

OGDEN VALLEY PLANNING COMMISSION

MEETING AGENDA

March 28, 2022

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

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

1 Minutes: February 7, 2022, January 24, 2023

Petitions, Applications, and Public Hearings:

2. Administrative Items:

2.1 UVT112822: Request for a recommendation of final approval of The Ridge Townhomes PRUD Phase 5, consisting of 12 townhomes in three buildings, located at approximately 5286 E Moose Hollow Drive, Eden, UT, 84310

Planner: Tammy Aydelotte

2.2 DR 2023-01: Request for design review approval Request for approval of a design review application for Sky Lodge Hotel, located at approximately 7500 North Powder Ridge Rd, Eden, UT, 84310. This proposal consists of 66 guest rooms/cabins, and associated amenities that include a café and bar, meeting space, pool and spa, dog park, amphitheater, fire pits, and children's play structure/area.

Planner: Tammy Aydelotte

Petitions, Applications, and Public Hearings:

3. Legislative Items:

4. Public Comment for Items not on the Agenda:

5. Remarks from Planning Commissioners:

6. Planning Director Report:

7. Remarks from Legal Counsel

Adjourn to Worksession

WS1: Osprey Ranch to Wolf Creek Water/Sewer Infrastructure Update

Applicant: Eric Householder

WS2: Discussion regarding updated Ogden Valley zoning buildout calculations.

Planner: Bill Cobabe

WS3: Review and discussion regarding proposed ordinances to implement the Western Weber General Plan, pertaining to lot area, design standards, dark sky lighting, block lengths, pathway and street connectivity, and related amendments.

Planner: Charlie Ewert

WS4: Review and discussion regarding the proposed Form-Based zone for West Weber Village area, and related amendments.

Planner: Charlie Ewert

Adjourn

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

& Via Zoom Video Conferencing at <https://us02web.zoom.us/j/86789030753> Meeting ID: 867 8903 0753

A Pre-Meeting will be held at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting. No decisions are made in the pre-meeting, but it is an open public meeting.

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

Meeting Procedures

Outline of Meeting Procedures:

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

Role of Staff:

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

Role of the Applicant:

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

Role of the Planning Commission:

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

Public Comment:

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

Planning Commission Action:

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

Commenting at Public Meetings and Public Hearings

Address the Decision Makers:

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

Speak to the Point:

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

Handouts:

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

Remember Your Objective:

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

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for January 24, 2023. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/81920125209>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Trevor Shuman, Chair, Jeff Barber, Jeff Burton, Justin Torman, and Janet Wampler.

Absent/Excused: Commissioners Dayson Johnson and Jared Montgomery

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Bill Cobabe, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

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

Planning Director Grover introduced the newest member of the Planning Commission, Jeff Barber. He feels Commissioner Barber will be a great addition to the group; he has great experience that will complement the current membership of the Commission. He invited Commissioner Barber to address the Commission. Commissioner Barber provided a brief overview of his personal and professional background.

Chair Shuman conducted roll call and indicated Commissioners Johnson and Montgomery were excused; all other Commissioners were present.

1. Vote on new Chair and Vice Chair for 2023.

Planning Director Grover indicated that the Rules of Order for the Planning Commission indicates that a member can serve as Chair or Vice Chair for two terms; Chair Shuman has served one term.

Commissioner Burton nominated Trevor Shuman to serve as Chair of the Ogden Valley Planning Commission for 2023. Commissioner Wampler seconded the nomination. Commissioners Burton, Barber, Shuman, Torman, and Wampler all voted aye. (Motion carried 5-0).

Chair Shuman nominated Jeff Burton to serve as Vice Chair of the Ogden Valley Planning Commission for 2023. Commissioner Torman seconded the nomination. Commissioners Burton, Barber, Shuman, Torman, and Wampler all voted aye. (Motion carried 5-0).

2. Approve Rules of Order.

During the pre-meeting, Legal Counsel Erickson reviewed the proposed changes to the Rules of Order and discussed the purpose for some of the changes, specifically the section of the Rules document that deals with conflicts of interest and reasons for recusal. Commissioner Burton stated there is a section of the Rules document that indicates that the Rules of Order can only be amended if notification of such amendment is given 14 days in advance. Mr. Erickson stated he overlooked that section and suggested that the Commission delay action on the Rules document until a future meeting in order to satisfy the 14-day noticing requirement.

Chair Shuman invited Commission discussion of the Rules document. Commissioner Burton addressed the section dealing with ex-parte contacts; the document indicates that the rule only applies to ex-parte contacts for administrative actions. Mr. Erickson stated that is correct, it does not relate to ex-parte contacts for legislative matters. Commissioner Burton stated he interprets the rule to mean that ex-parte contacts are allowed for legislative matters and, in fact, may even be encouraged. Mr. Erickson stated ex-parte contacts are permitted for legislative matters. Commissioner Burton stated the document indicates that Planning Commissioners shall reveal any 'pre-meeting' or ex-parte contacts, but the term 'pre-meeting' is not defined. Mr. Erickson stated that may be a poor choice of wording, and could be considered redundant. He stated he interprets the language to mean that a Commissioner should disclose any contact relating to an administrative matter that occurs prior to a public meeting of the body. Commissioner Burton asked Mr. Erickson to amend the language to make it more clear. He then read the following statement from the document: "pre-arranged, private meetings between a Planning Commissioner and applicant, their agents, or other interested parties are prohibited". He asked if that is only in connection with an administrative item. Mr. Erickson answered yes. Commissioner Burton asked that Mr. Erickson adjust the language to clearly communicate that the rule only applies to

administrative items. He then read another statement from the document: "partisan information on an application received by a Planning Commission should be made part of the public record" and he asked what that statement means. Mr. Erickson stated that any information submitted to a Planning Commission by someone in favor of or opposed to an application should be made part of the public record. The wording is not ideal and he will adjust that language as well. Commissioner Burton asked if the intent was to cite any email or other form of communication received by a Planning Commissioner from someone supporting or opposing the application. Mr. Erickson answered yes; he noted that much of the content of the Rules of Order document has likely been in place for several years as the document predates his employment with the County.

Commissioner Wampler cited the mention of emails received by the Planning Commission; if the communication relates to an administrative item, Commissioners should not respond to the sender, but should disclose receipt of the email and make it part of the public record. Mr. Erickson stated that is correct; or the Commissioner could forward the email to staff before the public meeting and they will make it part of the record. Chair Shuman noted that staff is commonly copied on those emails. Commissioner Wampler asked if it is not necessary to disclose the receipt of the email if staff is also copied. Mr. Erickson answered yes. Commissioner Burton stated that more explicit direction within the actual Rules.

Commissioner Burton then cited the section of the Rules document that indicates meetings of the Commission shall be held in the Commission Chambers; he stated this makes it difficult for the Commission to hold meetings at other locations. Mr. Erickson stated it would be appropriate to broaden that language to allow the Commission to hold meetings at alternate locations. Commissioner Burton cited paragraph e.2: "all parties shall have an opportunity to be heard to present and rebut evidence before an impartial tribunal". He asked which body is considered the 'impartial tribunal'. Mr. Erickson stated that wording is intended to refer to the Planning Commission; the intent is to give applicants access to a fair and impartial decision making body and the language can be adjusted to simplify and clarify the intent.

The Commission then discussed language contained in paragraph six relating to a Commissioner speaking in favor or against an application; there is a requirement that they make their statement from the audience rather than the dais and that they are then required to leave the room after making their statement. Chair Shuman stated the language is odd and should be adjusted given the Commission makes comments about applications at each meeting. Mr. Erickson stated he feels it is implied that the language relates to an instance when a Commissioner is recusing themselves or has declared a conflict of interest and will not be participating as a voting member, but would still like to make a comment. Chair Shuman stated that makes more sense and if that is the intent, the language should be clarified. He is not in favor of completely rewriting the language relating to conflicts of interest as he feels that some of the language was appropriate and he is unsure it is appropriate to defer entirely to the State of Utah rules regarding conflicts of interest. Mr. Erickson stated that the County Commission was concerned about the requirement for a member of the body to leave the room after they have declared a conflict of interest. He stated that meetings of the Planning Commission are open and public and anyone should be able to be physically present and forcing them to leave the room may be improper. Chair Shuman agreed; it may not be appropriate to require them to leave the room, but they should excuse themselves from the discussion on a matter for which they have a conflict of interest. Commissioner Wampler agreed; there has been discussion in the public about conflicts of interest and now it appears that the rules are being relaxed and she feels that this looks bad. She would be uncomfortable making the rules more lenient. Commissioner Burton disagreed; he feels there will always be conflicts, but the Planning Commission is charged with deliberating and providing input from different perspectives. Conflicts can be declared openly, but bringing all perspectives to the table for discussion is appropriate and will help to lead to the best decisions that include all points of view. Chair Shuman wondered if the rules can be adjusted to require a disclosure of a potential conflict of interest and then a vote of the Commission as to whether the member should participate in discussion or recuse themselves. Mr. Grover stated that each Commissioner will be required to sign a form declaring any potential conflict of interest or private business interest and that was one reason he felt more comfortable adjusting the Rules of Order responsive to the requirement to sign the form. Mr. Erickson reviewed the purpose of the conflict of interest form and agreed with Mr. Grover. The Commission then discussed and debated situations or relationships that could be perceived as conflicts of interest; Commissioner Wampler stated that she is uncomfortable with the adjustment to the conflicts of interest section in that each Commissioner is left to solely determine if they can be impartial in their consideration of an application, even if they have a conflict of interest. The old rules allowed for discussion amongst the entire Planning Commission; she feels the changes provide for subjectivity. Commissioner Burton stated that over the past several months he was criticized by the public and the claim was made that he should not be allowed to vote on land use issues because he has practiced property law for the past 40 years. He stated that is an unreasonable opinion; he noted Commissioner Johnson is a developer and he has appreciated his input and opinion based on his expertise and it would be unfortunate to discount that opinion based upon a perceived conflict of interest. It is appropriate for the Commission to trust each Commissioner to exercise good judgement. Mr. Erickson added that if a matter is litigated, a court will consider the findings upon which a decision was based; the court may or may not consider a conflict of interest because the

most important factor for a decision of the body is the findings upon which the decision was made. A decision can be perfectly valid even if a Commissioner had a conflict of interest and participated in discussion or voting. He is not saying that conflicts of interest should not be declared, but he is saying that the most important thing is basing a vote on proper factors/findings. Commissioner Burton agreed; the focus of the Commission should be on the facts surrounding an application and the findings supporting the decision.

Chair Shuman asked if the current version of the Rules of Order will apply until a new or updated version can be voted upon. Mr. Erickson answered yes. Chair Shuman asked Mr. Erickson to adjust the language in the Rules responsive to the feedback from the Commission and present them in a future meeting for action. Mr. Erickson stated he will work to clarify and simplify the document. Mr. Grover noted there have been two positions expressed regarding declaring a conflict of interest and participation in a meeting after the declaration is made; he asked the Commission if they would be comfortable with staff providing two options for consideration and action in a future business meeting. The Commission answered yes.

3. Minutes approval – none.

4. Consent items:

4.1 CUP 2023-01 Request for approval of a conditional use permit for a public utility substation that will house a well pumping facility for Wolf Creek Water and Sewer Improvement District. Planner: Steve Burton

Commissioner Burton moved to grant approval of CUP 2023-01, conditional use permit for a public utility substation that will house a well-pumping facility for Wolf Creek Water and Sewer Improvement District, based on the findings and subject to the conditions listed in the staff report. Commissioner Wampler seconded the motion. Commissioners Burton, Barber, Shuman, Torman, and Wampler all voted aye. (Motion carried 5-0).

5. Petitions, Applications, and Public Hearings (Administrative):

Commissioner Wampler declared a conflict of interest relating to both Administrative items and indicated she will recuse herself from discussing and voting on the applications.

5.1 UVT112822 Request for preliminary approval of The Ridge Town homes PRUD Phase 5, consisting of 12 town homes in three buildings, located at approximately 5286 E Moose Hollow Drive, Eden, UT, 84310. Planner: Tammy Aydelotte

Planner Aydelotte explained the Planning Division recommends preliminary subdivision approval of The Ridge Townhomes PRUD Phase 5. The proposed subdivision is zoned FR-3 and is part of the master planned community within the Wolf Creek Resort known as "The Ridge Townhomes at Wolf Creek PRUD" which consists of five phases (48 units) over 14.46 acres and approximately 10.11 acres (63%) of open space/common area. The proposed subdivision phase will consist of 2.90 acres with 12 townhomes in three 6,792 square foot 4-plex buildings and approximately 2.51 acres (87%) of common area. The PRUD received the required Conditional Use Permit, Design Review, Ogden Valley Architectural, Landscape and Screening Design Standards and Preliminary Subdivision approval from the Weber County Commission on December 10, 2013, after receiving a positive recommendation from the Ogden Valley Planning Commission on November 11, 2013. Phase four was recorded on November 13, 2019. The Uniform Land Use Code of Weber County (LUC) §106-1-5 identifies the approval process for preliminary subdivision. The proposed subdivision exceeds the number of lots that can be administratively approved as part of a phasing process; therefore, the final plat must be considered and approved by the County Commission after receiving a recommendation from the Planning Commission. The proposed subdivision and lot configuration is in conformance with the current zoning, the approved PRUD and the Zoning Development Agreement Conceptual Land Use Plan as well as the applicable subdivision requirements as required in the LUC. She summarized staff's evaluation of the request, including compliance with the General Plan and zoning regulations; lot area, frontage/width and yard regulations; the phase five subdivision plat layout; architectural renderings; review by pertinent districts; culinary water, irrigation water, and sanitary sewage disposal; additional design standards and requirements, and tax clearance. She concluded the Planning Division recommends preliminary subdivision approval of The Ridge Townhomes PRUD Phase 5, consisting of 12 units. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A cost estimate for the improvements and a draft copy of any CC&R's will be required prior to receiving final approval from the County Commission.
2. Prior to recording, a note will be added to the final subdivision Mylar to provide notice that the final geologic and geotechnical report is on file with Weber County Planning Division.
3. A "Natural Hazards Disclosure" document will be required to be recorded with the final subdivision Mylar to provide

adequate notice of any geotechnical and geological recommendations for future property owners.

4. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water must be submitted to Weber County Planning Division prior to forwarding the application for approval by the County Commission
5. If the applicant desires, a note must be added to the final Mylar to provide notice of the approved short-term rental option.

This recommendation is based on the following findings:

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

Commissioner Torman asked if this is the last phase of the subdivision, to which Ms. Aydelotte answered yes.

Chair Shuman invited input from the applicant; the applicant indicated he had nothing to add to Ms. Aydelotte's presentation.

Chair Shuman invited public input. There were no persons appearing to be heard.

Commissioner Torman moved to grant approval of application UVT112822, preliminary approval of The Ridge Town homes PRUD Phase 5, consisting of 12 town homes in three buildings, located at approximately 5286 E Moose Hollow Drive, Eden, UT, 84310, based on the findings and subject to the conditions listed in the staff report. Commissioner Barber seconded the motion. Commissioners Burton, Barber, Shuman, and Torman all voted aye. (Motion carried 4-0).

5.2 UVG080922 Request for a recommendation of final approval of The Grove Cabins PRUD Phase 1 Subdivision, consisting of 11 lots, located at approximately 4553 N Seven Bridges Road, Eden, UT, 84310. Planner: Tammy Aydelotte

Planner Aydelotte reported a conditional use permit for The Bridges PRUD was approved on July 19, 2016 and preliminary approval of The Groves Cabins PRUD Phase 1 was granted on September 27, 2022. The applicant is requesting a recommendation of final approval of The Grove Cabins PRUD Phase 1 Subdivision in the RE-15 Zone. The proposed development consists of 11 lots with common area, four private drives, and public road dedication. The Grove Cabins PRUD Phase 1 is part of the master planned community within the Wolf Creek Resort known as "The Bridges PRUD" which consists of a multi-phased development including six communities (364 units) with a variety of housing options and approximately 143 acres of open space. The proposed subdivision "The Grove Cabins PRUS Phase 1" is one of the several phases (97 units) in the Grove Cabins community. The Uniform Land Use Code of Weber County (LUC) §106-1-5 identifies the approval process for final subdivision approval. The proposed subdivision exceeds the amount of lots that can be administratively approved as part of a phasing process; therefore the subdivision plat must go through a final approval by the County Commission after receiving a recommendation from the Planning Commission. The proposed subdivision and lot configuration is in conformance with the current zoning, the approved PRUD and the Zoning Development Agreement Conceptual Land Use Plan as well as the applicable subdivision requirements as required in the LUC. She summarized staff's evaluation of the request, including compliance with the General Plan and zoning regulations; lot area, frontage/width and yard regulations; the phase five subdivision plat layout; architectural renderings; review by pertinent districts; culinary water, irrigation water, and sanitary sewage disposal; additional design standards and requirements, and tax clearance. She concluded the Planning Division recommends the Planning Commission forward a positive recommendation for final approval of The Grove Cabins PRUD Phase 1 Subdivision, consisting of 11 lots located at approximately 4553 N Seven Bridges Road, Eden, UT, 84310. This recommendation is subject to all review agency requirements and the following conditions:

1. In order to provide clear site standards, staff recommends adding the minimum yard setback standards on the final subdivision Mylar including the "Side; facing street on corner lot" setback.
2. A note providing adequate notice of the Important Wildlife Habitat area and the development standards that are required will be added to the final subdivision Mylar.
3. The dedication language on the final Mylar will need to include language to grant ownership of the common area to the applicable ownership.
4. A cost estimate for the improvements and a draft copy of any CC&R's will be required prior to receiving final approval from the County Commission.

5. Prior to recording the final Mylar, all lots that are impacted by a geologic hazard will be identified on the final Mylar a note to provide notice that the final geologic and geotechnical reports are on file with Weber County Planning Division. A "Natural Hazards Disclosure" document will be required to be recorded to provide adequate notice of any geotechnical and geological recommendations for future property owners.
6. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water must be submitted to Weber County prior to approval by the County Commission.
7. If the applicant desires, a note will be added to the final Mylar to provide notice of the approved nightly rental option.

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan
2. The proposed subdivision complies with applicable county ordinances

Commissioner Burton stated that during the Commission's last discussion of this application, he disclosed that his wife owns a lot a few blocks from the subject property; the Commission took a vote and decided that he did not have a conflict of interest that would require him to recuse himself. He then cited recommended condition of approval number two and asked who determines if adequate notice has been given. Ms. Aydelotte stated that adequate notice is defined as language being included on the dedication plat so that anyone performing due diligence regarding a lot in the subdivision can see the note on the plat. The intent of the language is to inform a potential buyer that the County is trying to limit interruption of the wildlife corridor and fencing is generally not allowed in those areas. Commissioner Burton asked if development standards are the same as adequate notice. Ms. Aydelotte stated development standards are more specific and will address matters such as required setbacks or use of a unit for nightly rentals. The fencing requirements will also be included in development standards. Commissioner Burton asked if property owners would be allowed to install fencing around their trees; he has noticed that plats are becoming more complex, and they include several pages of notes that people will likely never read. His experience is that wildlife will go where it wants to go, and many people place fencing around ornamental trees to ensure their survival. He asked if people will be allowed to plant trees, but not appropriate fencing to protect them. Planning Director Grover stated that he does not believe that the regulations will be that specific; the LUC requires preservation of the wildlife habitat area and provide adequate notice and placing the note on the plat informs a property owner of the standards they must adhere to. He does not envision the County disallowing fencing around trees, but placing a fence around a large riparian area would likely be prohibited. Commissioner Burton asked if there is any area of the Valley that is not defined as wildlife habitat. Mr. Grover answered yes and indicated that there is a map that identifies Wildlife Habitat areas to which this type of language would apply. The best way the County has found to communicate certain types of regulations to prospective landowners is to include notes on the recorded plat. Commissioner Burton asked if the ordinance to which the notes refer is specific enough to communicate fencing regulations. Mr. Grover answered yes but noted that staff will have some discretion in helping a landowner determine the areas that fencing can be placed on their property. Commissioner Burton asked if the draft copy of the CCRs for the project will be submitted to the County Commission. Mr. Burton answered yes; the County's legal counsel will also review the CCRs to determine they are appropriate; a final copy will eventually be submitted to the County to be attached to the plat at the time of recording. Brief discussion centered on the time at which a draft copy of the CCRs will be considered a final version.

Commissioner Burton then referenced the final condition of approval dealing with nightly rentals. He asked if nightly rentals are allowed in this project. Ms. Aydelotte answered yes and stated that approval was given with the original approval of the CUP. Placing a note on the plat would inform future owners that nightly rentals will be allowed. Chair Shuman asked why the applicant has the ability to determine if that note will be placed on the plat. Ms. Aydelotte stated that if the applicant still wants the allowed use to be known, they should include a note on the plat. Mr. Grover added there are still zones in which short term rentals are allowed; they are also allowed in PRUDs and if the applicant chooses to allow the use in their project, placing the note on the plat will help staff to monitor where the use is allowed. Commissioner Burton asked if the applicant could add such a note to their plat without this type of condition of approval. Mr. Grover answered no; such a note must be approved by the County and the property must be included in a zone or project where nightly rentals are allowed.

Chair Shuman invited input from the applicant; the applicant indicated he had nothing to add to Ms. Aydelotte's presentation.

Commissioner Burton moved to forward a positive recommendation to the County Commission for approval of application UVG080922, final approval of The Grove Cabins PRUD Phase 1 Subdivision, consisting of 11 lots, located at approximately 4553 N Seven Bridges Road, Eden, UT, 84310, based on the findings and subject to the conditions listed in the staff report. Commissioner Barber seconded the motion.

Chair Shuman asked for a friendly amendment to condition of approval number four to change the term ‘draft’ to ‘final’ relating to the CCR document to be submitted to the County Commission.

