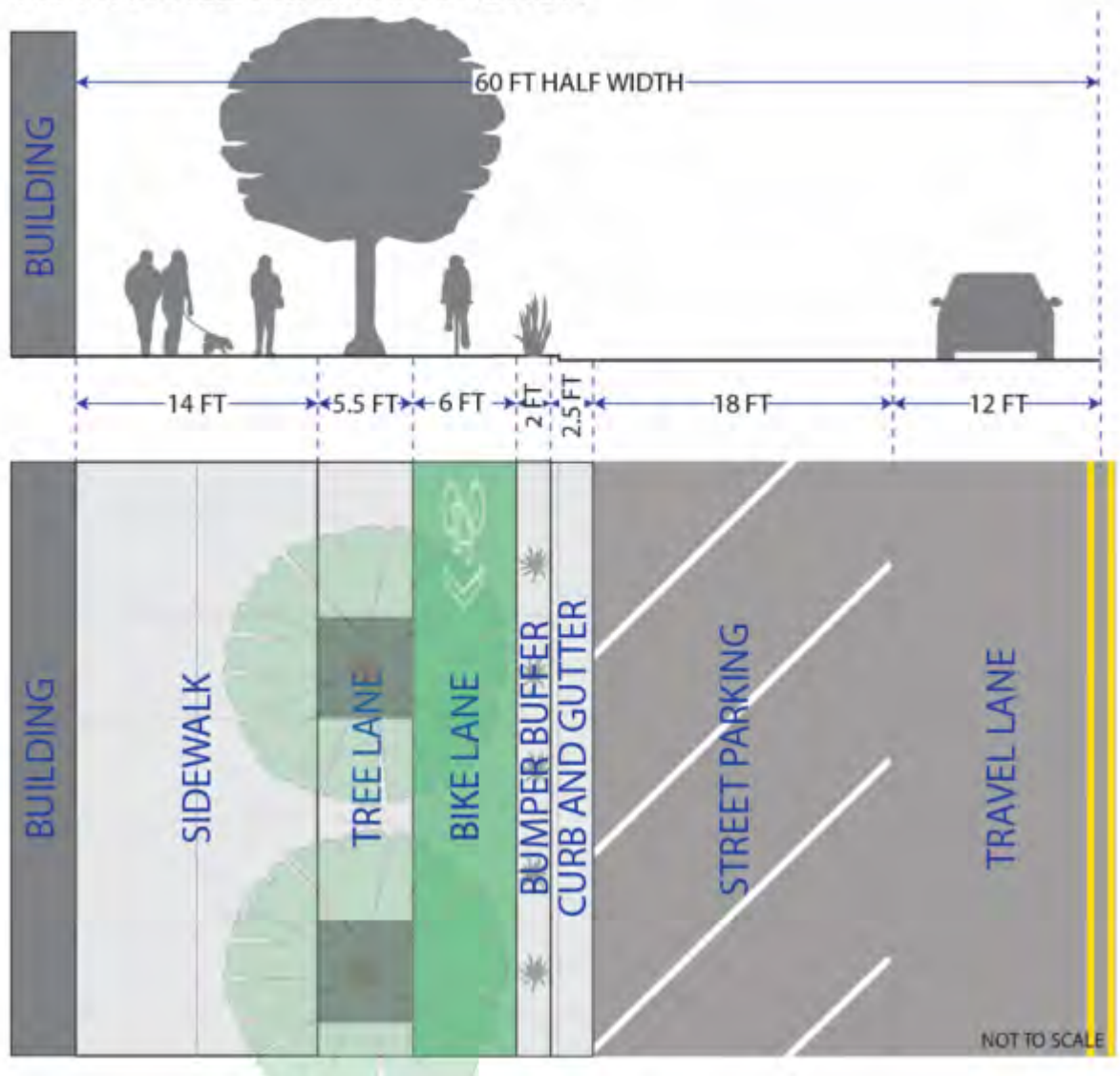
(11) ***General open space street.***

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.