Commissioner Burton asked if the County is charged with approving a final version of the CCRs. Mr. Grover stated that the County Commission will consider approval of the final plat and the CCRs would be attached to the final version of the plat. He suggested that the language be changed to refer to a copy that has been reviewed and approved by the Legal Department to address Chair Shuman’s concern.

Commissioner Burton amended his motion to change condition number four by adding language requiring review and approval of CCRs by the Legal Department before they are submitted to the County Commission. Commissioner Barber seconded the friendly amendment.

Chair Shuman called for a vote on the amended motion. Commissioners Burton, Barber, Shuman, and Torman all voted aye. (Motion carried 4-0).

Legal Counsel Erickson stated that he wants to be clear that the County does not review CCRs for the purposes of accepting a document that the County will enforce; rather, the County is reviewing to determine if anything included in the CCRs is non-compliant with County ordinances. He stated the Planning Commission should not be expecting a broad review and approval of the CCR document; rather, the County will only be checking for compliance with County ordinances.

Commissioner Burton stated this is a great opportunity to highlight an issue with the Rules of Order; a motion was made, and a friendly amendment requested, but it would be helpful to clarify in the Rules document that CCRs are only reviewed by the Legal Department to ensure no conflicts with the County LUC. He wondered if it would be appropriate to adjust the motion that was approved by the Commission. Mr. Erickson stated that he did not feel the need to correct the motion that was being acted on by the Commission because he has an understanding of the intent of the legal review before the application is submitted to the County Commission. However, if the Commission feels a need for additional clarification, the body can make a motion to reconsider by someone who voted on the prevailing side. Approval of a motion to reconsider would open the matter for continued discussion and a new motion. He does not feel that is necessary in this instance because he feels the motion was clear enough and the intent of the amendment was understood.

Commissioner Wampler rejoined the meeting.

6. Petitions, Applications, and Public Hearings (Legislative):

6.1 GPA 2022-03: An amendment to the Ogden Valley General Plan adding an addendum to the General Plan addressing Moderate Income Housing reporting requirements per HB 462. Planner: Bill Cobabe

Planner Cobabe explained House Bill (HB) 462 requires cities and counties in Utah to adopt a Moderate-Income Housing plan that addresses strategies as outlined in State Code. Staff went through the existing General Plans for Western Weber and Ogden Valley and pulled out those portions of the respective General Plans to prepare a reporting document to report to the State. These strategies must be adopted with implementation plans that show goals and targets that can be used to demonstrate progress towards completion of the plans and adopted strategies. He noted no substantive policy changes accompany this addendum. All of the policies that are listed were already adopted by the County in the respective General Plans. He concluded staff recommends that the Planning Commission offers a positive recommendation to the County Commission for file GPA 2022-03, amending the adopted General Plan and adding Addendum 1, as shown in Exhibit A; the recommendation is supported with the following findings.

1. The proposals will meet the anticipated needs and goals outlined in the General Plan;
2. The proposals reflect the requirements of State Code;
3. The proposals demonstrate a continued orderly progression to development in the area; and,
4. The proposals are in the best interest of the health, safety, and welfare of the general public.

Commissioner Burton asked if Weber County has a General Plan that is considered to be an umbrella over the Ogden Valley General Plan. Mr. Cobabe answered yes; the title should be amended to reflect that the Ogden Valley General Plan and Western Weber General Plan are independent of one another. Commissioner Barber asked if both plans are equal with respect to their quest for moderate or low-income housing. Mr. Cobabe stated there are different strategies and policies in each Plan; the Ogden Valley has very different needs and concerns with regard to housing that are not shared in the Western Weber area, but there is a regional concern along the Wasatch Front relating to moderate-income housing. Commissioner Barber asked if the different

needs for each area are spelled out in each Plan. Mr. Cobabe answered yes; each Plan has general policies specific to the respective area.

There was brief discussion about the background of the development of the moderate-income housing element of the General Plan, with Chair Shuman summarizing the work done by the Commission to identify strategies that align with the direction the Planning Commission was already moving in. There was also a focus on the penalties for non-compliance with HB 462 and the reporting requirements associated with the legislation.

Commissioner Wampler asked Mr. Cobabe if the document that was presented for action tonight is the same as the document that was last reviewed by the Commission. Mr. Cobabe answered yes. Commissioner Wampler stated that she has compared the document to the version that was presented to the Commission in October of 2022, and they are not the same. Mr. Cobabe stated they are some in the policies and strategies that were identified in the document. Commissioner Wampler stated the October 2022 version includes seven policies and the version before the Commission tonight includes 11. Chair Shuman stated that the Commission originally identified seven policies, but upon further consideration, 11 policies were identified as reflecting the goals of Ogden Valley. Commissioner Cobabe accepted that explanation but stated that she finds it confusing and she believes others will be confused by the fact that there are items included in the document that have nothing to do with the Ogden Valley. Attaching the document to the Ogden Valley General Plan will create confusion. Mr. Cobabe stated the problem is that the State of Utah does not recognize the Ogden Valley General Plan; rather, they require Weber County to present a report for the entire County and not Ogden Valley or Western Weber as independent planning areas. The Planning staff must create a unified document to report on subsequent years activities and progress towards compliance with the legislation. Commissioner Wampler stated that makes sense to her, but the confusion comes from attaching it to the Ogden Valley General Plan. Chair Shuman asked if the County is required to attach the document to the Ogden Valley General Plan. Planning Director Grover answered yes; the State has required the process that has been presented to the body tonight. He has spoken with County Commissioner Froerer about pushing for legislative amendments that would address the confusion and difficulties created by HB 462 and its reporting requirements. He stated there are other counties that have multiple Planning Commissions and areas with independent General Plans, and it is difficult to comply with reporting requirements without creating confusion.

Commissioner Torman moved to open the public hearing. Commissioner Burton seconded the motion. Commissioners Burton, Barber, Shuman, Torman, and Wampler all voted aye. (Motion carried 5-0).

Craig Laurem, Eden, stated that he has seen a map of some roads being built near or through his property at approximately 2550 North; allowing high density housing around his and other properties on Highway 158 will force people to move from their homes.

Chair Shuman stated that this particular proposal is not something that would make anyone more from their property; the State Legislature passed a law that requires counties to assemble a moderate-income housing plan. The Ogden Valley Planning Commission and Planning staff examined the Ogden Valley General Plan to identify existing goals and plans that would align with the State's requirements for a moderate-income housing plan. He cited transfers of development rights (TDRs) as an example of a strategy that can be used to provider for moderate-income housing. The action before the Commission tonight is to consider whether to add an addendum to the General Plan addressing the reporting requirements for HB 462; the action would not create any roads or change zoning.

Mr. Laurem asked if existing uses near Wolf Creek would meet the definition of moderate-income housing. Chair Shuman stated that moderate-income housing is hard to define, but the moderate-income housing plan will not make any changes to what currently exists at Wolf Creek.

Commissioner Burton moved to close the public hearing. Commissioner Wampler seconded the motion. Commissioners Burton, Barber, Shuman, Torman, and Wampler all voted aye. (Motion carried 5-0).

Commissioner Wampler moved to forward a positive recommendation to the County Commission for application GPA 2022-03, an amendment to the Ogden Valley General Plan adding an addendum to the General Plan addressing Moderate Income Housing reporting requirements per HB 462, with the change to the title of the document to identify the Ogden Valley General Plan and Western Weber General Plan as independent of one another. Commissioner Burton seconded the motion. Commissioners Burton, Barber, Shuman, Torman, and Wampler all voted aye. (Motion carried 5-0).

Chair Shuman referenced the discussion of the Rules of Order that took place earlier in tonight's meeting; he suggested that Legal

Counsel Erickson add language to that document to provide sample motions for the Commission to review and use in future meetings.

7. Public Comment for Items not on the Agenda.

There were no public comments.

8. Remarks from Planning Commissioners.

Commissioner Barber referenced the agenda item dealing with the moderate-income housing plan and he asked if the Commission has a full discussion and accepted public input on that matter recently. Mr. Grover stated that the General Plan is considered to be a guiding document and during past reviews of the General Plan, there has been a focus on opportunities for incorporating moderate-housing into certain development areas. The Commission can consider comprehensive amendments to the entire General Plan, or just to a section, and the action taken by the Commission tonight was to add a section or addendum to the Plan. Commissioner Barber stated he was around when the General Plan was amended in 2016 and he picked it up again recently to read through it and he feels that it should be updated; it contains projections that are outdated. He asked if there is a plan to update that data and to consider more substantive issues, such as moderate-income housing. Mr. Grover stated that if the Planning Commission wants to move in that direction, Planning staff can discuss the recommendation with the County Commission. He stated that staff recently completed their work on the Western Weber General Plan and would like to begin working on a full update of the Ogden Valley General Plan in the next year. He stated that some smaller amendments have been considered and changes have been implemented, but more work needs to be done.

Chair Shuman stated that the Commission did accept public input when they were working to develop the moderate-income plan that became part of the General Plan.

There was brief discussion among the Commission regarding a few data points included in the General Plan and the steps that must be taken to update that data.

9. Planning Director Report.

There were no additional comments from the Planning Director.

10. Remarks from Legal Counsel.

There were no additional remarks from Legal Counsel.

Adjourn to Work Session

WS1: Discussion regarding amendments to the Form Based Zone adding clarifying provisions related to street frontage, verbiage, consistency, adding pedestrian pathway requirements, adding street cross-section options, refining mid-block accessway requirements, reconfiguring certain streets in the Nordic Valley Area Street Regulating Plan and New Town Eden Street Regulating Plan, and adding a new 4700 West Village Street Regulating Plan (Western Weber Planning Area), and amending provisions related to transferable development rights. Planner Charlie Ewert.

Planner Ewert facilitated a review the proposed amendments to the Form Based Zone, which included adjustments to definitions of certain terms included in the document and the addition of new terms specific to transfers of development rights (TDRs); short term rentals; the creation of village areas; permitted versus conditional uses; zoning designations and opportunities to assign certain zoning to specific properties or areas in the Valley; lot sizes and maximum density in various zones; development/impact fees that appropriately cover actual costs associated with improving a property in order to mitigate any impact to taxpayers; street types and street designs; pedestrian pathways/sidewalks; and intersection designs/alignments and mid-block crossings.

Focus shifted to a specific property in the Ogden Valley for which a zoning change, zone-text amendment, and TDR action has been applied; Mr. Ewert suggested that the Commission not discuss that specific application given that it has not been noticed on the agenda and the public was not given opportunity to participate in or hear this discussion. The Commission indicated they would like to see a conceptual development plan for the proposed project along with the zoning application. They concluded to discuss the matter in greater detail during the February 7 work session meeting.

**Meeting Adjourned: The meeting adjourned at 9:02 p.m.
Respectfully Submitted,**

Weber County Planning Commission

Minutes of the Regular Meeting of the Ogden Valley Planning Commission for February 7, 2023. To join the meeting, please navigate to the following weblink at, <https://us02web.zoom.us/j/88124038020>, the time of the meeting, commencing at 5:00 p.m.

Ogden Valley Planning Commissioners Present: Trevor Shuman, Chair, Jeff Barber, Jeff Burton, Dayson Johnson, Jared Montgomery, and Janet Wampler.

Absent/Excused: Commissioner Justin Torman

Staff Present: Rick Grover, Planning Director; Charlie Ewert, Principal Planner; Steve Burton, Planner; Felix Lleverino, Planner; Tammy Aydelotte, Planner; Bill Cobabe, Planner; Courtlan Erickson, Legal Counsel; Marta Borchert, Office Specialist.

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

Chair Shuman conducted roll call and indicated Commissioner Torman was excused; all other Commissioners were present.

1. Minutes: None.

2. Petitions, Applications, and Public Hearings:

2.1 ZTA 2022-03, a public hearing for consideration of an applicant driven text amendment to amend the Ogden Valley Signs ordinance to allow a neighborhood identification sign to be placed on a retaining wall. Planner: Steve Burton

Planner Burton explained the applicant is proposing to allow a neighborhood identification sign to be placed on a retaining wall. The applicant is proposing to allow neighborhood identification retaining wall signs to be 4.5 feet in height and 40 feet in width. Staff is proposing to allow the wall sign to go up to six feet in height and 40 feet in width. He briefly discussed the history of the development of the section of the County's Land Use Code dealing with neighborhood identification signage; in areas of the Ogden Valley where retaining walls are needed along streets in neighborhoods, signage on the retaining wall can provide visual breaks on wide retaining walls. The design requirements of the Ogden Valley Signs code as well as the requirements of the Outdoor Lighting chapter will still apply to subdivision retaining wall signs. The setback requirement for a sign like this is 10 feet from any property line. Currently, the maximum sign allowance for a similar sign in the Ogden Valley (monument sign) is eight feet by twelve feet. Although the proposal is not considered a monument sign, it significantly increases the sign area allowance of the Ogden Valley Sign Code. The proposed sign allowance by the applicant is 4.5 feet in height by 40 feet in width. The proposed language includes an allowance of six feet in height by 40 feet in width. Staff supports the sign width allowance of 40 feet because neighborhood retaining walls can be several hundred feet in length. Under the current draft language, the sign code would not restrict the height of a retaining wall, only the sign height to six feet. A developer or HOA would be allowed to place the sign anywhere on the retaining wall. In the concept image of the proposal, the retaining wall width facing the viewer is approximately 145 feet wide to give context. He read the language included in the proposed text amendment ordinance, after which he concluded staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the proposed text amendment ZTA 2022-03 based on the following findings:

1. The proposal is an additional signage option.
2. The proposal is not contrary to the goals and principles of the general plan.

Chair Shuman stated it is important to be clear that the proposed text amendment would not just apply to the applicant's property; rather, it will apply to signage in the entirety of the Ogden Valley.

Commissioner Wampler asked if staff can explain why signage on retaining walls was previously prohibited. Mr. Burton stated it is his understanding there was no specific reason that the use was prohibited in the land use code; the trend is fairly new and the same applicant has installed signage on retaining walls in other projects.

Commissioner Burton asked how a subdivision entry sign will differ from what is currently allowed. Mr. Burton stated the sign type will be referred to as a 'neighborhood entry sign'. Commissioner Burton asked if the increase in sign size will be problematic. Planning Director Grover stated that staff considered the scale of signage; retaining walls are a much larger area than an area where a monument sign would typically be placed. Staff felt that the increase in signage size was appropriate to achieve a reasonable scale for signs placed on a retaining wall. Mr. Burton stated that neighborhood entry signs will no longer be classified as monument signs if the text amendment is approved. Mr. Grover added that the intent was for the current size of monument

signs according to the text to remain the same; the only signage size that would change if the text amendment is approved would be for a neighborhood entry sign. Commissioner Burton stated he does not understand the difference between a monument sign, a wall sign, and a neighborhood entry sign. Mr. Grover stated that a neighborhood entry sign and monument entry sign are essentially the same thing and staff can adjust the text to clarify that matter. Commissioner Burton inquired as to the difference between a wall sign and a ground sign. Mr. Burton stated that a wall sign is typically affixed to a wall of some sort and a ground sign is a stand-alone sign. Commissioner Burton stated it would be helpful to clarify the definitions of those terms. Mr. Burton stated perhaps it would be helpful for staff to present different sign images as an example of the types of signs defined in the Land Use Code. This led to high level discussion of various different sign types that could fall within the County's purview. Chairman Shuman suggested that the Commission may desire a more comprehensive review of the sign code before taking action on the application before them. Mr. Burton indicated that staff has received an application for a text amendment and based upon staff's analysis, the Commission can consider this application and forward a recommendation to the County Commission; a comprehensive review of the sign ordinance could be handled independent of the application before the Commission.

Commissioner Burton moved to open the public hearing. Commissioner Barber seconded the motion; all voted aye.

Ron Gleason stated he personally has no problem with signs being placed on retaining walls, but he asked that the Commission consider the manner in which such signs will be lit. The staff report indicates lighting will remain the same for retaining wall signs as for ground signs, but he would like to see lighting be prohibited given that it would take a great deal of light to illuminate a 240 square foot sign, and this would create a light pollution issue in violation of dark sky regulations.

Jan Fullmer stated she agrees with Mr. Gleason regarding lighting of signage, but added that there have been attempts to standardize different types of signs in the Valley and one thing that is not welcome is electronic signs. She hopes that any sign placed on a retaining wall will not be electronic or flashing in any way.

Eric Householder, representing the applicant, stated that his initial proposal to change a text is simply to achieve approval of placement of a sign on a retaining wall; there is no development agreement for the project he is working on and the sign size was determined based upon a formula to determine the appropriate scale given the location of the sign off the ground and its distance from the road. In terms of lighting, he is willing to comply with the County's Land Use Code, but he would like to light the sign in some way.

Max Tierney stated it appears that the County is considering shelving conservative signage approaches in favor of allowing larger signs to satisfy a developer. He suggested the Commission honor the spirit and intent of the current ordinance, which was to keep signage in the Valley fairly conservative. In the past, there have been issues with intrusive signs and the County attempted to rein those issues in. If restrictions are reduced or eliminated, signage will again get out of control. The County needs to try to envision what they want the Valley to look like in the future and pursue regulations that will help to achieve that vision.

There were no additional persons appearing to be heard.

Commissioner Wampler moved to close the public hearing. Commissioner Burton seconded the motion; all voted aye.

Chair Shuman stated that it seems as if there are some outstanding concerns and issues; he believes that the rendering that the applicant has presented is aesthetically pleasing and reasonable and perhaps the Commission can take action to make a recommendation on only the sign types that would be placed on a retaining wall with direction to staff to facilitate future review and discussion of the sign code as a whole. The Commission discussed and debated the implications of the application before them, with a focus on the fact that the amendment would apply to all future signs that may be placed on a retaining wall; Commissioner Wampler stated that the sign image presented by the applicant is acceptable to her and it is reasonable based upon the location of the retaining wall and the distance from the road, but all future signs will not have the same conditions and it may be a problem for large signs to be placed at other locations of the County. Chair Shuman stated he does not disagree, but expects that most people will be reasonable in their application of the sign ordinance. Commissioner Barber noted that aesthetics matter and bigger does not equate to better; he noted the size of the sign presented by the applicant is actually 135 square feet, but staff has recommended a maximum size of 240 square feet and that is a large gap. He stated that while the example presented is tasteful, other less pleasing signs could emerge and it is important to keep that in mind. Commissioner Montgomery stated that he would like for the ordinance to incorporate some lighting regulations as suggested by Mr. Gleason. He feels what the applicant has proposed would be acceptable for the County, but suggested that additional standards be included to ensure the same type of scale and quality design as is present with the applicant's example. This led to discussion of the sign application process and

any checks and balances in place to prevent problematic signs from being installed in the Valley; this included on a focus on lighting and setbacks from roads, intersections, and sight triangles. Commissioner Burton stated he would be happy to make a recommendation on the language that is directly responsive to the applicant's request, but tabling all other changes to give the Commission the opportunity to perform a more detailed review of the signage ordinance. The Commission supported that way forward.

Commissioner Burton addressed Mr. Grover and asked why staff proposed additional amendments to the signage ordinance rather than simply presenting the applicant's request to the Planning Commission. Mr. Grover stated that the additional amendments do not need to be considered immediately and staff is willing to participate in a comprehensive review of the signage ordinance at a later date. Chairman Shuman invited the Commission to suggest any edits to the sign ordinance to staff in writing prior to the next discussion of the matter.

Commissioner Burton moved to forward a recommendation to the County Commission for application ZTA 2022-03, applicant driven text amendment to amend the Ogden Valley Signs ordinance to allow a neighborhood identification sign to be placed on a retaining wall, with the stipulation that only the amendment requested by the applicant is being forwarded for consideration and all other amendments are stricken from the proposed ordinance. The motion is based upon a finding that there is not a great difference between affixing a sign to a retaining wall and a building, or installing a monument sign.

Commissioner Wampler offered a friendly amendment to add a 150-foot setback to the ordinance.

Commissioner Burton stated the selection of 150-feet seems arbitrary; the County already retains the ability to approve location and design style of signage, which would include setbacks from a roadway. Commissioner Wampler stated that the 150 number may be arbitrary, but she is unsure the County will have the ability to dictate the setback of signs on retaining walls because the location of the retaining wall may already be determined.

The Commission sought advice from Legal Counsel regarding Commissioner Wampler's recommendation to add a 150-foot setback requirement to the ordinance. Legal Counsel Erickson stated that if the ordinance does not include a setback, staff will consider overarching land use regulations to determine if there is already a required setback. The Commission concluded they would prefer to only make the amendment requested by the applicant, with no additional setback requirement, but asked staff to further consider and research in preparation for discussion of additional changes to the County's sign ordinance.

Commissioner Wampler retracted her friendly amendment to the motion.

Chairman Shuman asked if there is a second for Commissioner Burton's motion. Commissioner Montgomery seconded the motion.

Continued discussion centered on appropriate setbacks for various sign types, after which Chairman Shuman called for a vote on the motion. Commissioners Burton, Johnson, Montgomery, and Shuman all voted aye. Commissioners Barber and Wampler voted in opposition. (Motion carried 4-2).

Commissioner Wampler explained her opposing vote; she believes there should be a setback for the new sign type given that it will not necessarily revert to setbacks for monument signs. The County will be held accountable for the lack of language in the rule. Commissioner Barber stated that his opposition as also based upon the lack of a required setback for the sign type; he is not opposed to the applicant's sign as he feels it is aesthetically pleasing, but there could be other instances where signs are out of proportion and the lack of a setback could lead to negative unintended consequences.

3. Public Comment for Items not on the Agenda.

Jan Fulmer stated the County Commission finally adopted an ordinance relating to enforcement of short term rental (STR) regulations; the ordinance they adopted is based upon the recommendation the Planning Commission made over two years ago and it is unfortunate that the matter was not a high priority. The ordinance does not allow for expansion of the use into zones where it is currently not allowed, but the Planning Commission will be presented with applications to change zoning of certain properties to a zone that will allow STRs. She stated that all she can ask is that the Commission consider approving zoning applications to allow multi-family developments, but not STRs. This could be a viable solution for achieving moderate income

housing goals. She is aware that the County is working to create new or improve existing enforcement mechanisms, but data provided from the Gardner Policy Institute has indicated there are far more STRs in Weber County than there are record of. She added that several residents have been observing Legislative proceedings to learn of pending legislation that will impact the County and she is aware that there is a bill that provides for expansion of the STR use to 80 percent of residential areas in municipalities. If something like this is presented to the County, it needs to be seriously considered. There are already many examples of problems with STRs in the Ogden Valley and when the use gets out of control it can be devastating to communities.

Kay Hogeland stated she noticed that for the prior agenda item, the applicant was listed as "Wolf Creek" versus the actual LLC that is sponsoring the development; there is no such entity called Wolf Creek and, rather, Wolf Creek is an area of the Valley. There is a master Homeowners Association (HOA) for the Wolf Creek Resort, and they are cautious about inappropriate use of the name Wolf Creek by entities outside of the Valley. She asked that the discrepancy in the public record be corrected.

4. Remarks from Planning Commissioners.

There were no additional remarks from Planning Commissioners.

5. Planning Director Report.

Planning Director Grover updated the Commission on the County Commission's actions to approve the moderate housing element of the General Plan and their adoption of the short-term rental (STR) ordinance. The County is working with a third-party enforcement entity to deal with STRs and they should be ready to begin working on the matter on February 14. A hotline phone number will be publicly posted for people to use to issue a complaint about an STR. He then noted the County Commission has indicated they do not want to begin working on a comprehensive update to the General Plan until 2026, but they would be willing to update population, current buildout information, and future development modeling in the General Plan document.

Commissioner Burton asked if the County Commission deviated from the Planning Commission's recommendation on the moderate-income housing element of the General Plan. Mr. Grover answered no and indicated they accepted the Commission's recommendation with no changes.

Discussion among the Commission and staff then centered on pending State legislation that could impact Weber County and the Ogden Valley.

Mr. Grover concluded that staff is working to streamline the Planning Commission's meetings; they have made efforts to provide packets with thorough staff reports well in advance of a meeting with the expectation that Commissioners are reading that information to prepare for meaningful discussion and action. He encouraged Commissioners to reach out to him or any staff member if they have questions about any of the applications that are being presented to them; such questions can be answered in advance of the meeting in order to improve efficiencies and potentially shorten the length of meetings.

6. Remarks from Legal Counsel.

There were no additional remarks from Legal Counsel.

Adjourn to Work Session at 6:16 p.m.

There is no audio from 6:16 p.m. to 6:26 p.m.

WS4 Discussion regarding Form Based Zone Village area regarding receiving transferable development rights. Planner Charlie Ewert.

Planner Ewert summarized the Commission's past discussions of Form Based zoning; some feedback from the Planning Commission has been presented to the County Commission and that body has indicated they would like to 'start simple' by identifying sending and receiving areas before identifying detailed sending or receiving opportunities for individual parcels. Such an action would not prohibit any property owner from coming to the County to apply for creation of a new village area. He

distributed a map of the Ogden Valley, noting the red outlined area represent the Valley Floor as dictated by the Ogden Valley General Plan. Section 104-22-11 of the County Code indicates the Form Based Zone Transferable Development Rights sending areas are zoned RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1 and FB. He briefly expounded on the development standards for some of the zoning designations listed and indicated that all of those zones are contained within the area on the map outlined in red. This led to review and discussion of street regulating plans contained in Section 104-22-8 of the County Code; these plans are a component of the Form Based Zone. The group participated in review of the multiple street regulating plan maps; hypothetical scenarios involving a request for a transfer of development rights (TDR) action; and the ability to regulate the type of development that can occur within a sending or receiving area. Planner Burton then noted there are a few applicants that have requested to speak with the Commission regarding proposed form-based zone changes to their properties; both properties are located within the Old Town Eden Village area. One is seeking approval of a residential development and the other is seeking approval of a mixed-use property. These applicants would like to present their projects to the Commission and he asked if the Commission is ready to move to those items or if more discussion on the TDR issue is necessary. The Commission consented to move to item WS1, but indicated they would like to reserve time to continue discussion of necessary TDR regulations and any map changes; they indicated they would like to understand how the total number of development rights is determined for a specific property and how the transfer/sale of any development rights will be recorded in order to ensure that the same right is not sold or transferred multiple times.

WS1: Discussion regarding a rezone application on 23 acres located at approximately 2700 N and 5600 E, Eden. Applicant is Shawn Clegg Planner: Steve Burton.

Planner Burton presented a map to orient the Commission to the location of the subject property and played a video at the request of the developer. The developer indicated that he wants to retain the existing farming use of the property, but transfer eight of the development rights associated with the property to the 23 acre parcel, which currently has seven development rights, for a total of 15 in order to create an average lot size of 1.5 acres. He stated the alternative would be to sell the farm and create three-acre building lots, which would likely yield more money, but he wants to preserve the farm. Mr. Ewert clarified that Mr. Clegg would need to rezone the receiving area to Form Based Zone Village use. Chairman Shuman indicated that when discussing the TDR concept, this proposal is an ideal case study in that it would preserve open spaces and cluster development in an appropriate way. Mr. Ewert stated that when the applicant files his subdivision application, the Commission will have the opportunity to consider various development standards and regulations for the property.

WS2 Discussion regarding a rezone application on 2.7 acres located at approximately 5461 E 2300 N, Eden. Applicant is ZW Investments and ZBF Investments. Planner: Steve Burton.

Planner Burton introduced the application for a zone change for 2.7 acres for a mixed-use development; the developer is seeking the Form Based Village Zone to allow for his development concept to occur and also for some development rights to be transferred from other parcels of property. Staff discussed the Commission's purview over the rezone and subsequent development application, with a focus on maximum building heights for commercial and residential uses in a mixed-use project, what will become of the existing improvements on the property, and the public noticing that will take place once an actual application is filed. They also asked to review the other properties from which the applicant is requesting the development rights be transferred from.

***Continued* – WS4 Discussion regarding Form Based Zone Village area regarding receiving transferable development rights. Planner Charlie Ewert.**

Planner Ewert provided a handout of the Form Based Zone Village zone document, noting the blue print represents text that has been added since the Commission's last review of the document. He reviewed changes to the street regulating plans; other map changes; language that allows for TDRs in Western Weber County in general with differences in base density for sending and receiving areas; transfer ratios of 1:1; and density of development in a Form Based Zone Village area. He concluded that staff will schedule a public hearing for a future Planning Commission meeting for this matter; that will be the Commission's next reading of the document.

WS3 Discussion on Water Conservation Goals and the General Plan. Planner: Bill Cobabe.

Planner Cobabe indicated that he provided the Commission with a memo at the end of their packet discussing Water Conservation Planning in Ogden Valley; the memo provided a link to a presentation on the subject as well as a publication discussing water

conservation planning. He asked the Commission to review the memo and the associated links in preparation for discussion at the next meeting.

Meeting Adjourned: The meeting adjourned at 8:36 p.m.

Respectfully Submitted,

Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Agenda Item:	File No.: UVT112822 – Request for a recommendation of final approval of The Ridge Townhomes PRUD Phase 5, consisting of 12 townhomes in three buildings, located at approximately 5286 E Moose Hollow Drive, Eden, UT, 84310
Type of Decision:	Administrative
Agenda Date:	Tuesday, March 28, 2023
Applicant:	Ridge Utah Development Corporation, a Utah corporation
Authorized Representative:	Eric Householder
File Number:	UVT112822

Property Information

Approximate Address:	5286 East Moose Hollow Drive
Project Area:	2.90 acres
Zoning:	FR-3
Existing Land Use:	Vacant
Proposed Land Use:	PRUD
Parcel ID:	22-281-0006
Township, Range, Section:	T7N, R1E, Section 27

Adjacent Land Use

North:	Moose Hollow Dr. - Private Drive	South:	Vacant – Future Development
East:	Vacant/Future Development	West:	Residential

Staff Information

Report Presenter:	Tammy Aydelotte taydelotte@webercountyutah.gov 801-399-8794
Report Reviewer:	SB

Applicable Ordinances

- Title 101, Chapter 1 General Provisions, Section 7, Definitions
- Title 104, Zones, Chapter 17 Forest Residential Zone (FR-3)
- Title 104, Zones, Chapter 27 Natural Hazards Overlay Zone
- Title 104, Zones, Chapter 28 Ogden Valley Sensitive Lands Overlay Districts
- Title 106, Subdivisions, Chapter 1-8 as applicable
- Title 108, Chapter 5 Planned Residential Unit Development

Summary and Background

12/10/2013 – Conditional Use Approval for a PRUD from County Commission.

11/13/2019 – The Ridge Townhomes PRUD final plat recorded.

1/24/2023 – Preliminary approval granted by Ogden Valley Planning Commission.

The Planning Division recommends final subdivision approval of The Ridge Townhomes PRUD Phase 5.

The Uniform Land Use Code of Weber County (LUC) §106-1-5 identifies the approval process for final subdivision. The final plat must be considered and approved by the County Commission after receiving a recommendation from the Planning Commission. The proposed subdivision and lot configuration is in conformance with the current zoning, the approved PRUD and the Zoning Development Agreement Conceptual Land Use Plan as well as the applicable subdivision requirements as required in the LUC.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by encouraging development within the existing resort-related areas.

Zoning: The subject property is located in the Forest Residential Zone more particularly described as the FR-3 zones. The purpose and intent of the FR-3 zone is identified in the LUC § 104-17-1 as:

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

As part of the subdivision process, the proposal has been reviewed against the current subdivision ordinance in LUC §106, the PRUD ordinance in LUC §108-5, and the applicable standards in the FR-3 zone (LUC §104-17) to ensure that the regulations and standards have been adhered to. The proposed subdivisions, with the recommended conditions listed in this staff report, are in conformance with county code. The following is a brief synopsis of the review criteria and conformance with the LUC.

Lot area, frontage/width and yard regulations: The proposed subdivision is last of five phases in The Ridge Townhomes PRUD and is in compliance with the approved PRUD and preliminary subdivision for the multi-phased development.

The purpose and intent of a Planned Residential Unit Development (PRUD) is intended to *"allow for diversification in the relationship of various uses and structures to their sites and to permit more flexibility of such sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in urbanizing areas"* (LUC§ 108-5-2).

The Ridge Townhomes PRUD Phase 5 utilizes the allowed flexibility with the proposed townhomes. The proposed layout is arranged in such a way to provide the occupants of the townhomes views of Pineview Reservoir and Mt. Ogden. The 12 townhomes are all two stories with limited common area and common area surrounding the 4-plexes. Access to the townhomes will be off of 3450 North St. with a 16 foot shared driveway.

The architectural style of the proposed townhomes is considered to be "Mountain Modern" and will vary in size from approximately 1400 to 2100 square feet with a maximum building height of 26 feet. Based on the allowed flexibility of the approved PRUD, the subdivision layout, building configurations and unit sizes in Phase 5 the proposal is acceptable as reflected on the proposed final plat shown as **Exhibit A**.

Culinary water, irrigation water and sanitary sewage disposal: The applicant has provided a will-serve letter from the Wolf Creek Water and Sewer District for the culinary and irrigation water and sanitary sewer. The applicant will need to provide a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water for the expansion of the water system and water lines serving the subdivision prior to the subdivision receiving final approval from the County Commission. A condition of approval has been added to ensure that a construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water prior to approval by the County Commission.

Review Agencies: The Weber County Surveyor's Office and Weber Fire District have reviewed the proposal and have provided the applicant with the additional items that will be required prior recording the final Mylar. A review from the Weber County Engineering has not been provided to the applicant to date. A condition of approval has been made part of staff's recommendations to ensure that any conditions of the applicable reviewing agencies are strictly adhered to.

Staff Recommendation

Staff recommends final subdivision approval of The Ridge Townhomes PRUD Phase 5, consisting of 12 units. This recommendation for approval is subject to all review agency requirements and based on the following conditions:

1. A cost estimate for the improvements and a draft copy of any CC&R's will be required prior to receiving final approval from the County Commission.
2. A construct permit from the State of Utah Department of Environmental Quality Division of Drinking Water must be submitted to Weber County Planning Division prior to forwarding the application for approval by the County Commission

This recommendation is based on the following findings:

1. The proposed subdivision conforms to the Ogden Valley General Plan.

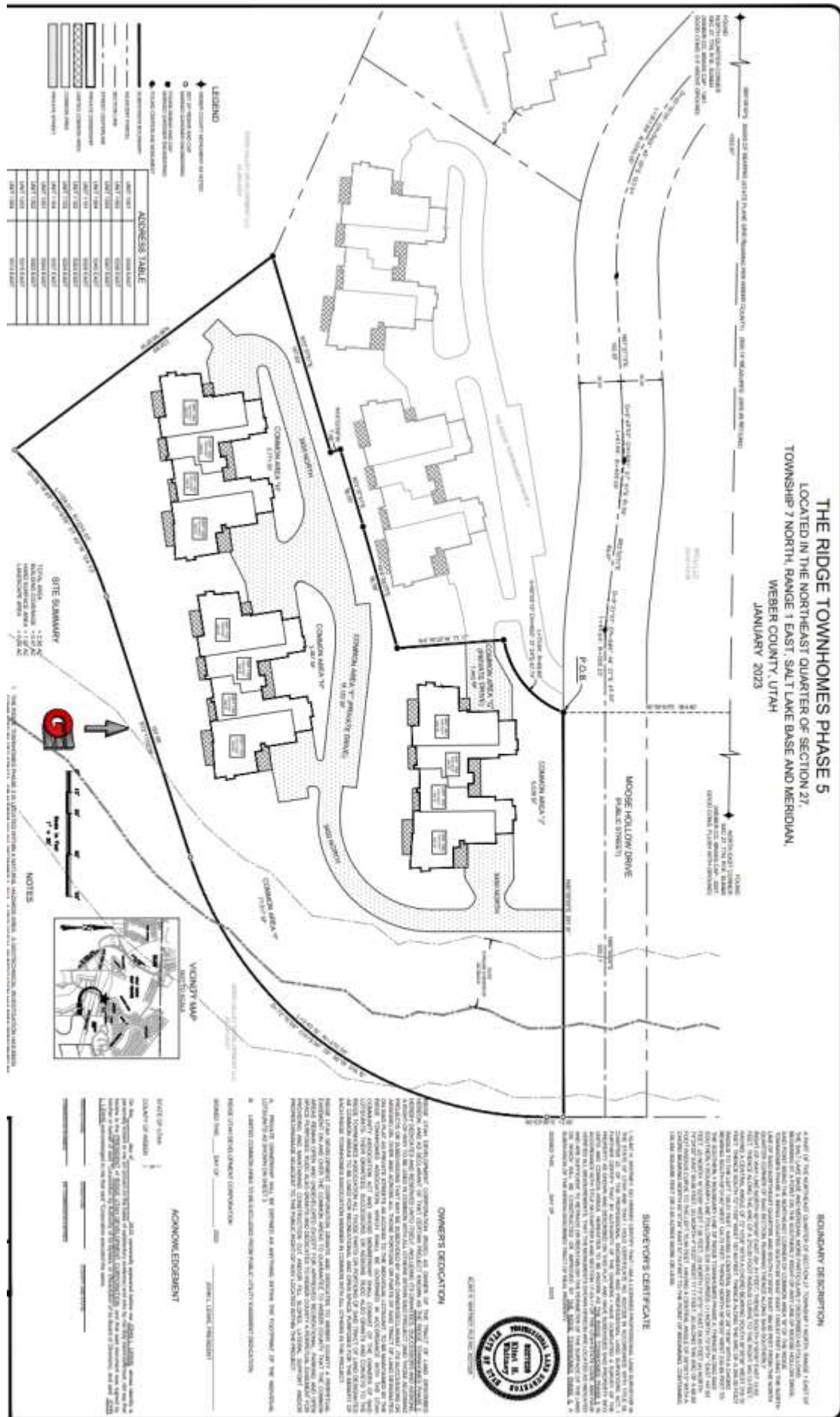
2. The proposed subdivision conforms to the approved Zoning Development Agreement.
3. The proposed subdivision conforms to the approved PRUD.
4. With the recommended conditions, the proposed subdivision complies with all previous approvals and the applicable County ordinances.
5. The proposed subdivision will not be detrimental to the public health, safety, or welfare.
6. The proposed subdivision will not deteriorate the environment of the general area so as to negatively impact surrounding properties and uses.

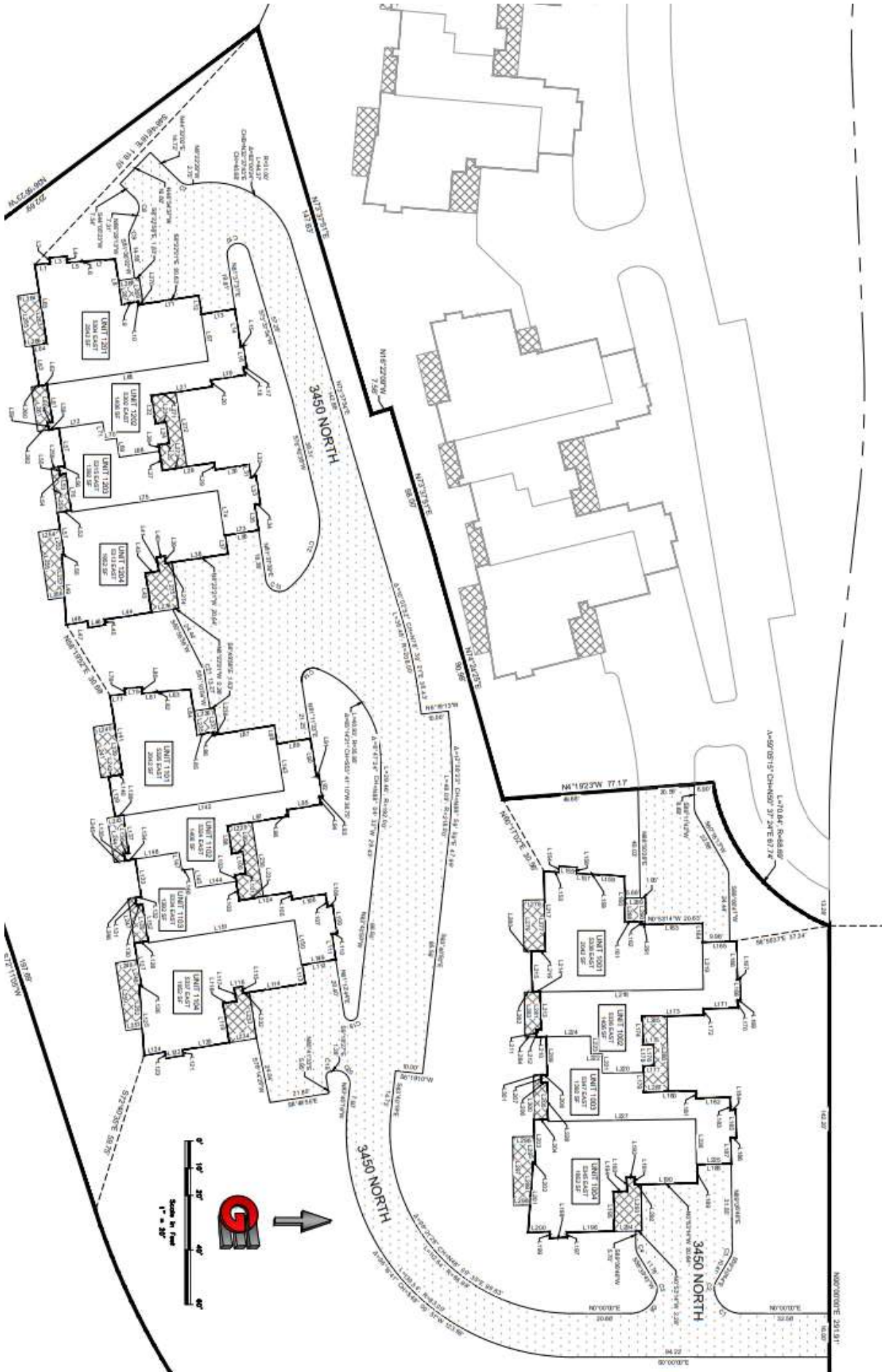
Exhibits

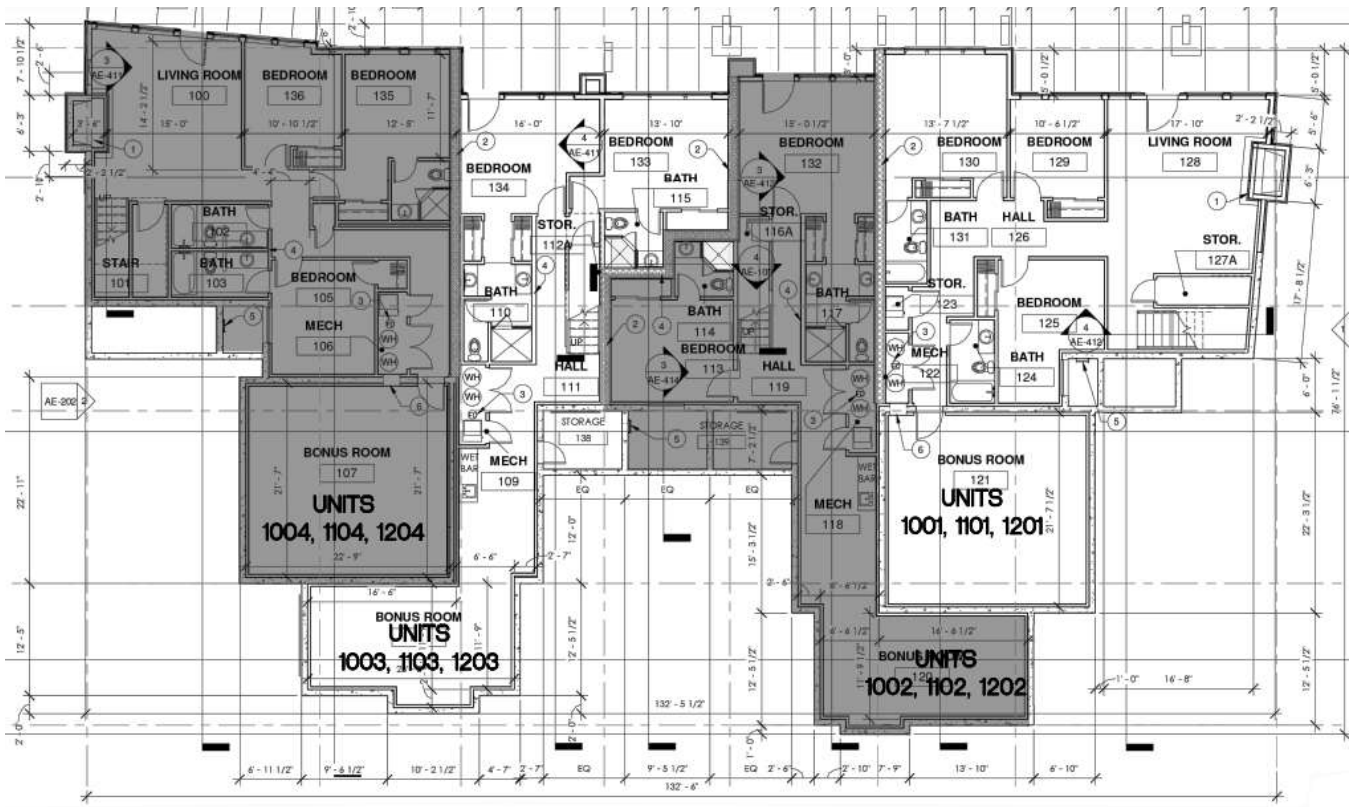
A. The Ridge Townhomes PRUD Phase 5 Proposed Final Plat