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

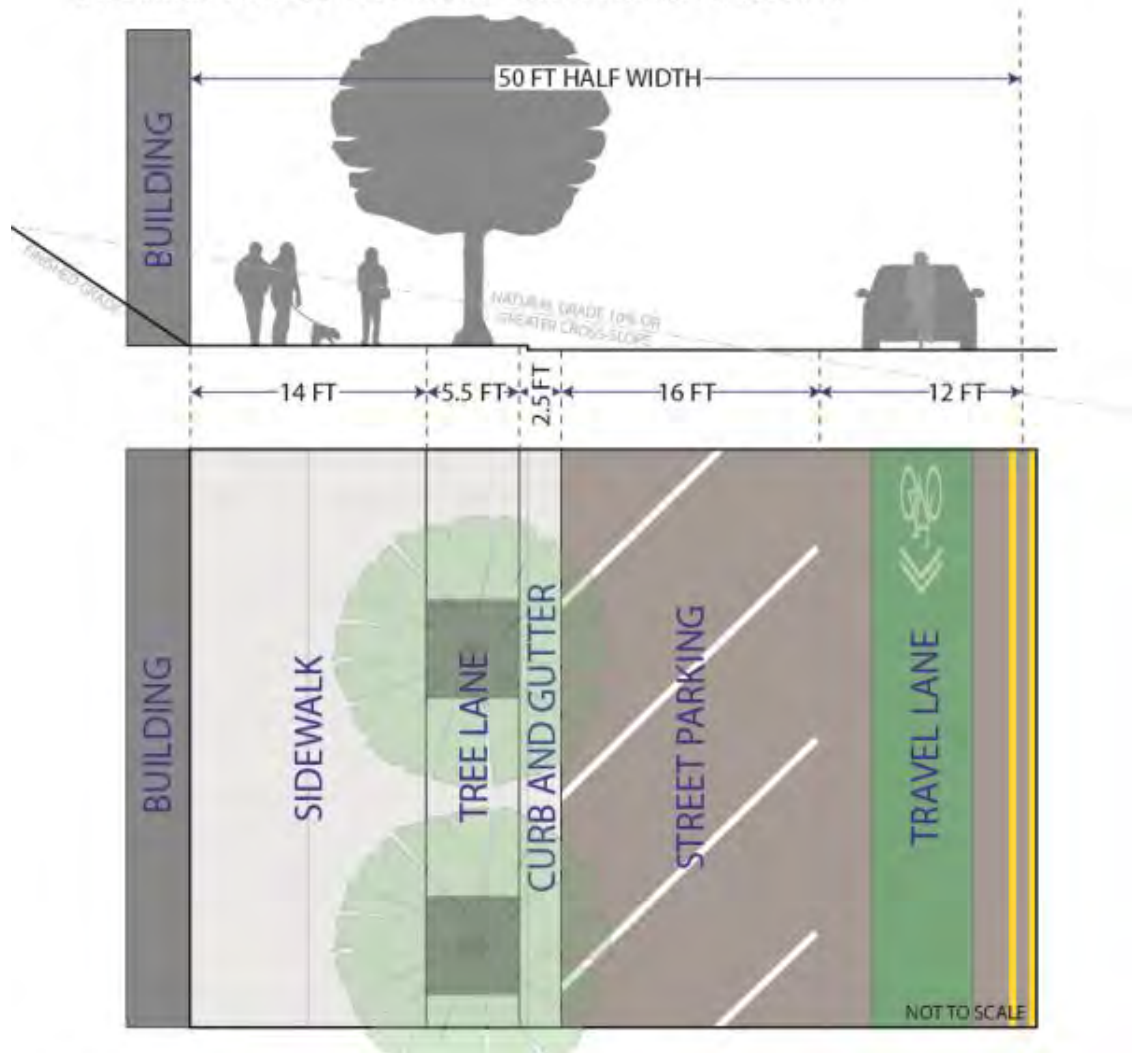
- (1) ***Commercial street design.*** The dimensions and general design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street, and multi-family residential street is as follows:

TYPICAL VILLAGE CROSS SECTION

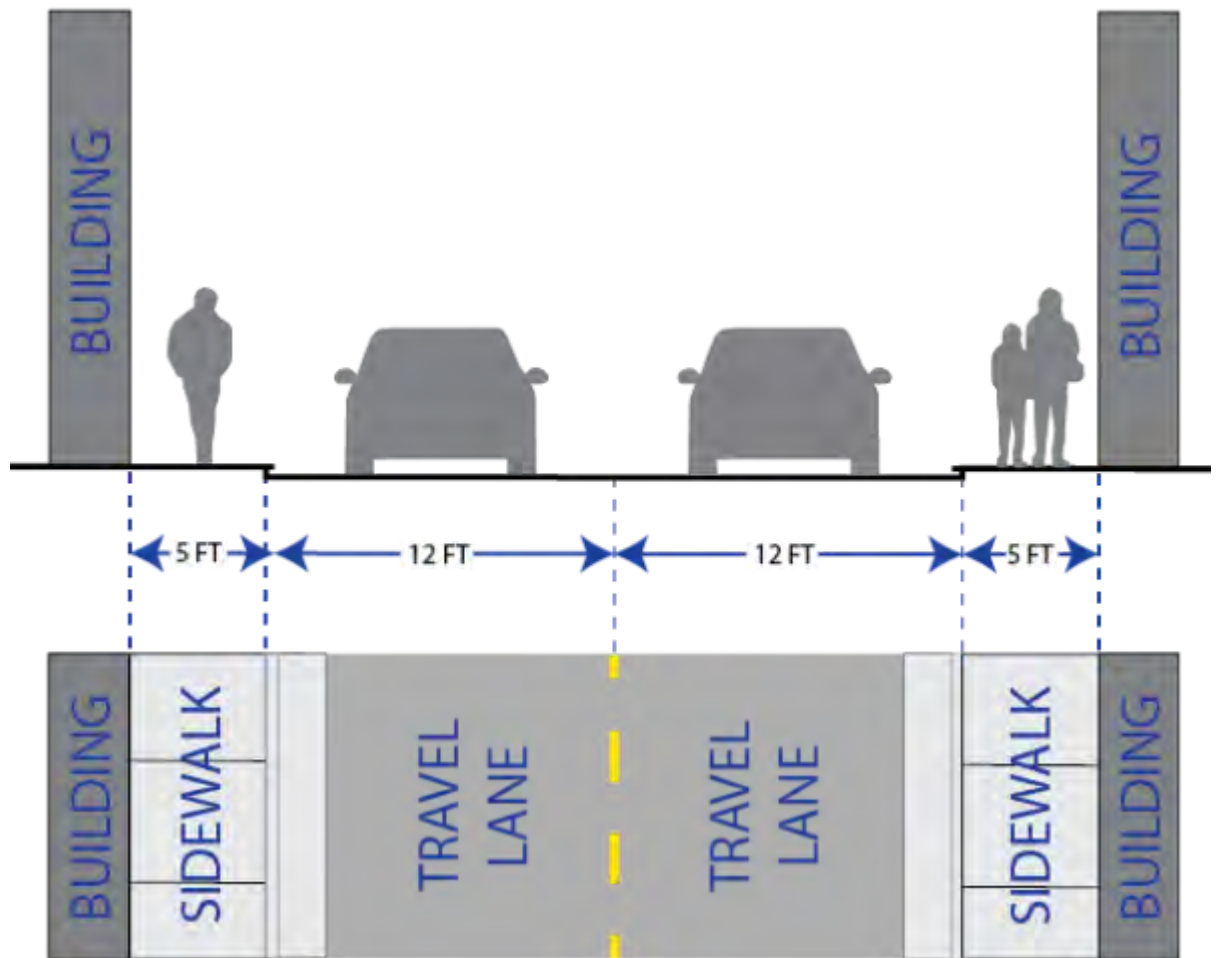


- (2) **Commercial street design with challenging cross slopes.** Unless otherwise negotiated by development agreement, the design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street and multi-family residential street with a cross slope that is greater than 10 percent shall provide a 50 foot right-of-way half-width, with design dimensions as follows:
- 12-foot travel lane with a painted shared bike lane.
 - 16-foot 45 degree angled parking.
 - 2.5-foot curb and gutter.
 - 5.5-foot tree lane.
 - 14-foot sidewalk.

VILLAGE CROSS SECTION - WITH CROSS SLOPE



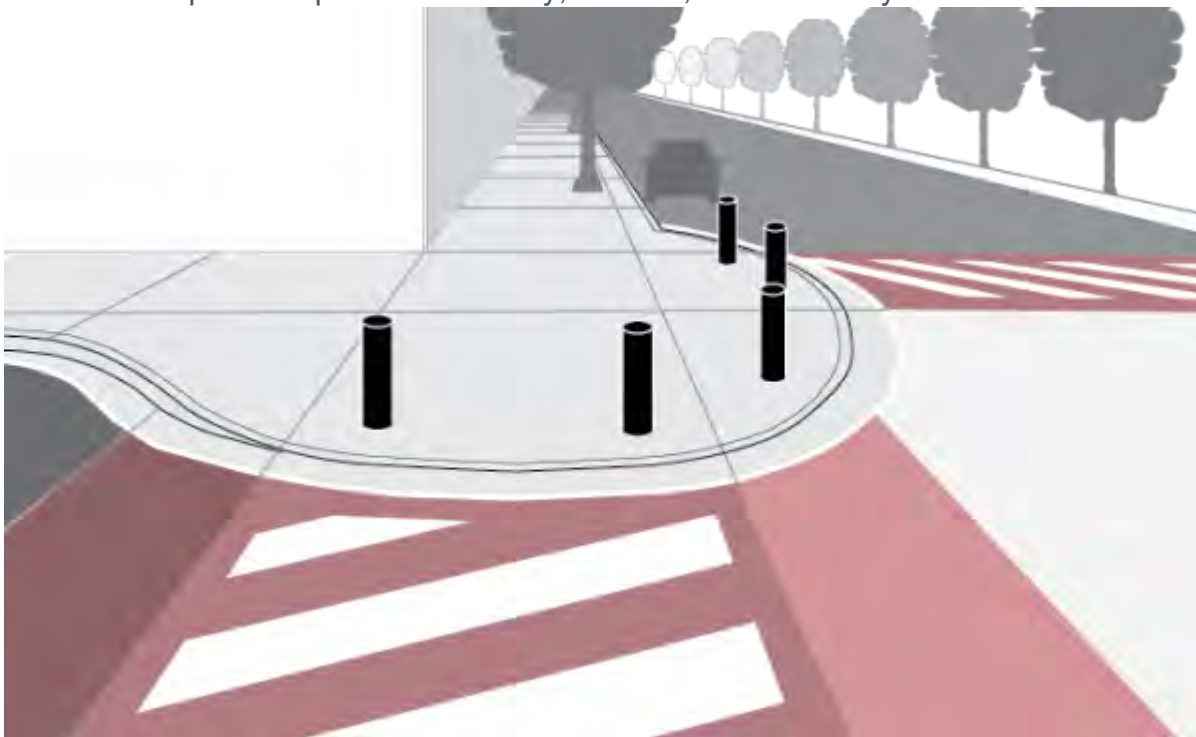
- (3) **Commercial alley design.** The design for a governmental and institutional alley, vehicle-oriented commercial alley, mixed-use commercial alley, and multi-family residential alley is as follows:



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

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

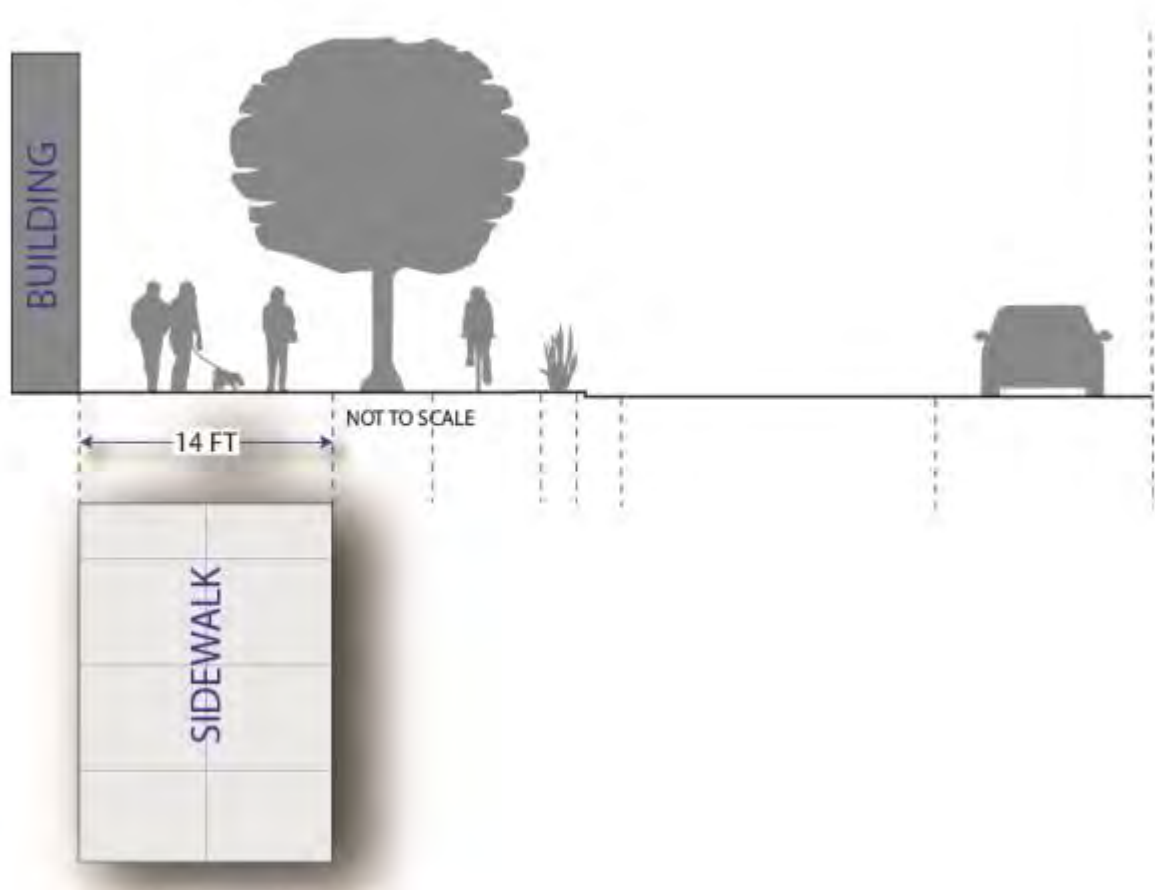
- (a) **Pedestrian priority design.** The street shall be designed to prioritize pedestrian use. At primary points of conflict between pedestrian uses and vehicle uses, the street facility shall be designed and constructed to promote pedestrian safety, comfort, and efficiency.



- (1) **Raised crosswalks.** Where a pedestrian-way intersects with a vehicle-way, the pedestrian-way shall be raised at least six inches above the grade of the vehicle-way, or to the level of the adjoining pedestrian-ways, whichever is higher. This shall include but is not limited to the installation of crosswalks and intersections that are raised to the same plane as the sidewalk or adjoining pathways.
- (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety, street improvements at intersections, pedestrian crossings, and mid-block alleys, if different, shall be constructed with curb extensions that bulb-out directly adjacent to the lane of travel. Bike lane widths shall not be obstructed or made narrower at any point along a curb extension bulb-out. Bulb-outs shall be designed to the specifications of this ordinance and the County Engineer, or as otherwise adopted. Where a bulb-out provides access to a raised pedestrian crosswalk, bollards shall be installed along the curve of the bulb-out to keep vehicles from entering the pedestrian-way. Examples of bulb-outs are depicted in the images above.
- (3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective striping, crosswalks shall be constructed of stamped and colored concrete to provide clear contrast between the street and crosswalk.
- (4) **Mid-block crosswalk.** A block that has a length that is greater than 330 feet, as measured from the center of each bounding intersection, shall be provided with a mid-block crosswalk. Solar powered user-activated rapid flashing beacons shall be installed on midblock crosswalk signage.



- (b) **Sidewalk required.** As part of the required street improvements within the FB 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.