Location Map

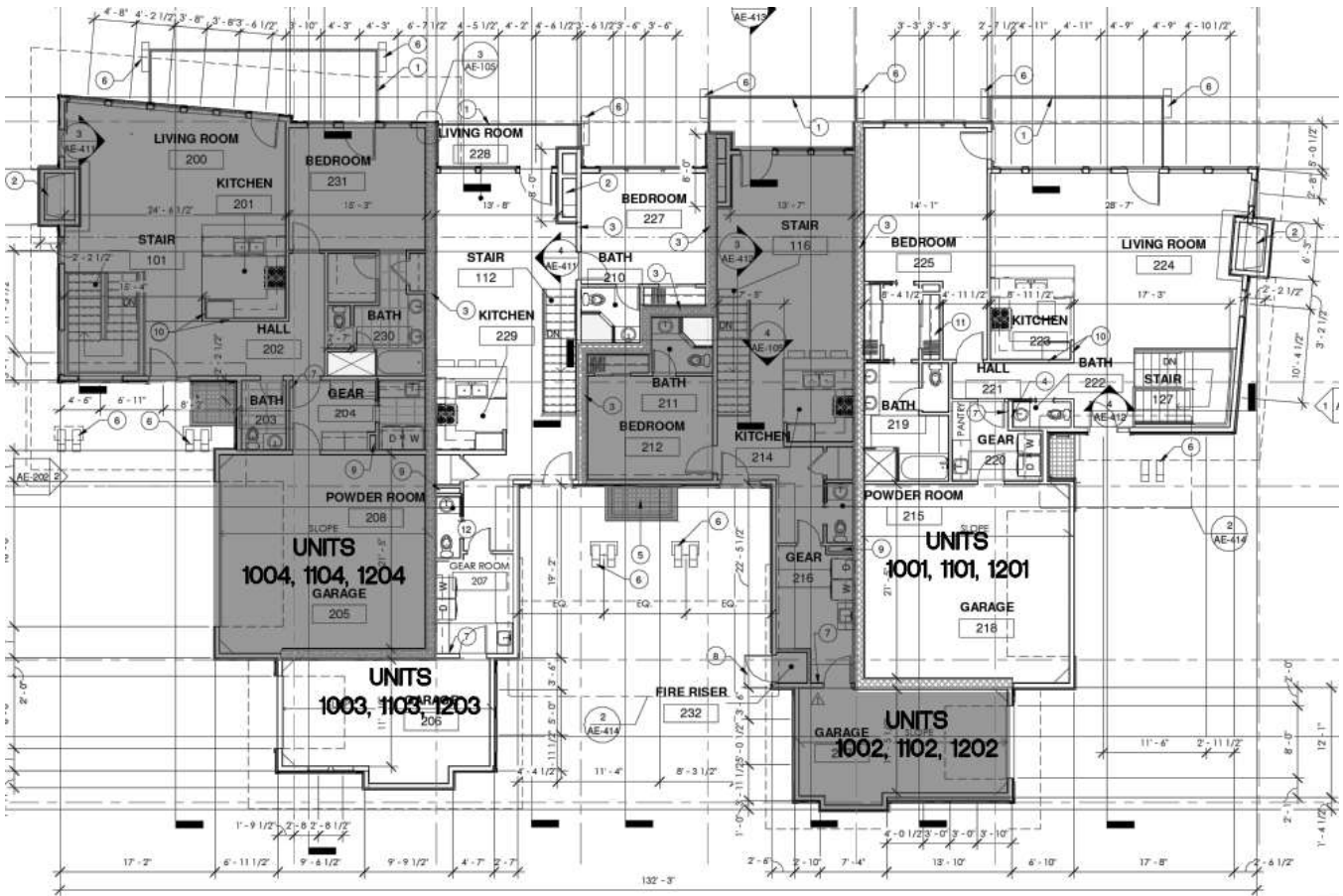




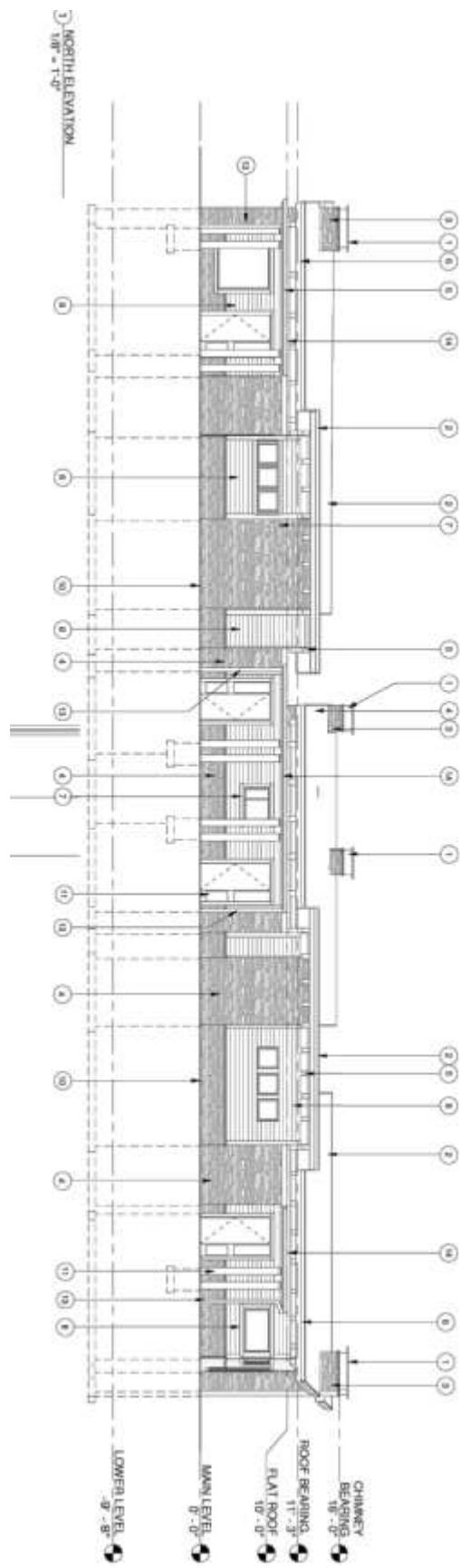


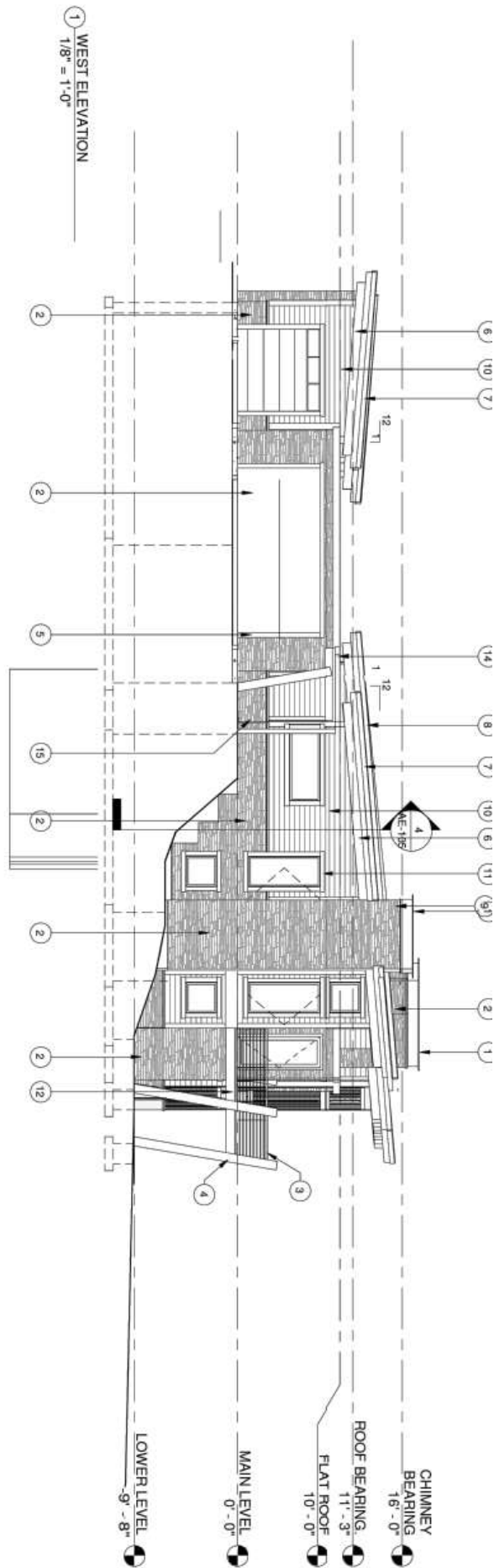


**LOWER LEVEL
FLOOR PLAN**

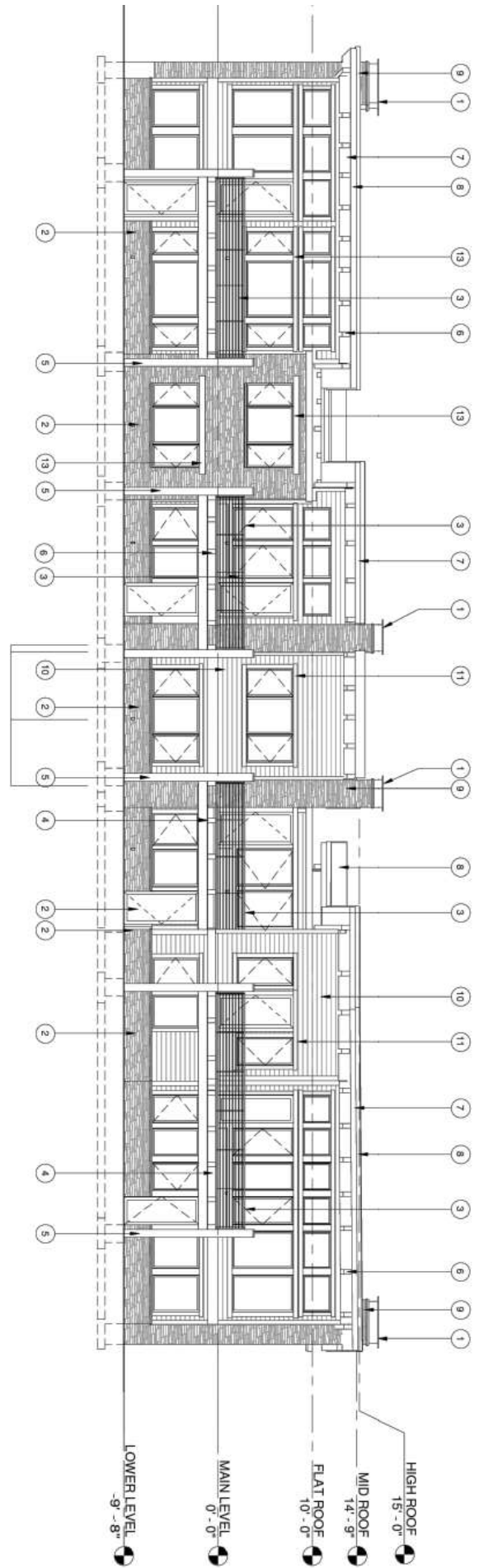


**MAIN LEVEL
FLOOR PLAN**





② SOUTH ELEVATION
 1/8" = 1'-0"





Staff Report to Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Request for approval of a design review application for Sky Lodge Hotel, located at approximately 7500 North Powder Ridge Rd, Eden, UT, 84310. This proposal consists of 66 guest rooms/cabins, and associated amenities that include a café and bar, meeting space, pool and spa, dog park, amphitheater, fire pits, and children’s play structure/area.

Meeting Date: Tuesday, March 28, 2023

Type of Decision: Administrative

Applicant: Greg Mauro

Owner: Summit Mountain Holding Group

File Number: DR# 2023-01

Property Information

Approximate Address: 7500 North Powder Ridge Rd, Eden, UT, 84310

Project Area: Approximately 14.00 acres

Zoning: DRR-1

Existing Land Use: Resort

Proposed Land Use: Resort

Parcel ID: 23-012-0183

Township, Range, Section: Township 7 North, Range 2 East, Section 06 SE

Adjacent Land Use

North: Resort/Cache County	South: North Powder Ridge Rd/Summit Pass Rd
East: Resort	West: Residential

Staff Information

Report Presenter: Tammy Aydelotte
 taydelotte@webercountyutah.gov
 801-399-8794

Report Reviewer: SB

Applicable Ordinances

- Weber County LUC Title 104, Chapter 29 - Ogden Valley Destination and Recreation Resort Zone (DRR-1) Zone
- Weber County LUC Title 108, Chapter 1 - Design Review
- Weber County LUC Title 108, Chapter 16 – Ogden Valley Outdoor Lighting
- Weber County LUC Title 108, Chapter 2 – Ogden Valley Signs

Summary and Background

The applicant is requesting design review approval of a hotel with 36 guest rooms and 30 stand-alone cabins. The applicant is proposing two types of cabins. Each has a single bedroom with a bathroom and gear storage area. The Type B, two-story cabins have a loft/sitting area on the 2nd floor. Square footage for the 17 Type A cabins are 420 square feet. The 13 type B cabins have 696 square feet.

This proposal is located on the same site as the existing Skylodge at the top of Powder Mountain Road. This proposal includes 30 stand-alone cabins and 36 hotel guestrooms within a new main lodge building. Proposed amenities include a café and bar, meeting/conference space, pool and spa, a greenhouse for events, amphitheater, dog park, fire pits, a children’s play area, and a gear rental space for guests and visitors to the mountain. The applicant’s engineered traffic study and site plan shows 55 spaces dedicated for the hotel and cabins.

Analysis

Design Review: The DRR-1 Zone requires a design review (as outlined in LUC §108-1) to ensure that the general design, layout, and appearance of commercial sites and buildings is orderly and harmonious with the surrounding neighborhood.

As part of a design review, the Planning Commission shall consider applicable codes and impose conditions that mitigate deficiencies if necessary. This review will address the following standards outlined in LUC 108-1-4:

- **Considerations relating to traffic safety and traffic congestion:**

- There is currently a single vehicular access (Powder Ridge Rd - gravel) to the existing parking lot. The access off of North Powder Ridge Rd/Summit Pass Rd shall be improved to County Standard, with a hard surface such as concrete or asphalt. The proposed layout of the parking area allows for adequate traffic circulation within the boundaries of this development.
- The parking chapter of the land use code requires parking and driving areas to be constructed to meet public parking lot standards as outlined in LUC 108-8-7, "Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface." The parking chapter also allows the following exemption, if the applicant proposes to be exempt from the hard surface parking requirement.

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

Within the Ogden Valley Destination and Recreation Resort Zone at elevations of at least 6,200 feet above sea level, where a master plan has been approved by the planning commission, the land use authority may modify the applicability of any provision of this chapter by approving a parking plan created by the developer if the land use authority determines that the plan is consistent with the approved master plan. Such plan shall include provisions applying sufficient mitigation for parking and will provide a mechanism for revocation where the plan is not operating as presented.

- The existing ski track running East-West through the site will be kept as part of the network of ski paths throughout the mountain, and it will also act as a path that connects the main lodge building to all of the guest cabins. The site will have two pedestrian (life-safety) access points from the existing N Powder Ridge Road to ensure access to cabins during all seasons of the year.
- 4' soft pathways to each of the proposed 30 cabins, from the parking lot, are shown on the landscaping plan (**Exhibit C**).
- The existing sky lodge area has a parking lot that is often used for seasonal parking. The applicant's traffic study calls out the county's parking requirement for the Hotel (0.50 spaces per sleeping unit = 33 stalls), café (one stall per booth = 11 stalls), bar (0.33 per stool = 4 stalls), and retail store (1 per 200 square feet = 7 stalls), for a parking stall total of 55 needed spaces for the hotel.
- The traffic study also states that the existing sky lodge, during peak season, may use up to 227 parking stalls. The applicant shows, on their site plan, a total of 282 parking spaces (227 peak season existing stalls, plus 55 stalls for the hotel).

- **Considerations relating to outdoor advertising:**

- Any exterior signage must comply with LUC 110-2. Applicant has indicated there may be no exterior signage. A condition of approval is that any signage proposed after design review approval will be required to be submitted through an amended design review application.

- **Considerations relating to building and site layout:**

- The site plan (**Exhibit B**) shows that the project area is compliant with the following zoning site development standards:

Minimum lot area: None;

Minimum lot width: None;

Minimum front yard setback: None

Minimum side yard setback: None;

Minimum rear yard setback: None

- The applicant’s narrative states that “the architecture of the new main lodge building is in line with the Sky Lodge’s low density aesthetics and its use of diagonal layout grids”. Below is an image of the existing sky lodge, and an image showing the new addition and cabins having Scandinavian styled architecture with metal shed roofs, lighter colored wood siding, and large window openings.



- **Considerations relating to landscaping:**

- Applicant is proposing natural treated soft-scaped pedestrian paths will create a network of trails to navigate throughout the property, connecting the different amenity experiences and guest cabins. Revegetation areas will include native grasses and shrubs suitable for the existing growing conditions, elevations, and solar exposures.
- Applicant is proposing a total of 238 conifer and deciduous trees. Per LUC 108-1-4, deciduous trees shall have a minimum of 2" caliper, and conifers shall have a minimum height of 6'.
- Revegetation areas, which encompass the majority of the project area, consist of 224,571 square feet. Water-wise, non-irrigated turf grass is proposed for 6,600 square feet. Per LUC 108-1-4, turf grass is limited to no more than 50% of landscaping requirement.
- The playground area shall have a natural wood-fiber surface, engineered to provide fall protection within the playground area.

- **Considerations relating to prior development concept plan approvals associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval:**

- The proposal complies with the approved Powder Mountain (Summit) Master Plan, specifically The Ridge development area that shows hotels/mixed use on this specific parcel, and the applicable zoning development agreement.

- **Considerations relating to utility easements, drainage, and other engineering questions:**

- There are currently no utility easements on the property, as the property has not gone through, nor has it been proposed to, go through the county subdivision process. The County Engineer's review comments will be conditions of design review approval.

- **Other considerations:**

- The Weber Fire District has expressed that a fire station will need to be constructed within the resort boundaries, as a result of this proposal. The applicant is working with the fire district to ensure that the new station will be built within a timeframe that the fire district approves of.

Conformance to the General Plan

The proposal conforms to the Ogden Valley General Plan by continuing commercial development within existing resort areas (pg. 25 Ogden Valley General Plan, Commercial Development Goal 1).

Staff Recommendation

The Planning Division recommends approval of file# DR 2023-01, subject to all review agency requirements, including those requirements from Weber Fire District, and Weber County Engineering, and the following conditions:

1. Any proposed lighting must comply with the Ogden Valley Lighting requirements, as outlined in LUC§ 108-16.
2. Any proposed signage must comply with the Ogden Valley Sign Ordinance in LUC § 110-2.
3. Unless otherwise allowed by the Planning Commission, the entirety of the sky lodge parking lot will be required to be hard surface paved

The recommendation for approval is based on the following findings:

1. The proposal complies with applicable County codes.
2. The proposed project complies with the applicable Zoning Development Agreement and approved Powder Mountain/Master Plan.
3. The proposed project conforms to the Ogden Valley General Plan.

Exhibits

- A. Application and Narrative
- B. Site Plan
- C. Landscaping Plan
- D. Elevations

Area Map



Exhibit A –Application and Narrative

Sky Lodge Hotel

[+ Add Follower](#) [Change Status](#) [Edit Project](#)

Address: Sky Lodge N Powder Ridge Rd, Eden, UT, 84310	Project Status: Accepted
Maps: County Map , Google Maps	Status Date: 3/3/2023
Project Type: Design Reviews	File Number: DR 2023-01
Sub Type: Design Reviews	Project Manager: Tammy Aydelotte
Created By: Lisa Webster	
Created On: 12/1/2022	

[Application](#) [Documents 14](#) [Comments 4](#) [Reviews 0](#) [Followers 12](#) [History](#) [Reminder 0](#) [Payments 1](#)

Application

[+ Add Building](#) [+ Add Parcel](#) [+ Add a Contractor](#) [Edit Application](#) [Print](#)

Project Description A main amenity building consisting of 32 guest rooms, a cafe and bar, meeting space, pool and spa. There will be 30 individual cabins throughout the site as well as other site amenities including a greenhouse for events, an amphitheater, dog park, fire pits, and a children's adventure structure.

Property Address Sky Lodge N Powder Ridge Rd
Eden, UT, 84310

Property Owner Greg Mauro
858-752-4262
greg@powderdevelopment.com

Representative Brandon Gray
801-358-5381
Brandon@nvgte.com

Accessory Dwelling Unit False
Current Zoning DRR-1
Subdivision Name
Number of new lots being created 0
Lot Number
Lot Size
Frontage
Culinary Water Authority
Secondary Water Provider
Sanitary Sewer Authority
Nearest Hydrant Address
Signed By Representative, Brandon Gray

Parcel Number

[✖ Remove](#) [230120183](#) [County Map](#)

Sky Lodge Hotel

Project Description:

Sky Lodge Hotel is a proposed hotel at the top of Powder Mountain ski area in the heart of over 8,000 acres of skiable terrain. It is intended to be a mountain recreation destination that makes it easy for people to connect, get out, and explore.

The proposed hotel consists of 30 stand-alone cabins intertwined throughout the existing aspen trees and 36 hotel guestrooms set within a new main lodge building consisting of a café and bar, meeting space, pool and spa, and additional site amenities including a greenhouse for events, an amphitheater, dog park, fire pits and a children's adventure structure. The hotel will also feature a gear rental space for guests and mountain visitors.

Buildings are to be constructed using local materials, respect the natural topography of the site, and feature panoramic views of Weber County to Ogden Valley and The Great Salt Lake.

Sky Lodge Hotel will offer accommodations that will add to the life of the future Village at Powder Mountain.

The Main Lodge Building:

The main lodge building has been designed to match the existing Sky Lodge (currently used by Summit neighbors only). The architecture of the new main lodge building is in line with the Sky Lodge's low-density aesthetics and its use of diagonal layout grids. The building will step down following the existing topography to avoid bulky massing and to create a terraced interior with generous views to the mountains. The existing Sky Lodge parking lot will be used to serve the Sky Lodge Hotel. 39 guestrooms will be accessible from the main hotel lounge.

Cabins:

Two types of cabins (one and two-story units) will offer a different kind of accommodation within the hotel. These stand-alone cabins will be at the West end of the site, within areas heavily vegetated with existing trees. This setting will create a sense of connection with nature.

Landscape:

Natural treated soft-scaped pedestrian paths will create a network of trails to navigate throughout the property, connecting the different amenity experiences and accommodation guestrooms. Revegetation areas will include native grasses and shrubs suitable for the existing growing conditions, elevations, and solar exposures.

The existing ski track running East-West through the site will be kept as part of the network of ski paths throughout the mountain, and it will also act as a path that connects the main lodge building to all the guestrooms.

The site will have two pedestrian (life-safety) access points from the existing N Powder Ridge Road to ensure access to cabins during all seasons of the year.

Exhibit B -Site Plan



Exhibit C- Landscaping Plan



TREES LEGEND

TREE SYMBOL	COMMON NAME	HEIGHT (FEET)	SPACING
	White pine	60	10' x 10'
	White pine	75	10' x 10'
	White pine	100	10' x 10'

GROUND PLANE LEGEND

	Graded area	100.00' ±
	Graded area	100.00' ±
	Graded area	100.00' ±

SHEET KEY:

SCALE: 1"=30'

Exhibit C- Landscaping Plan Cont'd

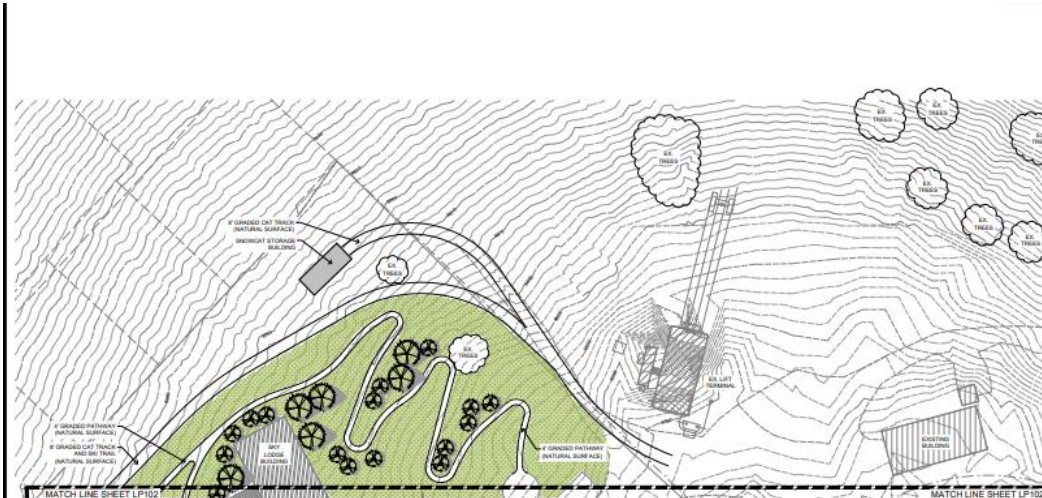
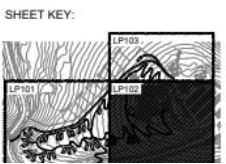


TREES LEGEND

SYMBOL	TECHNICAL NAME	COMMON NAME	SIZE	REMARKS
	Platanus sp.	California Sycamore	22'	Right and left-hand roadway plant
	Platanus sp.	California Sycamore	14'	Right and left-hand roadway plant
	Populus tremuloides	Quaking Aspen	20'	Clear Zone, 20' per barrier

GROUND PLANE LEGEND

SYMBOL	REMARKS	DEPTH
	EXISTING GRAVEL ROAD Area shall consist of compacted gravel and crushed stone (minimum 1/2" size) and shall be suitable for the existing gravel road. Slope shall be maintained during periods of winter temperatures and seasonal snowing precipitation.	200,000 ft ²
	EXISTING DRIVEWAY Area shall consist of compacted gravel and crushed stone (minimum 1/2" size) and shall be suitable for the existing driveway. Slope shall be maintained during periods of winter temperatures and seasonal snowing precipitation.	8,000 ft ²
	EXISTING BUILDING Area shall consist of compacted gravel and crushed stone (minimum 1/2" size) and shall be suitable for the existing building. Slope shall be maintained during periods of winter temperatures and seasonal snowing precipitation.	3,000 ft ²



TREES LEGEND

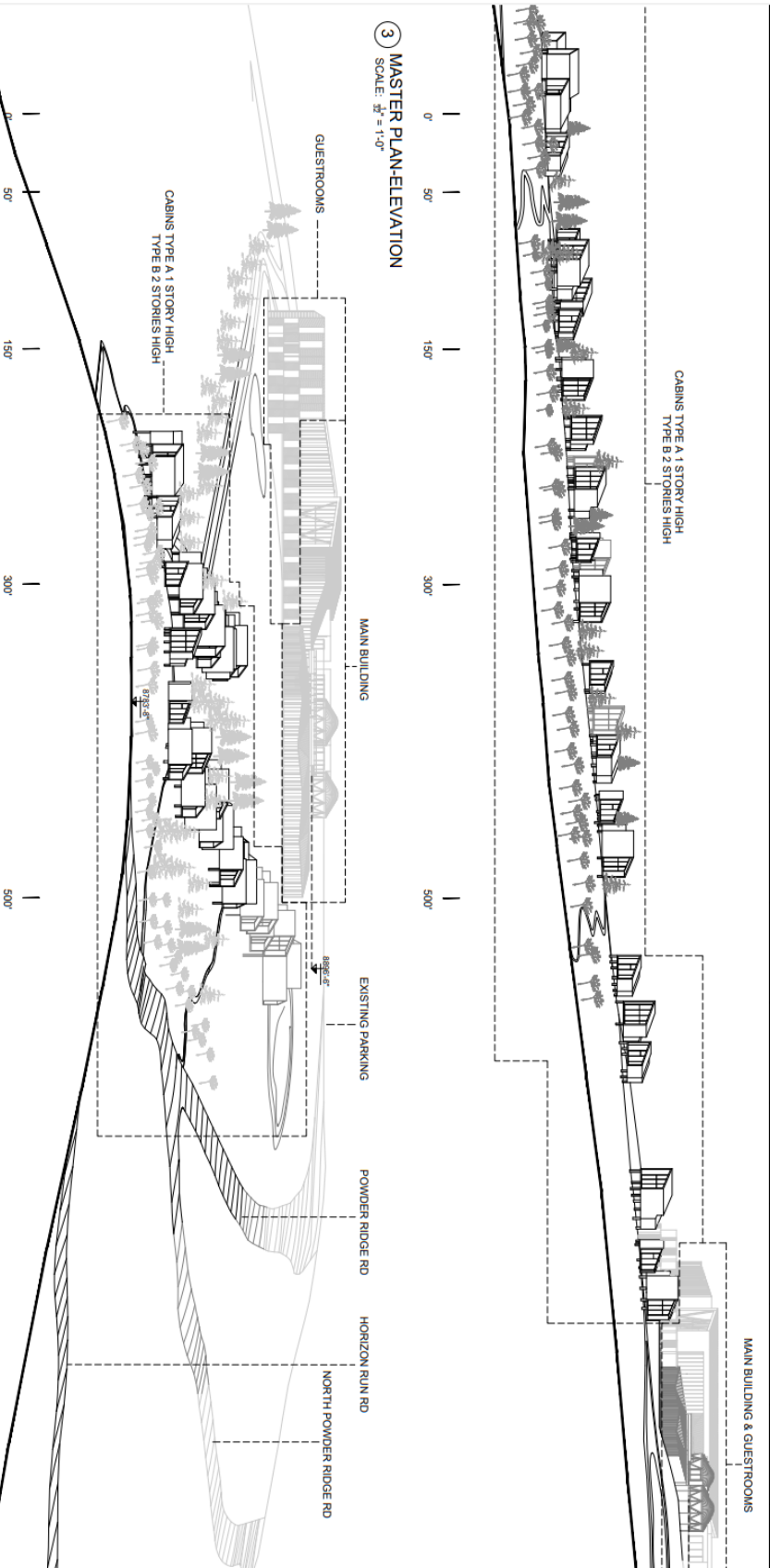
SYMBOL	TECHNICAL NAME	COMMON NAME	SIZE	REMARKS
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	Platanus sp.	California Sycamore	14'	Right and left-hand roadway plant
	Populus tremuloides	Quaking Aspen	20'	Clear Zone, 20' per barrier

GROUND PLANE LEGEND

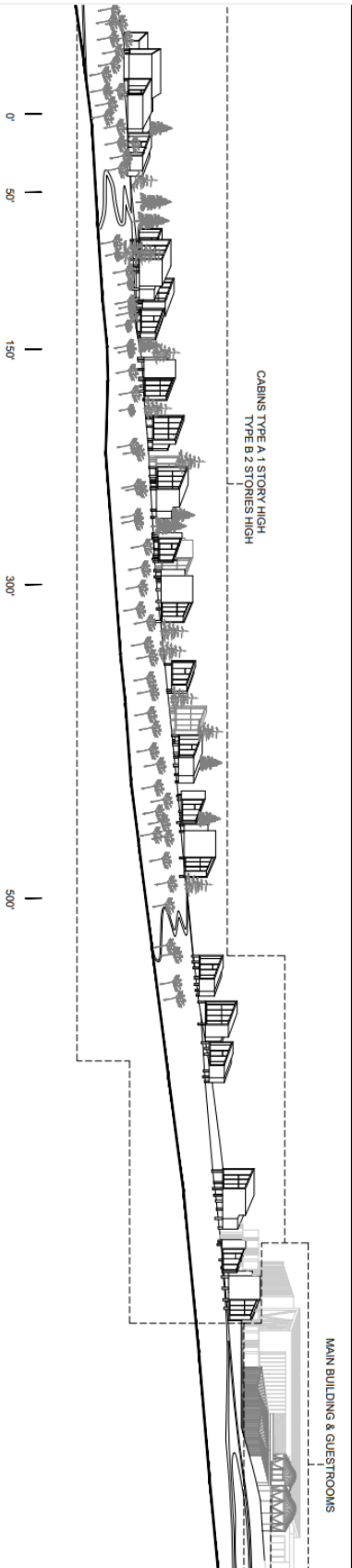
SYMBOL	REMARKS	DEPTH
	EXISTING GRAVEL ROAD Area shall consist of compacted gravel and crushed stone (minimum 1/2" size) and shall be suitable for the existing gravel road. Slope shall be maintained during periods of winter temperatures and seasonal snowing precipitation.	200,000 ft ²
	EXISTING DRIVEWAY Area shall consist of compacted gravel and crushed stone (minimum 1/2" size) and shall be suitable for the existing driveway. Slope shall be maintained during periods of winter temperatures and seasonal snowing precipitation.	8,000 ft ²
	EXISTING BUILDING Area shall consist of compacted gravel and crushed stone (minimum 1/2" size) and shall be suitable for the existing building. Slope shall be maintained during periods of winter temperatures and seasonal snowing precipitation.	3,000 ft ²

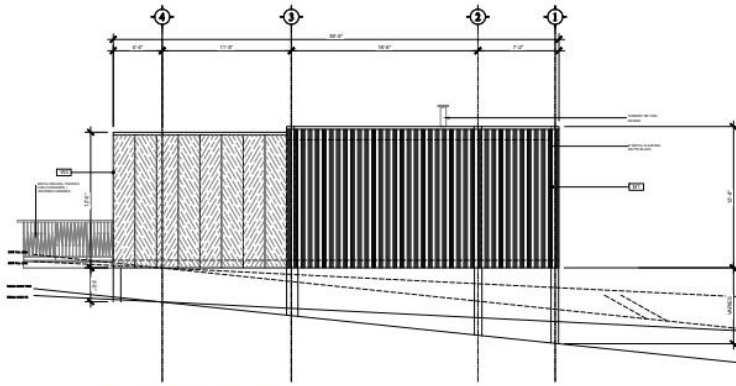
Exhibit D- Elevations

② MASTER PLAN-ELEVATION
SCALE: 1/8" = 1'-0"

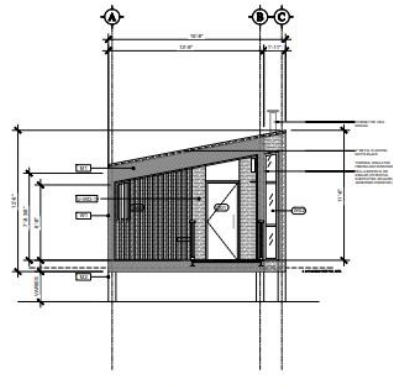


③ MASTER PLAN-ELEVATION
SCALE: 1/8" = 1'-0"

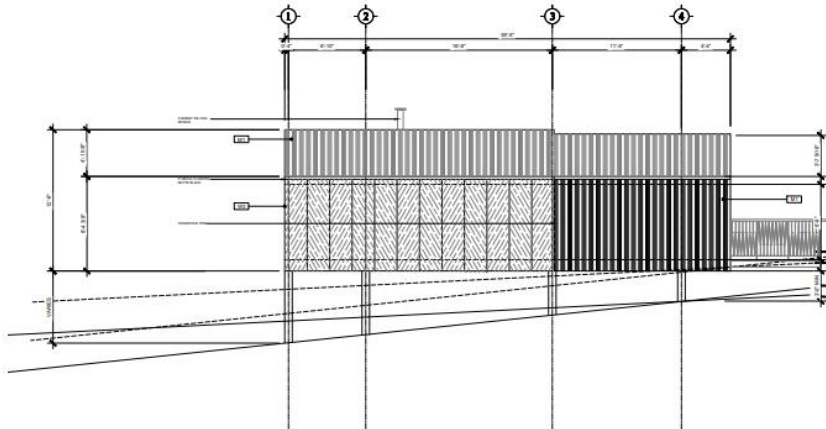




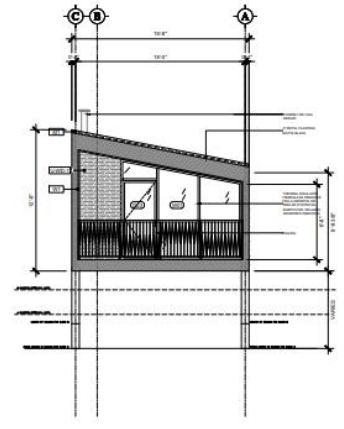
④ ELEVATION - STAND ALONE CABIN TYPE A
SCALE: $\frac{1}{2}'' = 1'-0''$



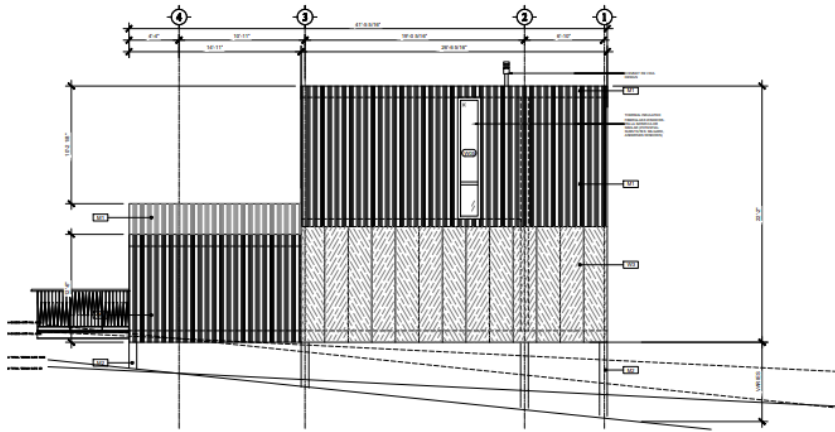
③ ELEVATION - STAND ALONE CABIN TYPE A
SCALE: $\frac{1}{2}'' = 1'-0''$



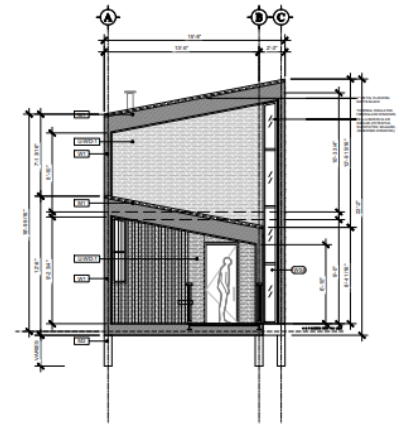
② ELEVATION - STAND ALONE CABIN TYPE A
SCALE: $\frac{1}{2}'' = 1'-0''$



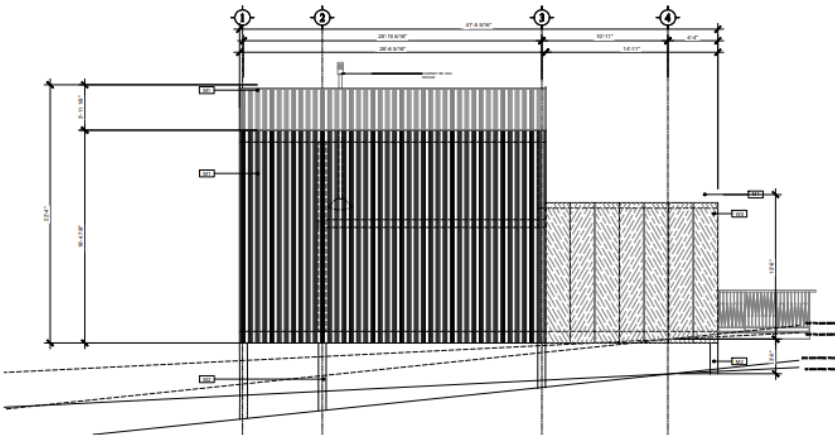
① ELEVATION - STAND ALONE CABIN TYPE A
SCALE: $\frac{1}{2}'' = 1'-0''$



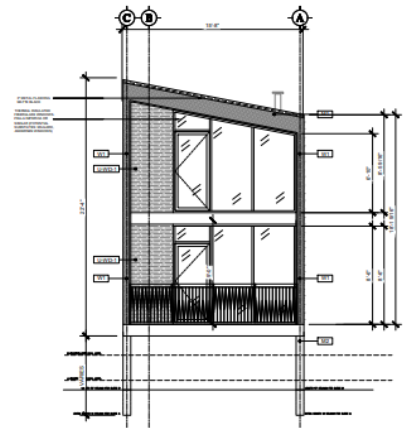
④ ELEVATION - STAND ALONE CABINE TYPE B
SCALE: 3/4" = 1'-0"



③ ELEVATION - STAND ALONE CABINE TYPE B
SCALE: 3/4" = 1'-0"



② ELEVATION - STAND ALONE CABINE TYPE B
SCALE: 3/4" = 1'-0"