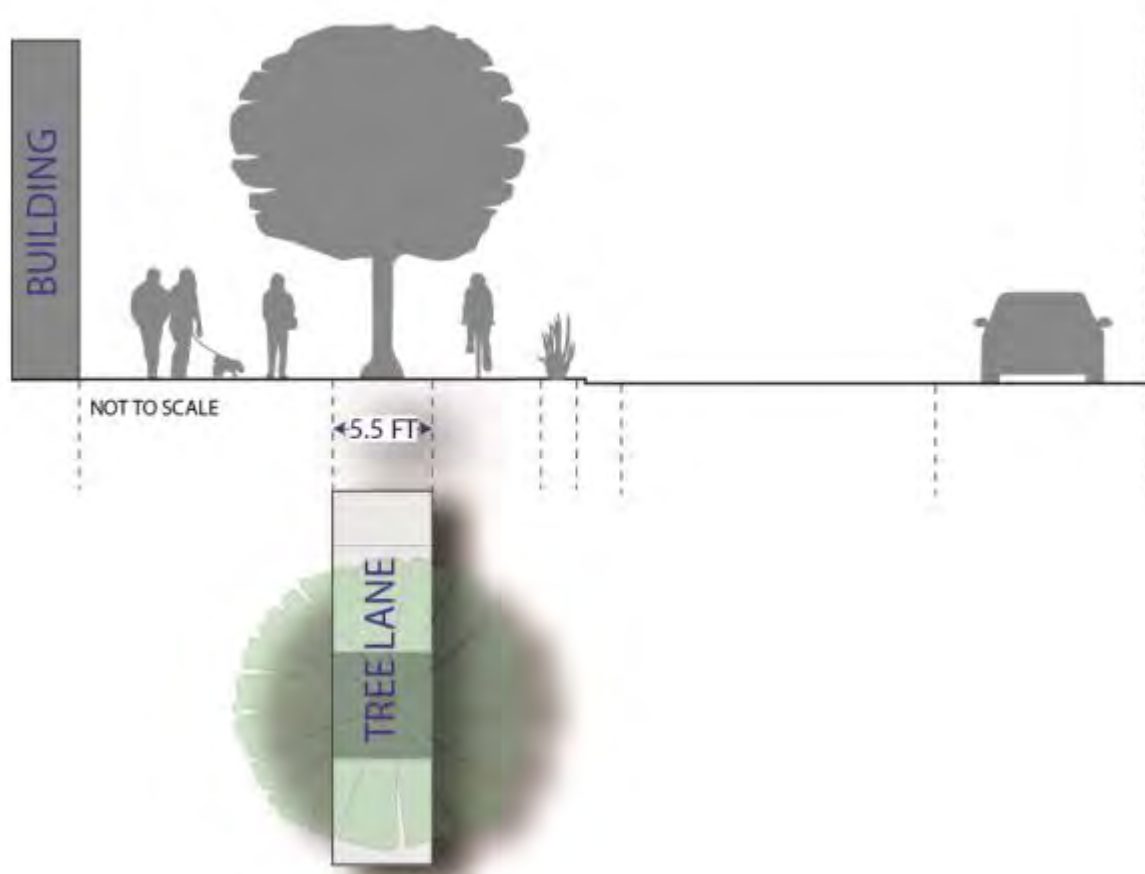


- (1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required sidewalk along any street designated as residential except the multi-family residential street
- (2) **Covered boardwalk alternative.** The County Commission may, but is not obligated to, approve 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

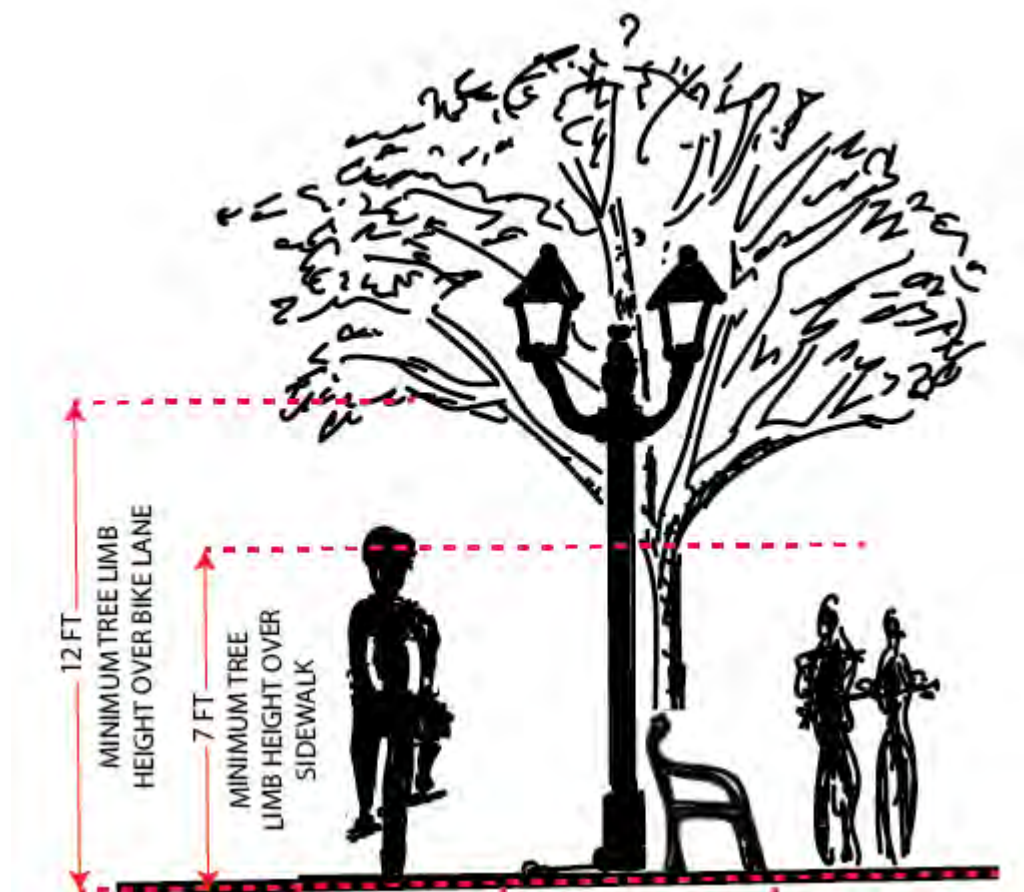


- (c) **Street trees required.** As part of the required street improvements within this zone, street trees shall be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the street as the development and for the entire length of the development lot's street frontage. 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.

- (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 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 ten trees, rather than equally spaced along the right of way.

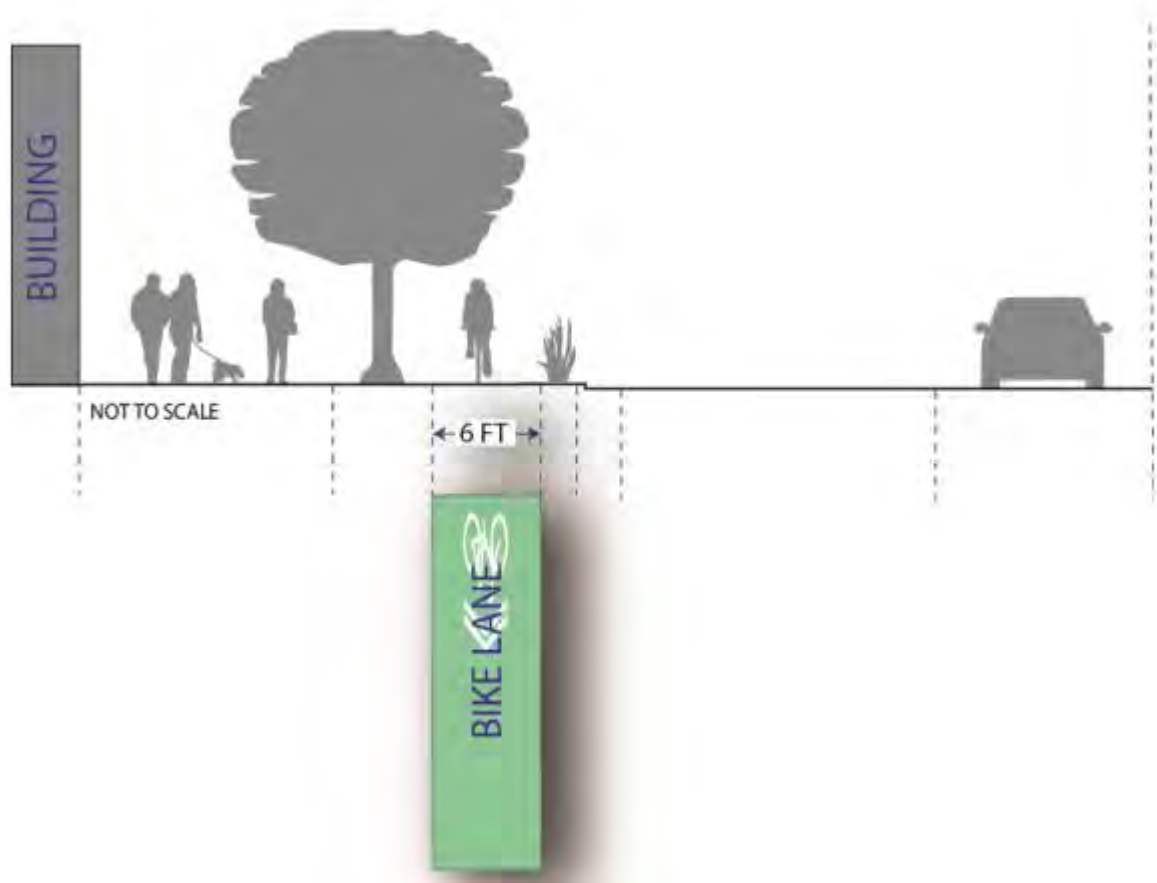


- (2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance entity is approved by the County to provide tree maintenance, a street tree shall be maintained by the owner or proprietor of the property that is immediately adjacent to the street right-of-way where 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:

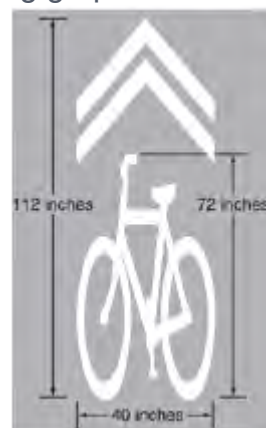


(d) ***Bike facilities required.***

- (1) ***Separated bike lane.*** Unless provided otherwise herein, 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.



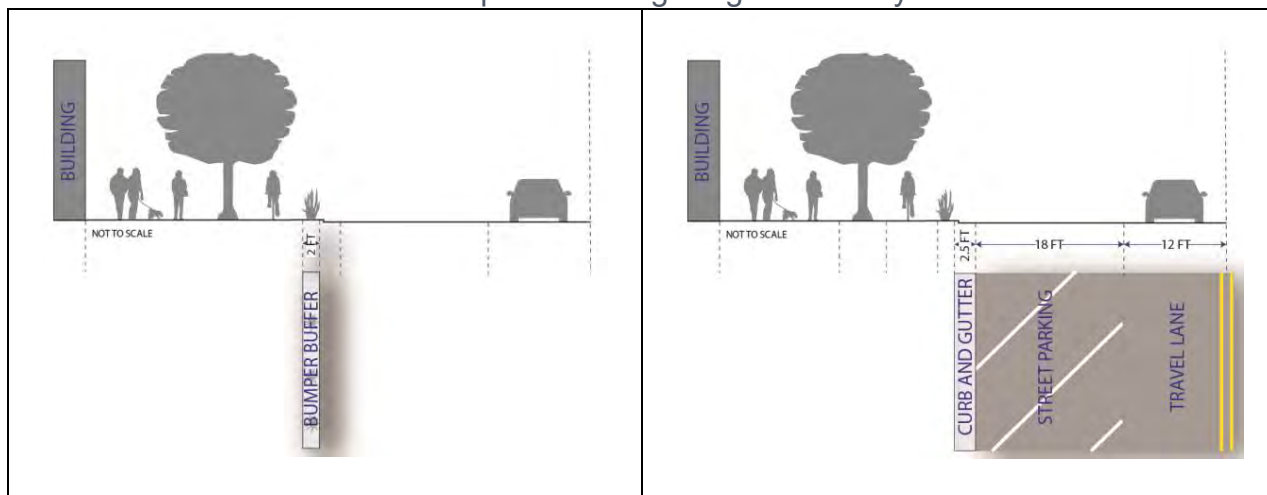
- (2) ***Bike lane alternative.*** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall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



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

- (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 sufficient street 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 bike