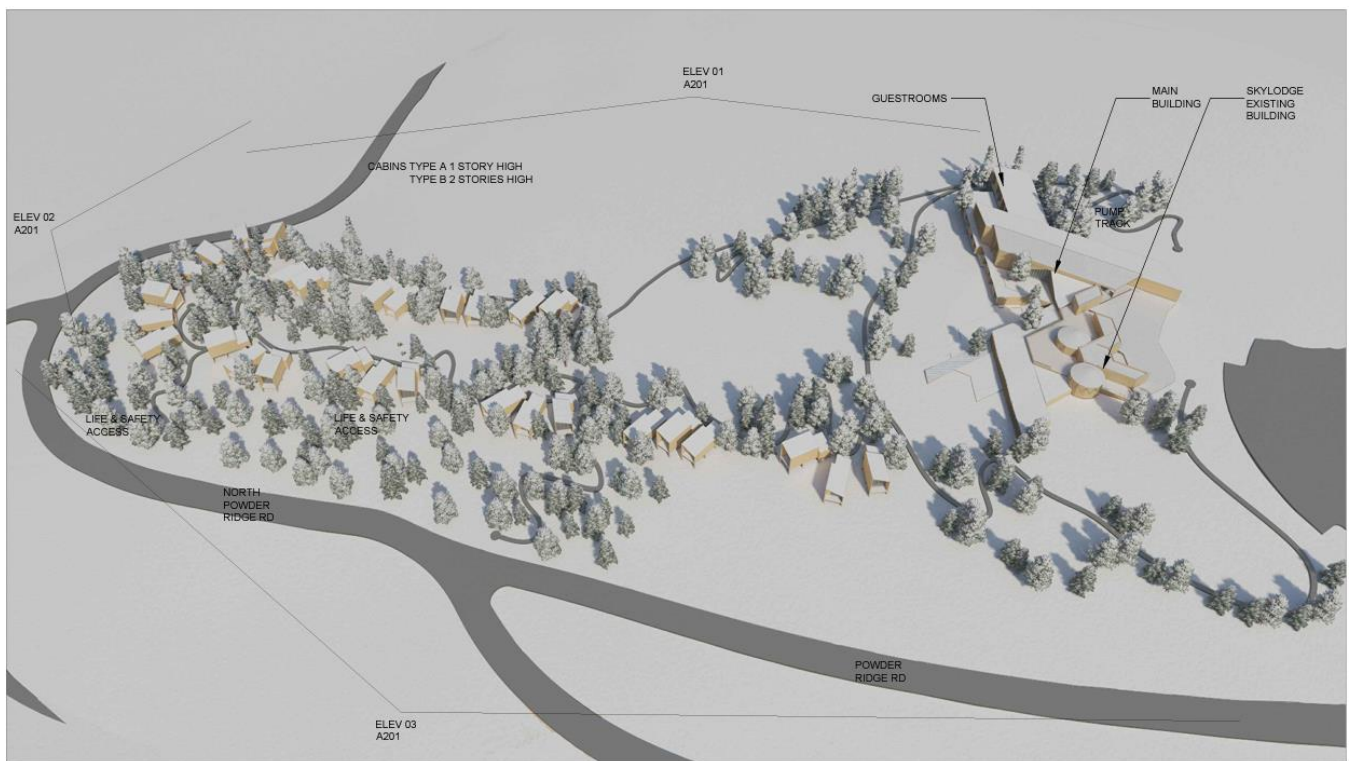
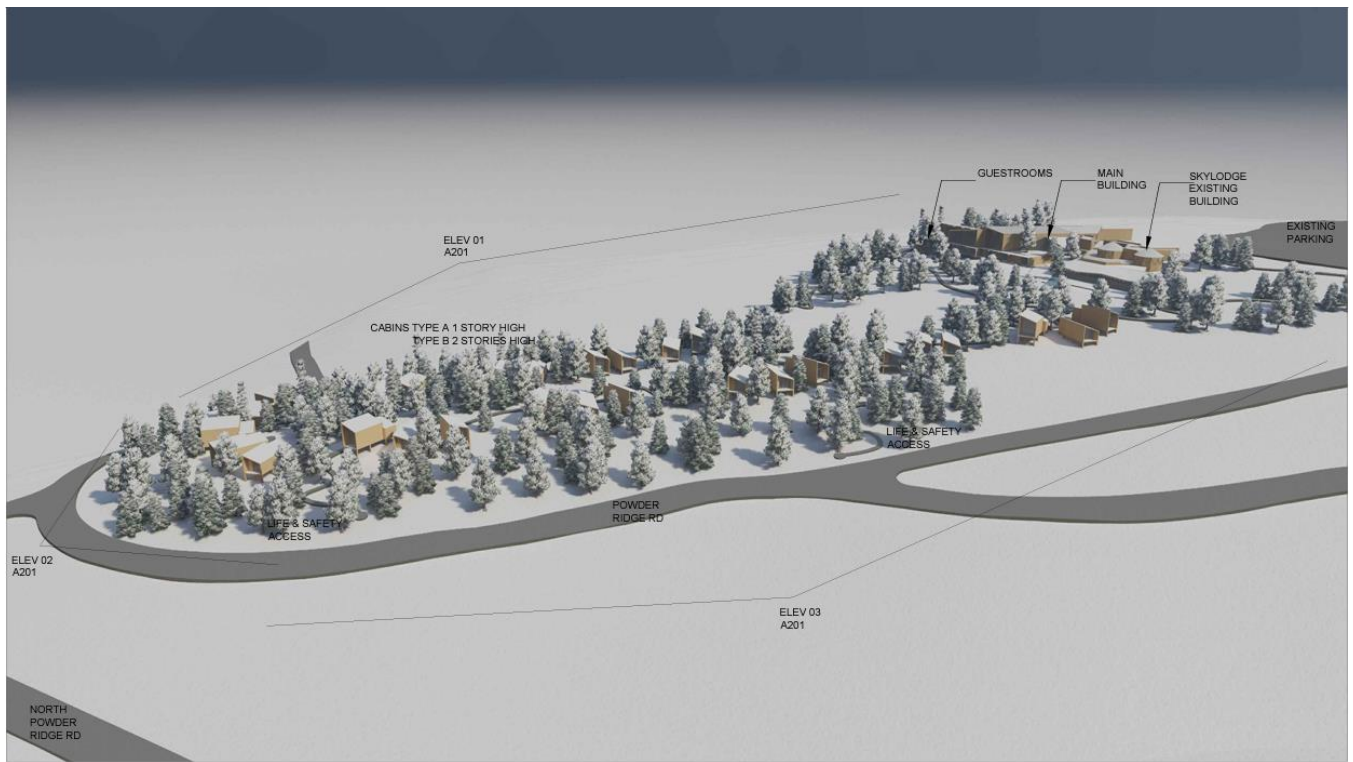
① ELEVATION - STAND ALONE CABINE TYPE B
SCALE: 3/4" = 1'-0"



② CABIN A-DESIGN INTENT
SCALE:



① CABIN B-DESIGN INTENT
SCALE:





Weber County Planning Division

MEMORANDUM

To: Ogden Valley Planning Commission
From: Bill Cobabe, Planning
Date: March 28, 2023
Subject: Water Conservation Planning in Ogden Valley

Planning Commissioners,

As part of the requirement to implement the water conservation requirements set forth in State statute, the County must update our population figures and projections to demonstrate anticipated water usage and identify potential savings. What follows is a summary of current available data and projections that help show where we are and where we can expect growth. Using these data, we can make informed decisions and shape policy to reflect actual, real-world conditions and implement strategies that will help us conserve water.

In the first two tables below, I left the 2017 projections and estimates for 2024 for reference to show how the anticipated growth numbers are compared to actual growth numbers. The projections were well short of what we actually saw, and it is interesting to see how it all happened. The data is highlighted in the yellow fields below. There are some additional charts included to show the way this happened graphically. The rest of the data has been updated to reflect the actual numbers and percentages reflected in 2017 and the most recent numbers we have available (mostly from 2021).

The last page includes three tables that show the amount of developable acres and units in each zone. The overall acreage is shown in the first table. The second table shows how many units might be built out with current lot configurations (rounding DOWN the number of units – that is, if a lot is 5.75 acres in the AV-3 zone, it may only have one unit, while a 6.25 acre lot would have two). The last table shows the maximum potential number of units given the amount of acreage in each zone. Using our prior example, if the person were to combine the 6.25 and the 5.75, that would give that person a total of 12 acres, which would be four units (one each on a three-acre lot). This is one additional unit more than the three that would be allowed if the existing lots were not combined.

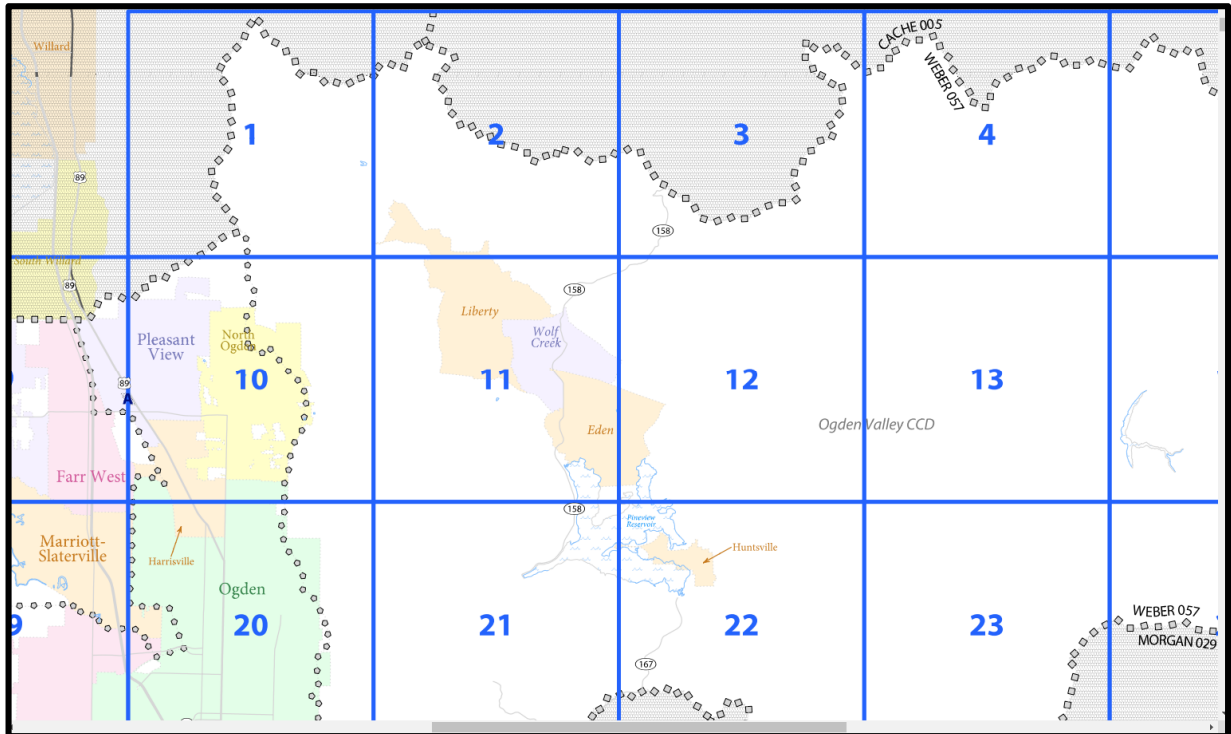
Please feel free to contact me with any questions.

Best,

Bill Cobabe
801-399-8772
Weber County Planning Division



Weber County Planning Division



Weber County TOTAL	2017	Share of Total	2020	Share of Total	Annual Growth Rate	2024 Projection
Total Population:	244,101	100%	262,223	100%	1.7%	266,777
Total Population in occupied housing units	240,920	99%	259,601	99%	1.8%	262,927
Total Population in owner-occupied housing	179,967	74%	192,996	73.6%	1.68%	192,242
Total Population in renter-occupied housing	60,953	25%	69,227	26.4%	3%	70,864



Weber County Planning Division

Ogden Valley TOTAL	2017	Share of Total	2021	Share of Total	Annual Growth Rate	2024 Projection
Total Population:	6,817	100%	8,914	100%	4.7%	7,533
Total Population in occupied housing units	6,767	99%	8,900	99%	4.8%	7,564
Total Population in owner-occupied housing	6,296	92%	8,295	93.2%	4.8%	6,543
Total Population in renter-occupied housing	471	7%	605	6.8%	4.4%	998

Population by Occupancy Type	Weber County TOTAL	Ogden Valley TOTAL
Percent of Population in owner-occupied housing	73.6%	93.2%
Percent of Population in renter-occupied housing	26.4%	6.8%

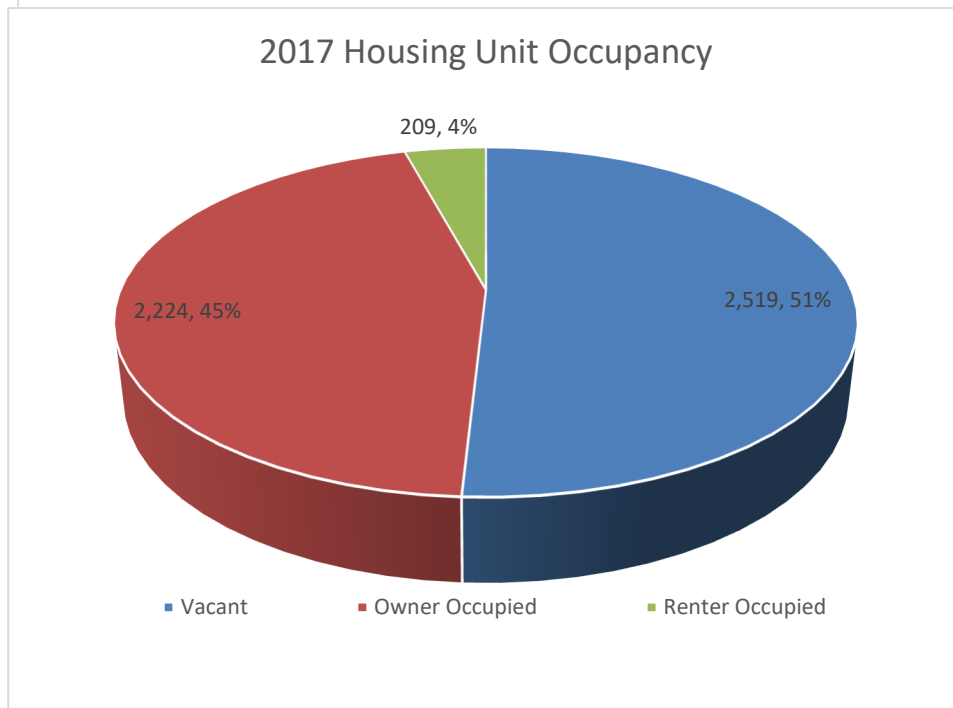
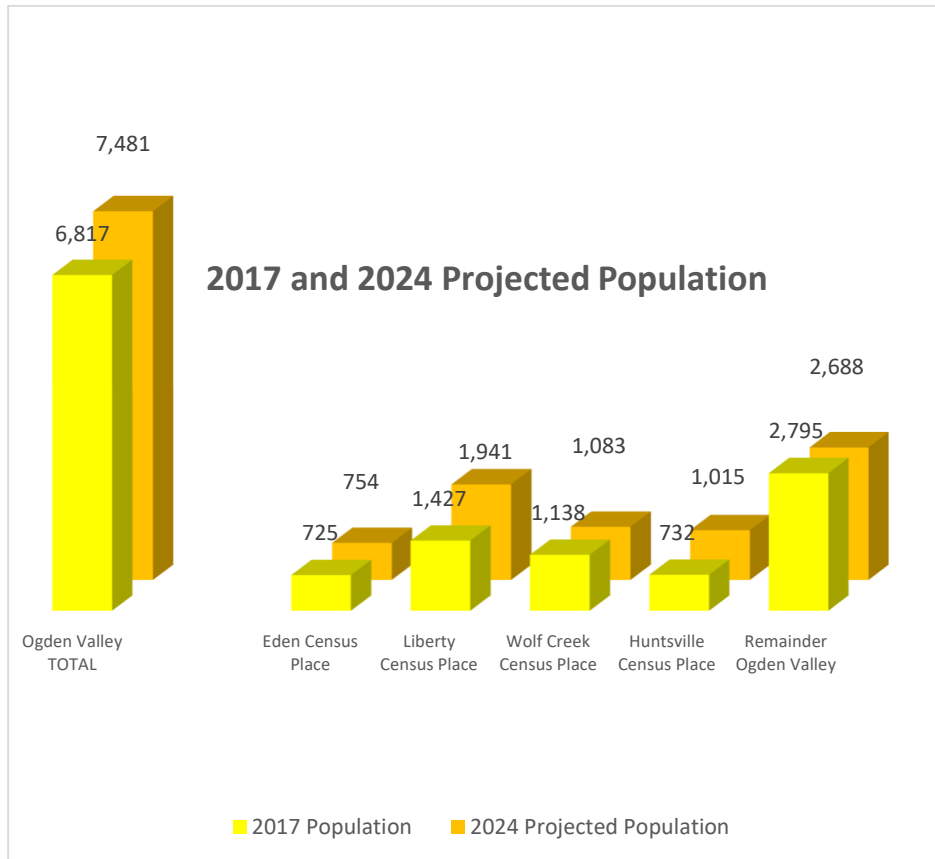
Eden Census Place	Liberty Census Place	Wolf Creek Census Place	Huntsville Census Place
87.2%	96%	95%	83%
12.8%	2%	5%	17%

Annual Growth Rate	Weber County TOTAL	Ogden Valley TOTAL
Population Numbers (2021)	262,223	8,914
Population Numbers (2017)	244,101	6,817
Population	1.7%	4.7%

Eden Census Place	Liberty Census Place	Wolf Creek Census Place	Huntsville Census Place
690	1,522	1,645	573
725	1,427	1,138	732
-1%	1.2%	6.2%	-5.5%



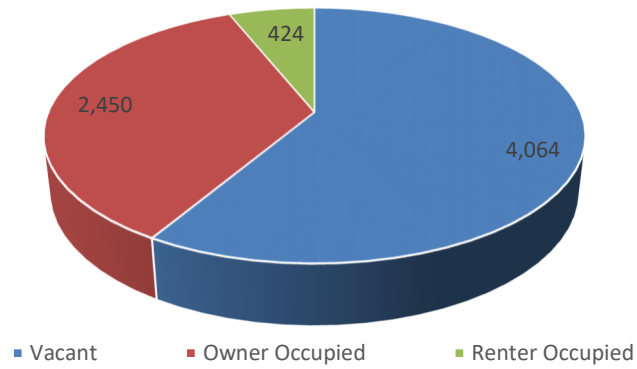
Weber County Planning Division



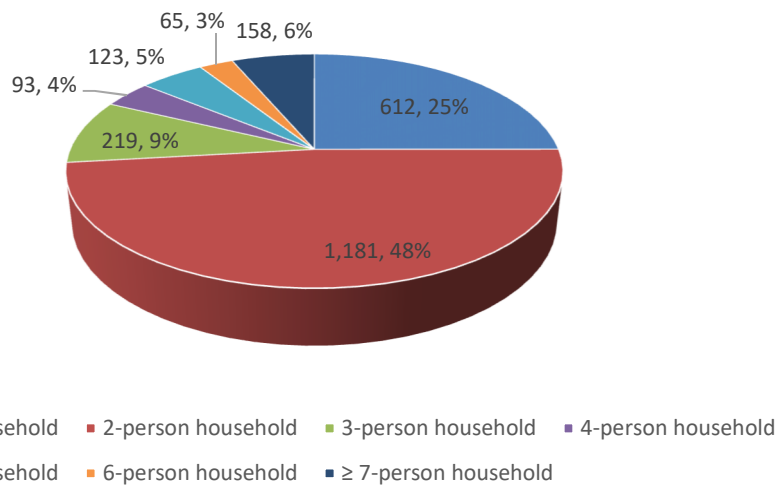


Weber County Planning Division

2024 Projected Housing Unit Occupancy (2017 Estimates)



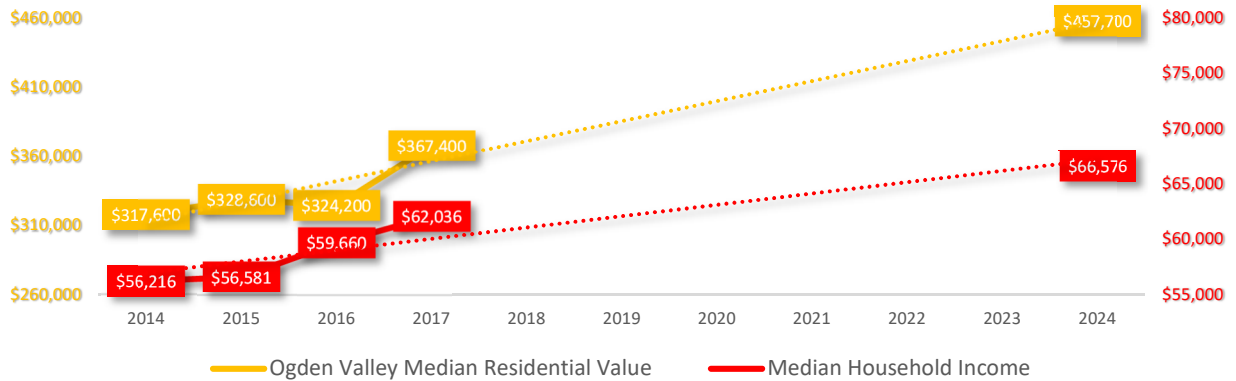
2024 Projected People Per Household in Ogden Valley (2017 Estimates)