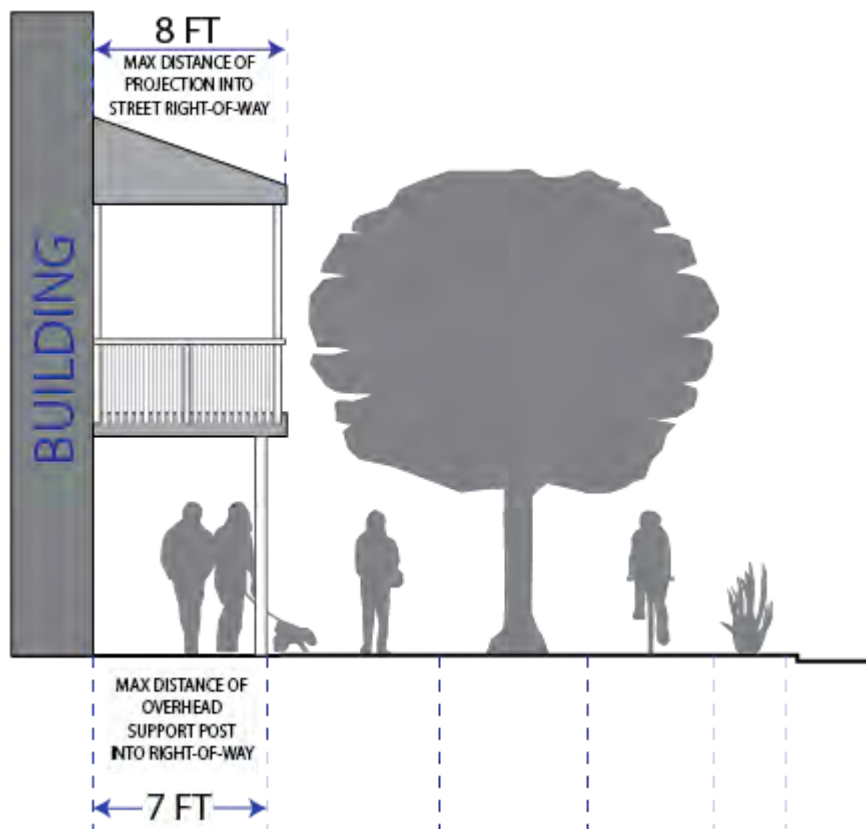
lane and the curb for vehicle bumper overhang. Vegetation may be in this buffer.



- (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.



- (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.

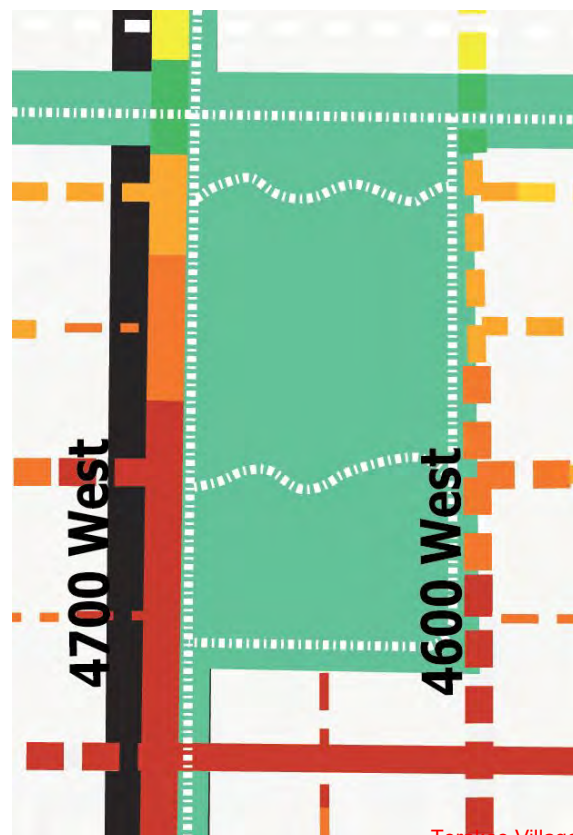
(3) **Street Lighting.** Street lighting shall be installed as part of the required street improvements within this zone. Street lighting shall complement the architectural design theme of the area.

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

(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 when 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.

Sec 104-22-8 Street Regulating Plan

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



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. All parking lots shall be hard-surface asphalt or concrete, or other improved surface otherwise approved by the County Engineer and local fire authority. 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 parking spaces required if sufficient evidence suggests that the required number of spaces is excessive for the building and proposed use or uses therein.
- (c) **Parking related to a change of use.** If a change of use occurs, more parking may be required if the new use merits it, as determined by the Land Use Authority. The applicant proposing to change the use shall be required to provide the additional off-street parking within 1000 feet of the use.
- (d) **Residential parking.** The minimum required parking for a residential use shall be located off-street within the same block as the residential use.
- (e) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces, and a five-foot wide landscape planting area that runs the depth of the parking row shall be located at each end of a parking row.
- (f) **Parking structure design standards.** When located adjacent to a vehicle-oriented commercial, mixed use commercial, or multi-family residential street, a parking structure shall have first-floor street-level commercial space along the street's frontage. However, for a corner lot, this requirement applies to the façade that is adjacent to the more prominent street, as determined by the land use authority; the other façade shall have the same for no less than fifty percent of that façade's street frontage. The other fifty percent, and the area of the parking structure above the street level commercial space, shall have a street-facing facade that disguises the parking structure to generally look like other buildings in the area.
- (g) **Cross access and cross-access easement.** For all parcels or lots along a governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family residential street, providing access to adjacent existing or future development without the need to access the public right-of-way is required. This access shall be provided by a mid-block alley, where shown on a street regulating plan, or other alley or shared driveway as may be deemed necessary by the land use authority. When no new alley access is deemed necessary because an alley access or street access is already provided to the lot or parcel through another lot or parcel, then a cross-access easement shall be provided along adjoining lot lines, as follows:

Sec 104-22-9 Parking And Internal Block Access

- (1) A cross access easement shall provide an easement to all landowners in the block that develop along a governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family residential street that is framing the block. The easement shall allow ingress and egress to these other lots or parcels, including ingress and egress infrastructure.
- (2) At a minimum, each developed lot or parcel shall have two points of ingress and egress, at least one of which shall be stubbed to adjacent property where practicable. Except that a parking area is allowed to only provide a single access as long as it does not block the accessibility to other areas within the block that are or could be used for public parking.
- (3) Each parking area that is located within the block and that will be open to the public for public parking shall be designed to extend to the parcel boundary and shall provide a cross access easement along all sides of the parking area abutting the adjacent lot(s) or parcel(s) in a manner that allows the adjoining lot or parcel owner to extend that public parking area seamlessly into their parcel.