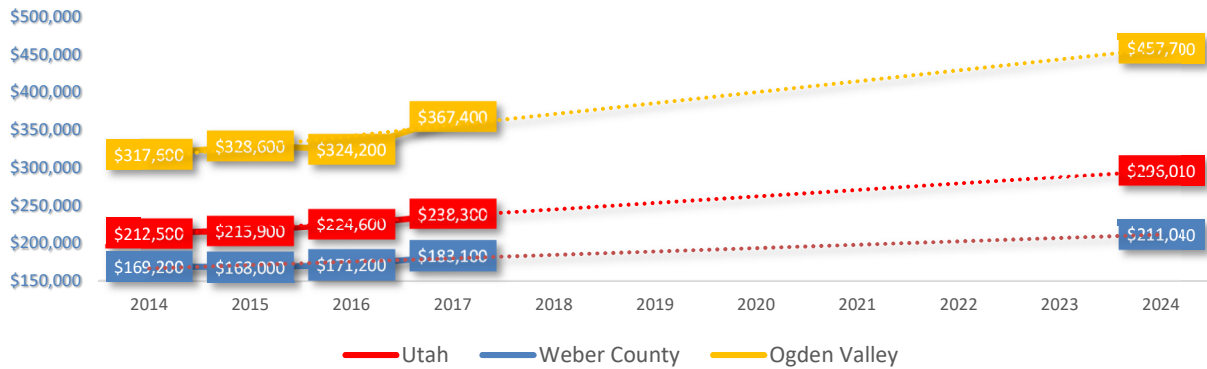
Weber County Planning Division

Residential Real Estate Market Value (2017 Estimates)



2021 Estimates – Median Income: \$117,254; Median Residential Value: \$542,600

Residential Real Estate Market Value (2017 Estimates)



2021 Estimates – Utah: \$421,700; Weber County: \$363,000; OV: \$542,600

Ogden Valley TOTAL	Round Down Figures	Acres/Zoning
Additional Potential Units	8,936.00	9,777.54



Weber County Planning Division

Acres of Vacant Land Per Zone										
	DRR-1	CVR-1	FR-3	S-1	R-1	RE-15	RE-20	AV-3	FV-3	Total
Eden	0	0	0	60.30	0.00	66.50	0.00	1127.69	0.00	1254.49
Huntsville	0	0	0	0.00	76.99	0.00	0.00	15.21	0.00	92.20
Liberty	0	0	0	0.00	0.00	163.00	0.00	1298.80	116.06	1577.86
Wolf Creek	0	0	29	0.00	0.00	75.70	98.64	229.83	90.42	523.20
Ogden Valley	0	35	21	177.05	0.36	70.44	29.89	2572.79	7275.82	10182.71
Snowbasin Area G	252	0	0	0.00	0.00	0.00	0.00	0.00	0.00	252.00
Total	252	35	50	237.35	77.35	375.64	128.53	5244.31	7482.30	13,882.46 Acres

Total Number of Remaining Residential Development Rights Per Zone										
	DRR-1	CVR-1	FR-3	S-1	R-1	RE-15	RE-20	AV-3	FV-3	Total
Eden	0	0	0	14.00	0.00	193.00	0.00	357.00	0.00	564.00
Huntsville	0	0	0	0.00	73.00	0.00	0.00	2.00	0.00	75.00
Liberty	0	0	0	0.00	0.00	495.00	0.00	480.00	87.00	1,062.00
Wolf Creek	0	0	911	0.00	0.00	396.00	262.00	90.00	25.00	1,684.00
Ogden Valley	252	858	184	63.00	0.00	204.00	62.00	1117.00	2811.00	5,551.00
Total	252	858	1095	77.00	73.00	1288.00	324.00	2046.00	2923.00	8,936 Units

Total Number of Remaining Residential Development Rights Per Zone										
	DRR-1	CVR-1	FR-3	S-1	R-1	RE-15	RE-20	AV-3	FV-3	Total
Eden	0	0	0	16.69	0.00	193.12	0.00	427.79	0.00	637.60
Huntsville	0	0	0	0.00	127.28	0.00	0.00	5.28	0.00	132.56
Liberty	0	0	0	0.00	0.00	496.42	0.00	603.75	94.03	1,194.21
Wolf Creek	0	0	921	0.00	0.00	440.62	280.34	120.66	32.21	1,795.02
Ogden Valley	0	859	197	69	0	205	65	1288	3039	5,721.15
Snowbasin Area G	297	0	0	0	0	0	0	0	0	297.00
Total	297	859	1118	85.41	127.64	1334.72	345.44	2445.08	3165.39	9,777.57 Units

MEMO

Date: March 28, 2023

To: Ogden Valley Planning Commission

From: Charlie Ewert

Re: Work session discussion items regarding text amendments to implement various components of the Western Weber General Plan (some of which will affect Ogden Valley), and regarding amendments to the Form-Based Zone

The planning commission will once again review proposed ordinance amendments in the February 28th meeting. The first is regarding the implementation of various parts of the new Western Weber General Plan, including flexible lot area allowances, medium density zoning, dark sky lighting standards, and street and pathway connectivity, among others. Some of these amendments, if adopted, will have effect on the governance of development in the Ogden Valley.

The second is regarding the modification of the Form Based Zone to include a West Weber Village street regulating plan. This amendment also addresses lot area and pathway connectivity, as well as some relatively minor modifications and edits.

Both proposals are attached. Of worth to note:

- Implementing components of Western Weber General Plan, and related edits:
 - This proposed amendment (starting on line 1711) amends various parts of the outdoor lighting (dark sky) ordinance. The edits may appear to have great effect on the application of this ordinance; however the majority of them are intended to change the specificity of where the regulations will be applied. If adopted, the ordinance will be applied to Western Weber Planning Area as well. The remaining amendments are intended to help provide clarity. As the ordinance was being reviewed by the Planning Commission and County commission, a few edits were made to Section 108-16-2 (line 1727) in an effort to add clarity. However, the actual edits convoluted rather than clarified. Staff's proposed edits adds the clarity the Planning Commission and County Commission sought.
 - Staff adjusted the rezone application requirements to address the need for a street and pathway connectivity plan as well as an open space plan. It also revises submittal requirements related to water and sewer (lines 219-258). Lines 291-380 provide clarifying amendments.
 - The proposal also adds a new section titled "shared private lane." Some of you may recall that a shared private lane option was proposed a couple of years ago in a text amendment regarding street connectivity. At the time, the Planning Commission decided to omit

shared private lane from the connectivity proposal, citing the need for additional review. As you review the proposed new section you might observe that much of the language reflects the already adopted requirements of “private streets.” The original proposal said that a shared private lane is only allowed if the applicant retire 50 percent of the land’s development rights. Staff proposed this to reduce the amount of traffic on a shared private lane, since it is allowed to be much narrower than a standard street. There was a little pushback from the Planning Commission on forcing the retirement, so this version omits it. This version adds an easement width similar to the standards street width. This is to ensure that if more development occurs along the street or further down the street, the County can upgrade the private lane to a street with minimal cost to acquire the land. It also helps define the line from which building setbacks should be measured.

- The newly adopted “development on a substandard street” ordinance is being moved from Section 106-2-2.8 (lines 563-630) to Section 108-7-19 (lines 1141-1234). This moves the new procedures from the subdivision title (Title 106) to the standards title (Titles 108). The movement will help clarify that this ordinance applies whether or not a proposed development is in a subdivision.
- The proposal provides amendments to the signage chapter (Chapter 110-2). It will apply the signage chapter to western weber. The edits also help clarify this chapter. There is quite a bit of conflicting and confusing language currently in this section. The edits appear as if entire sections of the code are being deleted and replaced with entirely new sections. That is not the case. A comparison of the additions and deletions will show that the application of the existing code stays intact, but the organization and some terminology is a little different.
- The amendments to Section 104-12-1 (lines 389 through 463) are intended to help implement a component of the Western Weber General Plan. This section governs a zone that is not in the Ogden Valley Planning Area.
- I have not finished revising the supplementary and qualifying regulations chapter (from line 792 through line 1707), however, feel free to peruse the changes thus far to get a sense of the direction. Essentially, I am hoping to revise this entire chapter to group similar items into sections rather than scattered throughout. We may want to pull this chapter from the proposed changes and let it run on its own if we get bogged down in the details.
- Form Based Zone for West Weber Village area:
 - Working from the guidance of the Planning Commission in the last meeting, staff has made changes to the proposed lot area, as well as other desired changes. Maps remain unchanged. The only thing not addressed in this version is changes to pathway right-of-way width. There was not clear and final direction from the Planning Commission on this subject. Staff suggests perhaps allowing a narrower width if the adjacent fences are either 50 percent see through, or no taller than four feet.
 - The Planning Commission also asked for better clarity regarding “banking” transferable development rights. Lines 893-899 provide this clarity.

WEBER COUNTY
ORDINANCE NUMBER 2023-_____

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY’S LAND USE CODE TO IMPLEMENT POLICIES AND RECOMMENDATION OF THE WESTERN WEBER GENERAL PLAN, INCLUDING SMART GROWTH REQUIREMENTS, LOT WIDTH REDUCTIONS, STREET AND PATHWAY CONNECTIVITY AND IMPROVEMENT REQUIREMENTS, A RELATED CLERICAL AMENDMENTS.

WHEREAS, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

WHEREAS, _____; and

WHEREAS, _____; and

WHEREAS, on _____, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on _____, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on _____, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments herein substantially advance many goals and objectives of the Western Weber General Plan and the Ogden Valley General Plan; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments serve to create the necessary regulatory framework that will guide future development of neighborhoods and communities;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

SECTION 1: AMENDMENT. The Weber County Code is hereby *amended* as follows:

- 1 **Part II Land Use Code**
- 2 ...
- 3 **TITLE 101 GENERAL PROVISION**

4 ...

5

6 **Chapter 101-2 Definitions**

7 ...

8 **Sec 101-2-3 Bu Definitions**

9 **Building, accessory.** The term "accessory building" means a detached subordinate building located on a lot or parcel with a main building the use of which is incidental to the use of the main building.

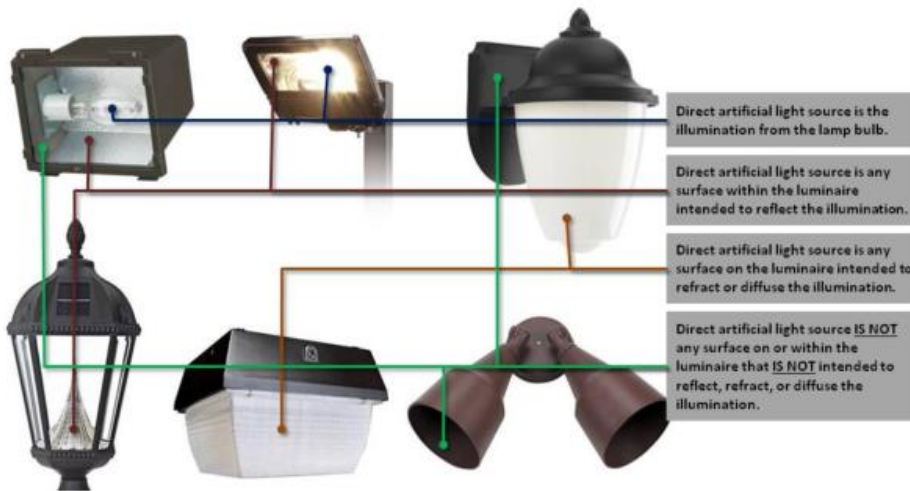
10 **Building, large accessory.** The term "large accessory building" means a building that is accessory to a dwelling and has a footprint greater than 1,000 square feet.

11 ...

12 **Sec 101-2-13 Li Definitions**

13 **Light, direct artificial.** The term "direct artificial light" means any light cast directly to an illuminated area from an artificial light source, as defined by this section, or from any surface on or within the artificial light source's luminaire that is intended to reflect, refract, or diffuse light from the artificial light source. This does not include light reflected, refracted, or diffused from other surfaces such as nonreflective surfaces on or within the luminaire, or the ground or adjacent walls, provided those surfaces are not primarily intended for the reflection, refraction, or diffusion of the artificial light source. ~~See also Section 108-16-9 for a graphic depiction.~~ Example of direct artificial light:

Commented [E1]: Need to address definition of private access right-of-way.



22

23 **Light pollution.** The term "light pollution" means any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the nighttime sky; interferes with astronomical observations; interferes with the natural functioning of native wildlife, or disrupts the community character as defined in the applicable general plan for the area.

24 **Light source, artificial.** The term "artificial light source" means the part of a lighting device that produces light. See ~~also~~ Section 108-16-9 "direct artificial light" for a graphic depiction.

25 **Light trespass.** The term "light trespass" means the projection of any light from a direct artificial light outside the lot or parcel boundary or street right-of-way where the artificial light source is located, unless the projection outside the lot or parcel boundary or street right-of-way is intended, wanted, and lawfully permitted. See also Section 108-16-11 Section 108-16-3(a)(2) for a graphic depiction.

33 **Lighting, outdoor.** The term "outdoor lighting" means the illumination of an outdoor area or object by any
34 outdoor artificial light source.

35 **Lighting, recreation facility.** The term "recreation facility lighting" means outdoor lighting used to
36 illuminate the recreation activity area of a stadium, sports field or court, rink, ski area, swimming pool,
37 theater, amphitheater, arena, or any similar use intended for recreational activity. See also Section 108-16-
38 [3\(e\)\(5\)](#) for a graphic depiction.

39 ...

40

41 **TITLE 102 ADMINISTRATION**

42 ...

43 **Chapter 102-1 General Provisions**

44 ...

45 **Sec 102-1-2 Planning Director Authority**

46 (a) The planning director, or his designee, is authorized to deny, approve, or approve with conditions an
47 application for an administrative approval. Administrative approval can be given for the following
48 applications:

49 (1) Site plan approval, when required by this Land Use Code, for which the land use authority is not
50 otherwise specified by this Land Use Code;

51 (2) Design review for buildings under 10,000 square feet and which impact an area of less than one
52 acre, as provided in [section 108-1-2](#);

53 (3) Home occupation, as provided in [section 108-13-2](#);

54 (4) Building parcel designation, as provided in [108-7-33](#);

55 (5) Small subdivisions, as provided in [section 106-1-8\(f\)](#) of this Land Use Code; and

56 (6) [Flag lots, access to a lot/parcel using a private right-of-way or access easement, and access to a](#)
57 [lot/parcel at a location other than across the front lot line, as provided in title 108, chapter 7 of this](#)
58 [Land Use Code.](#)

59 ...

60

61 **Chapter 102-4 Permits Required And Enforcement**

62 **Sec 102-4-1 Purpose And Intent**

63 The purpose of this chapter is to establish the requirements for land use permits from the planning division
64 and building permits from the building division. This chapter identifies the responsibilities for enforcing the
65 requirements of this Land Use Code and the penalties for violating this Land Use Code.

66 **Sec 102-4-2 Land Use Permit Required**

67 (a) In order to verify compliance with applicable regulations, all land uses that require a land use permit or
68 conditional use permit by this Land Use Code are prohibited until a land use permit or conditional use
69 permit has received final written approval from the appropriate land use authority.

70 (b) No structure, including agricultural structures, shall be constructed, changed in use, or altered, as
71 regulated by this Land Use Code, until and unless a land use permit or, if applicable, a conditional use
72 permit, has received final written approval from the appropriate land use authority.

73 (c) No application for permits or approvals governed by this Land Use Code shall be approved for any lot
74 or parcel until all unresolved zoning, subdivision, building, business license, nuisance, or other
75 violations on the lot or parcel, or on any parcel included in any manner as part of the application, are
76 resolved, unless approval of the application will resolve all of the existing violations.

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Commented [E3]: Check ref

Commented [E4]: Check ref

Commented [E5]: Check ref

Commented [E6]: Making changes these provisions elsewhere herein. Ensure consistency here.

77 **Sec 102-4-3 Land Use Permit Revocation**

78 A land use permit or conditional use permit may be revoked for violation of any part of this Land Use Code
79 related to the specific use or permit in accordance with the following:

- 80 (a) Revocation shall be conducted by the land use authority that is authorized to approve the permit.
- 81 (b) Prior to permit revocation, the land owner and, if different, permittee shall be given reasonable
82 opportunity to resolve the violation by bringing the property into compliance or by diligently pursuing an
83 amendment or modification to the permit, as may be allowed by this Land Use Code.
- 84 (c) In the event compliance cannot be attained the land owner and, if different, permittee shall be given a
85 notice of the impending permit revocation 14 days prior to final revocation. The notice of the impending
86 permit revocation shall specify the violation, and inform the land owner and, if different, permittee of the
87 right to request a hearing.
- 88 (d) The land owner and, if different, permittee shall have a right to a hearing with the land use authority to
89 show cause for why the permit should not be revoked, if a written request for such is submitted prior to
90 a final written revocation decision. If a hearing is requested, final revocation of the permit shall be stayed
91 until after the hearing. The hearing shall be scheduled at a time specified by the land use authority.
- 92 (e) Revocation of a permit is final upon the issuance of a final written decision. The final written decision
93 may be appealed pursuant to title 102, chapter 3.
- 94 (f) Revocation of a permit shall not prohibit prosecution or any other legal action taken on account of the
95 violation, as provided in this Land Use Code or any other applicable law.

96 **Sec 102-4-4 Code Enforcement**

97 (a) **General penalty; continuing violations.**

- 98 (1) In this section, "violation of this Land Use Code" or "violation of any provision of this Land Use
99 Code" means:
- 100 a. Doing an act that is prohibited or made or declared unlawful, an offense, or a misdemeanor by
101 the Land Use Code or by rule or regulation authorized by the Land Use Code;
- 102 b. Failure to perform an act that is required to be performed by the Land Use Code or by rule or
103 regulation authorized by the Land Use Code; or
- 104 c. Failure to perform an act if the failure is declared a misdemeanor, an offense, or unlawful by
105 the Land Use Code or by rule or regulation authorized by the Land Use Code.
- 106 (2) In this section, "violation of this Land Use Code" or "violation of any provision of this Land Use
107 Code" does not include the failure of a county government officer or county government employee
108 to perform an official duty unless this Land Use Code specifically provides that failure to perform
109 the duty is to be punishable as provided in this section.
- 110 (3) Unless more specifically provided for in this Land Use Code, the violation of any provision of this
111 Land Use Code may be punished as a class C misdemeanor or by imposition of a civil penalty, or
112 both.
- 113 (4) If prosecuted as a misdemeanor, each day any violation of this Land Use Code continues shall
114 constitute a separate offense. Any violation of this Land Use Code that constitutes an immediate
115 danger to the health, safety, and welfare of the public may be enjoined in a suit brought by the
116 county for such purposes, or addressed through any other lawful action.
- 117 (5) The imposition of a criminal or civil penalty under the provisions of this Land Use Code shall not
118 prevent the revocation or suspension of any license, franchise, or permit issued or granted under
119 the provisions of this Land Use Code.
- 120 (6) The provisions of this Land Use Code may also be enforced and violations punished by any of the
121 following methods:
- 122 a. To remedy a violation of this Land Use Code, the county may order discontinuance of the use
123 of any land, body of water, or building; the removal of any building, addition, or other structure;
124 the discontinuance of any work being done; or any lawful act.

- 125 b. Specific provisions of this Code may provide for additional remedies.
- 126 (b) **Authorization of code enforcement official, powers and duties.** The county's planning director or
127 designee is designated as the code enforcement official and is, empowered, and directed to enforce
128 this Land Use Code by injunction, mandamus, abatement, civil penalty, or any other remedy provided
129 by law. The county's code enforcement official is hereby authorized empowered, and directed to make
130 inspection of properties within the unincorporated area of the county to determine whether there is any
131 violation of this Land Use Code. This authorization extends to all methods of inspection allowed under
132 the state and federal constitutions.
- 133 (c) **Notice of violation, time to comply.** When a violation is found, before taking any other enforcement
134 action the code enforcement official shall serve notice of the violation in writing to the owner or occupant
135 of the land. The notice shall:
- 136 (1) Be delivered personally or by certified mail to the owner or occupant at the last known post office
137 address as disclosed by the records of the county recorder or assessor;
- 138 (2) State the specific code or codes being violated and explain the nature and extent of the violation;
139 and
- 140 (3) State that the owner or occupant, as the case may be, shall correct or remove the violation no later
141 than 14 days after notice of the violation has been delivered personally or mailed.
- 142 (d) **Alternative time to comply.** Within the 14 days as specified in section 102-4-4(c), the owner or
143 occupant may arrange an alternative remedial schedule with the Code enforcement official. The
144 alternative remedial schedule shall be no greater than is reasonable and necessary given the extent of
145 the violation and the owner or occupant's ability to cure.
- 146 (e) **Single notice sufficient.** One notice shall be deemed sufficient on any lot or parcel of property and
147 the subsequent lapse of the notice period shall empower the county to take other and further action as
148 may be lawful.
- 149 (f) **Administrative citation and fines.** After issuance of a notice of violation, as specified in Section 102-
150 4-4(c), and at the discretion of the code enforcement official, an administrative citation and fine may be
151 issued for any violation of this code.
- 152 (1) The fine schedule is as follows:
- 153 a. First administrative citation: \$100.00 per violation per day.
- 154 b. Second administrative citation: \$200.00 per violation per day.
- 155 c. Third or subsequent administrative citation: \$400.00 per violation per day.
- 156 (2) An additional administrative citation specified by this section 102-4-4(f) occurs in circumstances
157 when an earlier administrative citation has:
- 158 a. Not been resolved to the satisfaction of the code enforcement official for a period of 60 days
159 from the date of the previous administrative citation; or
- 160 b. Been resolved to the satisfaction of the code enforcement official but the same violation
161 reoccurs within 12 months of the first administrative citation.
- 162 (3) If a property owner or occupant fails to pay a fine issued under this section, the county may take
163 reasonable steps to collect the fine. If the fine remains unpaid, the county may petition the
164 applicable court for a judgment against the owner or occupant in the amount of the unpaid fine. If
165 the county also files a petition under section 102-4-4(g), the two petitions may be combined into
166 one action.
- 167 (g) **Abatement.** If a property owner or occupant fails to correct or remove the violation from the property
168 after receiving an administrative citation, the county may petition the applicable court for a judicial order
169 enabling the county to remove some or all violations from the property and ordering the property owner
170 or occupant to pay all costs associated with correcting the violation. If any violation of this Land Use
171 Code constitutes a nuisance under the provisions of State Law, the county may take any action as
172 authorized by law in addition to any other penalty imposed pursuant to this section.