- (4) When locating a cross-access easement or designing the cross-access infrastructure, good faith efforts shall be made to coordinate the location and design with the adjoining land owner.
- (5) The Planning Director may require the cross-access to be located in a manner that optimizes internal block traffic circulation.
- (6) Construction of the cross-access infrastructure shall be completed prior to the issuance of a certificate of occupancy for any structure on the lot or parcel, or a completion bond may substitute for completion if allowed by the County Engineer.
- (7) When a lot or parcel is being developed that abuts an existing cross-access easement or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access infrastructure shall be constructed to the same standard as, or better than, the existing cross-access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the title of all affected properties, along with a perpetual operation and maintenance agreement between the property owners that specifies, at a minimum, that the infrastructure will be operated and maintained by the property owners in a manner that is safe and usable for two-way vehicle traffic.
- (8) If property owners fail to operate or maintain cross-access infrastructure that was required by the County under this section, the County may pursue enforcement measures as provided in this Land Use Code.

Sec 104-22-10 Signage

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

Sec 104-22-11 Form-Based Zone Transferable Development Rights

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

- (a) For a lot or parcel rezoned to the Form-Based Zone from a zone that allows residential dwelling units, the base density, as defined in Title 101, Chapter 2, shall be the same as the density that was allowed in the prior zone. This shall be documented by recording a covenant to the lot or parcel that provides a calculation of the base density. The covenant shall run with land, and be between the owner and the County.
- (b) Additional residential dwelling units are permitted on any lot that has street frontage on, or gains primary access from, any street type in the street regulating plan except an Estate Lot Residential street and a general open space street. However, no additional density is allowed unless the landowner has successfully negotiated the reallocation of an equal number of dwelling unit rights from another lot or parcel that has an available dwelling unit right, as determined by

the lot or parcel's base density and adjusted for any previous dwelling unit right reduction or addition. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units already developed on the lot or parcel; the number of dwelling unit rights subtracted from, or added to, the base density by any means; and the number of dwelling unit rights remaining for the lot or parcel.

- (c) Residential dwelling unit rights may be transferred to a lot or parcel in a FB Zone from any lot or parcel in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FB.
- (d) Regardless of number of residential dwelling unit rights transferred to a lot or parcel in the FB Zone, the number of dwelling units actually constructed shall be limited by what can be constructed given compliance with the standards of this chapter.

Sec 104 22-12 Workforce Housing

Participation in creating workforce housing is required.

- (a) **No transfer required.** Workforce housing will not be deducted from the lot or parcel's development rights and is not required to be established through transferable development rights.
- (b) **Lot development standard reduced.**
 - (1) Unless the applicable lot development standards are more permissive, a structure that is exclusively devoted to, and deed restricted for, workforce housing may have a front yard setback of 20 feet, and a side and rear yard setback of five feet, and has no minimum area requirement.
 - (2) In the event the provision for the required workforce housing results in the inability to realize the number of dwelling units that would otherwise be allowed if workforce housing was not required, then the applicable minimum lot development standards in the development may be reduced to no less than half of the applicable minimum lot development standard.
- (c) **Workforce housing requirements.** Unless otherwise negotiated by development agreement, one or more of the following workforce housing requirements shall be provided by the developer.
 - (1) **Building and reservation of dwelling units.** Dwelling units, in an amount that is equal to or greater than five percent of the non-workforce housing units being developed, shall be constructed and deed restricted for workforce housing;
 - (2) **Fee in lieu.** In lieu of building affordable housing units, a fee equaling up to two percent of the dwelling unit's market value, shall be paid for each dwelling unit constructed. This shall be implemented by a covenant recorded on title of each dwelling unit, and shall be paid at the time a building permit is issued, or prior to the transfer of the property's title after the dwelling unit has been completed;
 - (3) **Buildable lot in lieu.** In lieu of building affordable housing units, a lawfully subdivided lot or lots in a size and configuration that is capable of supporting dwelling units in an amount that is equal to or greater than 10 percent of the non-workforce housing units being developed, shall be donated, with stubbed utilities, to the Weber Housing Authority for the purpose of meeting this requirement; or

- (4) ***Floor area in lieu.*** Along G&I, VOC, MUC, MFR and SLR streets, floor area, in a size and configuration that is capable of supporting dwelling units in an amount that is equal to or greater than five percent of the non-workforce housing units being developed, shall be donated, with stubbed utilities, to the Weber Housing Authority for the purpose of meeting this requirement.
- (d) ***Workforce housing location.*** The required housing units, lots, or floor area provided for workforce housing may be located outside of the proposed development but no greater than one mile from a G&I, VOC, or MUC street designation, or within one mile of a CV-1, CV-2, or CVR-1 zone.
- (e) ***Weber housing authority.*** Eligibility and long-term monitoring of qualification for workforce housing is the responsibility of the Weber Housing Authority