(h) **Judgment lien.** Once a judicial order has been obtained under this section, ordering a property owner or occupant to pay fines or abatement costs, the code enforcement official shall record a judgment lien against any real property owned by the responsible party, to the extent allowed by law.

(i) **Removal of judgement lien.** Once payment is received for all outstanding fines, costs, and penalties, including the county's cost for abatement if applicable, and the terms of the judicial order are deemed satisfied, the code enforcement official shall record a notice of satisfaction of judicial order and shall release the lien as required by law.

(j) **Appeals.** A violation determination under this section shall only be appealable to district court.

Sec 102-4-5 Building Permit Required

Building permits, as specified by the county, are required for any construction, alteration, repair, removal, or occupancy of any structure. Construction shall not be commenced, except after the issuance of a written permit by the county building official.

Sec 102-4-6 Permits To Comply With Ordinance

The building official shall not grant a permit for the construction or alteration of any building or structure if such construction or alteration is in violation of any provision of this Land Use Code; nor shall any county official grant any permit or license for the use of any building or land if such use would be in violation of this Land Use Code.

Sec 102-4-7 Powers And Duties Of Building Official

It shall be the duty of the building official to inspect or cause to be inspected all setbacks of buildings in the course of construction or repair. The building official shall assist in the enforcement of all provisions of this chapter. The building official shall not issue any permit unless the plans of, and for, the proposed erection, construction, reconstruction, alteration and use fully conform to this Land Use Code.

...

Chapter 102-5 Rezoning Procedures

...

Sec 102-5-1 Purpose And Intent

Every property in the unincorporated area of the county is legally zoned as a result of comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the 1960s. The purpose of this chapter is to establish a legislative means by which applications to the county are processed to change zoning. Rezoning is intended to implement the adopted general plans for the different planning areas of the county.

Sec 102-5-2 Development To Be In Conformance To The General Plan

Rezoning of property should further the purpose of the zoning regulations listed in Section 101-1-2 of the county's Land Use Code by complying with the county's general plans.

Sec 102-5-3 Reserved

Sec 102-5-4 Application Requirements

(a) A rezoning application may be initiated by an owner of any property or any person, firm, or corporation with the written consent of the owner of the property, or be county-initiated.

(b) An application for a rezoning shall be prepared and submitted on forms provided by the planning division. The application shall be accompanied with the following information:

(1) The application shall be signed by the landowner or their duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule.

(2) A proposed rezone may be required to be accompanied by a concept development plan in accordance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept development plan may be required.

DRAFT – Last edited 2/14/2023

219 (3) A street, pathway, trail, and accessway or alley connectivity plan showing how the project or a
220 future project can connect to both existing, proposed, and potential future streets, pathways, trails,
221 and accessways or alleys.

222 ~~(2)~~(4) The proposed parks and open space plan, including land, infrastructure, or monetary
223 donations intended to be given to the park district, county, or other entity for the purpose of
224 providing parks or open spaces.

225 ~~(3)~~(5) A narrative explaining the planned or potential future access to culinary and secondary
226 water facilities, and wastewater disposal facilities.

227 ~~(4) If the land is located within an existing or future service area of a local water or sewer service~~
228 ~~provider, a letter of acknowledgment and conditions of future service.–~~

229 ~~(5) A narrative from the project engineer discussing the feasibility for the mitigation of stormwater~~
230 ~~runoff.~~

231 (6) The applicant shall provide a narrative addressing the following information:

232 a. How is the change in compliance with the general plan?

233 b. Why should the present zoning be changed to allow this proposal?

234 c. How is the change in the public interest?

235 d. What conditions and circumstances have taken place in the general area since the general
236 plan was adopted to warrant such a change?

237 e. How does this proposal promote the health, safety and welfare of the inhabitants of the county?

238 f. Project narrative describing the project vision.

239 (c) Supplemental application requirements for the rezone of a large master planned area or any
240 proposed rezone to the Destination and Recreation Resort Zone, supplementary requirements.

241 Due to the anticipated scale and potential impact of a destination and recreation resort on the county
242 and other surrounding areas, the following additional information, shall be required to accompany any
243 application submitted for the rezone of a large master planned area or any proposed rezone to the
244 consideration of a Destination and Recreation Resort Zone approval. The additional information
245 shall consist of the following:

246 a. ~~(1)~~ Concept development plan showing sensitive land areas as described/mapped in Title 104,
247 Chapter 28, Ogden Valley Sensitive Lands Overlay Zone.

248 ~~b.~~(2) Traffic impact analysis.

249 ~~c.~~(3) Cost benefit analysis.

250 ~~d.~~(4) Recreation facilities plan.

251 ~~e.~~(5) Seasonal workforce housing plan.

252 ~~f.~~(6) Emergency services plan including a letter of feasibility from the Weber fire district and Weber
253 County sheriff's office.

254 ~~g.~~(7) Letter of feasibility from the electrical power provider.

255 ~~h.~~(8) Density calculation table showing proposed density calculations.

256 ~~i.~~(9) Thematic renderings demonstrating the general vision and character of the proposed development.

257 (d) All documents submitted as part of the application shall be accompanied by a in a corresponding PDF
258 formatted file.

259 **Sec 102-5-5 Concept Development Plan**

260 (a) A concept development plan may be required to be submitted with a rezoning application to any zone,
261 as provided in Section 102-5-6. The concept development plan shall supply sufficient information about
262 the development to assist the Planning Commission and County Commission in making a decision on
263 the rezoning application. Information supplied shall include text and illustration identifying or showing:

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Commented [E7]: Rezone to FBZ does not require a concept plan

- 264 (1) Inventory of general land use types located within the project and the surrounding area.
- 265 (2) Approximate locations and arrangements of buildings, structures, facilities and open space.
- 266 (3) Architectural rendering of proposed buildings, structures, facilities and open space within the
- 267 project.
- 268 (4) Access and traffic circulation patterns and approximate location of parking.
- 269 (5) A written description explaining how the project is compatible with surrounding land uses.
- 270 (6) The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands, etc.).
- 271 (7) Existing and proposed infrastructure.
- 272 (8) Project density and mass/scale in comparison to the existing developed area adjacent to the
- 273 proposed rezone.
- 274 (9) Legal description of the property being proposed for rezone.
- 275 (b) The applicant/owner, and any assignee or successor in interest, is required to develop only in
- 276 accordance with the proposals outlined in the plan. Any materially different concept, use, building
- 277 arrangement, etc., will not be approved nor will building permits be issued by the county until such plan
- 278 is amended by the county commission after recommendation of the planning commission. Minor
- 279 changes may be approved by the planning director. If the county denies such changes or amendments
- 280 and/or the concept plan is abandoned, the county may institute steps to revert the zoning to its former
- 281 or other appropriate zone. The information shown on the concept plan may vary in detail depending on
- 282 the size of projects.

Sec 102-5-6 Rezoning Procedure

- 284 (a) **Preapplication meeting; concept plan requirement.** Prior to submittal of a rezoning application, the
- 285 applicant shall attend a pre-application meeting in which the proposal is discussed with County planning
- 286 staff. After the pre-application meeting, the Planning Director or designee may require a concept
- 287 development plan to be submitted with the application. After application submittal, if no concept plan
- 288 was previously required, the Planning Director or designee, the Planning Commission, or the County
- 289 Commission may require a concept development plan or any other information to address emerging
- 290 impacts.
- 291 (b) **Application process.** ~~When a~~ rezoning application ~~is not entitled to be reviewed until it~~ meets the
- 292 requirements outlined in Section 102-5-4 of this Chapter, and ~~after when~~ the application is deemed
- 293 complete by the Planning Director or designee, ~~Once complete,~~ the application ~~is entitled to~~ ~~will~~ be
- 294 processed in the following manner:
 - 295 (1) **Planning Commission review and recommendation.** Upon receiving a recommendation from
 - 296 staff regarding ~~an amendment to the zoning map~~ a rezoning application, and ~~after holding a public~~
 - 297 hearing pursuant to State Code, the Planning Commission shall review the ~~application-amendment~~
 - 298 and prepare its recommendation. The Planning Commission may recommend approval, approval
 - 299 with modifications, or denial of the proposed amendment, ~~and shall~~ The Planning Commission's
 - 300 recommendation shall then be ~~submitted to its recommendation~~ to the County Commission for
 - 301 review and decision.
 - 302 (2) **County Commission review and decision.** Upon receiving a recommendation from the Planning
 - 303 Commission regarding ~~an amendment to the zoning map~~ a rezoning application, the County
 - 304 Commission shall schedule and hold a public hearing to review and make a decision on the
 - 305 application. Following the public hearing the County Commission may approve, approve with
 - 306 modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to
 - 307 the Planning Commission's recommendation, the County Commission may, but is not obligated to,
 - 308 remand the ~~amendment-application~~ to the Planning Commission with a request for another
 - 309 recommendation with additional or specific considerations.
 - 310 (3) **Decision criteria.** A decision to amend the zoning map is a matter committed to the legislative
 - 311 discretion of the County Commission and is not controlled by any one standard. However, in making
 - 312 an amendment, the County Commission and Planning Commission are encouraged to consider
 - 313 the following factors, among other factors they deem relevant:

- 314 a. Whether the proposed amendment is consistent with goals, objectives, and policies of the
315 County's general plan.
- 316 b. Whether the proposed amendment is compatible with the overall character of existing
317 development in the vicinity of the subject property.
- 318 c. The extent to which the proposed amendment may adversely affect adjacent property.
- 319 d. The adequacy of facilities and services intended to serve the subject property, including, but
320 not limited to, roadways, parks and recreation facilities, police and fire protection, schools,
321 stormwater drainage systems, water supplies, wastewater, and refuse collection.
- 322 e. Whether the proposed rezone can be developed in a manner that will not substantially degrade
323 natural/ecological resources or sensitive lands.
- 324 f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing
325 below an acceptable level of service.
- 326 (4) **Supplementary approval considerations for a destination and recreation resort zone.** The
327 Planning Commission and County Commission are also encouraged to consider the following
328 factors, among other factors they deem relevant, when making an amendment to the DRR-1 zone:
- 329 a. Whether a professional and empirical study has provided substantial evidence determining that
330 the proposed resort is viable and contributes to the surrounding community's economic well-
331 being.
- 332 b. Whether the natural and developed recreational amenities, provided by the resort, will
333 constitute a primary attraction and provide an exceptional recreational experience by
334 enhancing public recreational opportunities.
- 335 c. Whether the proposed resort's seasonal workforce housing plan will provide a socially,
336 economically, and environmentally responsible development.
- 337 (5) **One-year period before reapplication if denied.** Where a rezoning application has been denied,
338 the County shall not accept a substantially similar zoning amendment application within one (1)
339 year of a denial unless there is a substantial change of conditions since the earlier application. A
340 new application, with the applicable fee, shall be required and processed in accordance with the
341 procedure outlined in this section.
- 342 (c) **Application expiration.** Rezoning applications shall expire 18 months after submittal, if not acted
343 upon. The Planning Director may extend the expiration date for six months for just cause.
- 344 (d) **Notice.** The first public hearing regarding the rezone shall be noticed as required by State Code, and
345 mailed to the owner of record of each parcel within 500 feet of the boundary of the area proposed to be
346 rezoned. The mailed notice shall be postmarked at least 10 calendar days prior to the first public
347 hearing.

348 **Sec 102-5-7 Approved Development Proposals**

349 After rezoning is granted, applications for development within the rezoned area shall be reviewed as
350 required by the Land Use Code. ~~The development~~[An application for development plans](#) shall be consistent
351 with the approved concept development plan ~~and or~~ development agreement, if applicable.

352 **Sec 102-5-8 Development Agreement**

353 The county commission may require an applicant, at the time of zoning approval, to enter into a zoning
354 development agreement as outlined in Chapter 102-6. [Any rezone that is conditioned on a concept
355 development plan requires a development agreement in order for the concept development plan to govern
356 development.](#)

357 **Sec 102-5-9 Rezone Expiration And Reversion**

- 358 (a) Unless authorized otherwise in an adopted development agreement, a rezone that is approved based
359 on a concept development plan, as provided in Section 102-5-5, shall by default expire after three years
360 of no substantial construction action toward installing the improvements depicted in the development
361 plan. For the purpose of this section, "substantial construction action" shall mean the actual installation,

362 inspection, and acceptance by the County Engineer of a subdivision or development improvement, as
363 provided in Title 106, Chapter 4.

364 (b) A request for an extension, if applicable, shall be submitted to the Planning Division in writing with a
365 new rezone fee. After receiving recommendation from the Planning Commission, the County
366 Commission may extend the rezone expiration timeframe if the County Commission determines that
367 nothing has substantially changed since the original approval that would alter the outcome of a
368 resubmittal of the same rezone application and concept development plan.

369 (c) Unless authorized otherwise in an adopted development agreement, Upon expiration, the zone shall
370 immediately and automatically revert back to the zone or zones that existed prior to the rezone
371 approval.

372 (d) ~~The concept plan, and the expiration and zone reversion, shall be specified in the ordinance that adopts~~
373 ~~the rezone, and the ordinance shall be recorded to the title of the property.~~

Commented [E8]: The development agreement covers this.

374 (e)(d) Nothing in this part shall be construed to limit the County Commission's legislative authority to
375 rezone the property in the future.

376 (f) ~~This section shall not affect a rezone that is not conditioned on a concept development plan.~~

Commented [E9]: This is redundant.

377 **Sec 102-5-10 Rezone of Property Disconnecting From Incorporated Cities**

378 Properties that disconnect from incorporated cities shall submit a rezone application and fees to the county
379 planning division. Prior to any disconnection, the subject property needs to comply with its current city
380 zoning and approved site plan.

381 ...

382 ...

383 **TITLE 104 ZONES**

384 ...

385 **Chapter 104-3 Residential Estates Zones RE-15 and RE-20**

386 ...

387 **Chapter 104-12 Single-Family Residential Zones R-1-15, R-1-12, and R-1-10**

388 ...

389 **Sec 104-12-1 Purpose And Intent**

390 The purpose of the R-1-15 Zone, R-1-12 Zone, and R-1-10 Zone classification is to provide regulated areas
391 for single-family residential use at ~~two~~ three different low-density levels.

392 **Sec 104-12-2 Permitted Uses**

Commented [E10]: Deleting in favor of a Land Use Table (below)

393 The following are permitted uses in the Single-Family Residential Zones R-1-12, R-1-10:

394 1. ~~Accessory building incidental to the use of a main building; main building designed or used to~~
395 ~~accommodate the main use to which the premises are devoted; and accessory uses customarily~~
396 ~~incidental to a main use.~~

397 2. ~~Accessory dwelling unit, in compliance with Chapter 108-19.~~

398 3. ~~Agriculture.~~

399 4. ~~Church, synagogue or similar building used for regular religious worship.~~

400 5. ~~Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code.~~

401 6. ~~Educational institution.~~

402 7. ~~Golf course, except miniature golf course.~~

403 8. ~~Greenhouse, for private use only.~~

404 9. ~~Home occupations.~~

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- 405 ~~10. Household pets, which do not constitute a kennel.~~
- 406 ~~11. Parking lot accessory to uses permitted in this zone.~~
- 407 ~~12. Public building, public park, recreation grounds and associated buildings.~~
- 408 ~~13. Single family dwelling.~~
- 409 ~~14. Temporary building for use incidental to construction work. Such building shall be removed upon~~
- 410 ~~the completion or abandonment of the construction work.~~
- 411 ~~15. Residential facilities for persons with a disability meeting the requirements of section 108-7-13.~~

Sec 104-12-3 Conditional Uses

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

- 415 ~~1. Educational/institutional identification sign.~~
- 416 ~~2. Private park, playground or recreation area, but not including privately owned commercial~~
- 417 ~~amusement business.~~
- 418 ~~3. Public utility substations.~~
- 419 ~~4. Residential facility for elderly persons meeting the requirements of section 108-7-15.~~
- 420 ~~5. Water storage reservoir developed by a public agency and meeting requirements of title 108,~~
- 421 ~~chapter 10 of this Land Use Code.~~

Sec 104-12-2 (Reserved)

DRAFT – Last edited 2/14/2023

Sec 104-12-3 Land Use Table

The following tables display the uses permitted, conditionally permitted, or not permitted in the Single-Family Residential Zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

(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.

USES	R-1-15	R-1-12-	R-1-10	SPECIAL REGULATIONS
<u>Accessory building, when accessory and incidental to the use of a main building.</u>	P	P	P	
<u>Accessory dwelling unit</u>	P	P	P	See Chapter 108-19.
<u>Accessory use</u>	P	P	P	
<u>Home occupation, when accessory to a residential use.</u>	P	P	P	See Chapter 108-13.
<u>Household pets, when accessory to a residential use.</u>	P	P	P	
<u>Main building, designed or used to accommodate the main use.</u>	P	P	P	
<u>Parking lot, when accessory to a main use allowed in the zone.</u>	P	P	P	
<u>Temporary building or use, accessory and incidental to onsite construction work.</u>	P	P	P	

Commented [E11]: Reformatting list of uses into a table of uses.

Commented [E12]: New zone.

(b) **Agricultural uses, non-animal**

USES	R-1-15	R-1-12-	R-1-10	SPECIAL REGULATIONS
<u>Agriculture, limited.</u>	P	P	P	Limited to noncommercial crop production in private or community gardens no greater than one five acres.

Commented [E13]: New zone.

(c) **(Reserved)**

436 (d) Commercial uses. The following are uses that typically generate customer-oriented traffic to the lot or
 437 parcel.

USES	R-1-15	R-1-12-	R-1-10	SPECIAL REGULATIONS
<u>Child day care.</u>	C	C	C	

Commented [E14]: New zone.

438 (e) Institutional or governmental uses.

USES	R-1-15	R-1-12-	R-1-10	SPECIAL REGULATIONS
<u>Cemetery</u>	P	P	P	
<u>Church, synagogue, or similar building used for regular religious worship.</u>	P	P	P	
<u>Private park, playground or recreation area.</u> Fees collected, if any, shall be devoted to operations and maintenance of the park. No commercial venture allowed.	C	C	C	A private park and related infrastructure approved as part of a subdivision or development agreement shall be a permitted use provided compliance with the standards of Chapter 108-4.
<u>Public building.</u>	P	P	P	
<u>Public park, recreation grounds and associated buildings.</u>	P	P	P	
<u>Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.</u>	P	P	P	

Commented [E15]: New zone.

439 (f) Residential uses.

USES	R-1-15	R-1-12-	R-1-10	SPECIAL REGULATIONS
<u>Residential facility for elderly persons.</u>	P	P	P	See Section 108-7-15.
<u>Residential facility for handicapped persons.</u>	P	P	P	See Section 108-7-13.
<u>Residential facility for troubled youth.</u>	P	P	P	See Section 108-7-14.
<u>Single-family dwelling.</u>	P	P	P	

Commented [E16]: New zone.

440

441 (g) Utility uses.

USES	R-1-15	R-1-12-	R-1-10	SPECIAL REGULATIONS
<u>Public utility substations.</u>	C	C	C	
<u>Water storage reservoir, when developed by a public-utility service provider.</u>	C	C	C	See Chapter 108-10.

Commented [E17]: New zone.

442
443 Sec 104-12-4 (Reserved)

444
445 Sec 104-12-4.5 Site Development Standards

446 The following site development standards apply to the Single-Family Residential Zones, unless specified
447 otherwise in this Land Use Code ~~R-1-12, R-1-10~~:

448 (a) Lot area:

	R-1-15	R-1-12-	R-1-10	SPECIAL REGULATIONS
<u>Minimum Lot area:</u>	15,000 square feet	12,000 square feet	10,000 square feet	<p><u>In a subdivision, the actual allowed minimum lot area may be reduced to no less than 6,000 square feet if in compliance with the following:</u></p> <ol style="list-style-type: none"> <u>The total number of lots allowed in the subdivision shall be no greater than the gross developable area divided by the minimum Lot area specified in the cells to the left.</u> <u>Each lot adjacent to a lot in another subdivision, including across a street, shall be no smaller than the lesser of:</u> <ol style="list-style-type: none"> <u>80 percent of the minimum Lot area provided in the cells to the left; or</u> <u>the actual Lot area of the Lot or Lots to which it is adjacent.</u>

Commented [E18]: New zone.

449 (c) Lot width:

	R-1-15	R-1-12	R-1-10	SPECIAL REGULATIONS
<u>Minimum Lot width:</u>	60 feet			<u>Unless located at least 30 feet behind the front mostpart of the dwelling, a front-facing garage door shall have a width that is no greater than 15 percent of</u>

Commented [E19]: A 60 foot wide lot can have no greater than a 9-foot wide front-facing garage door.

		the width of the Lot
--	--	----------------------

450 (d) Yard setback:

451 (1) Front yard setback:

	<u>R-1-15</u>	<u>R-1-12</u>	<u>R-1-10</u>
<u>Minimum front yard:</u>	20 feet, except if a vehicle's sole access to the lot is provided over the rear Lot line by means of an alley, then the front setback is 15 feet.		

Commented [E20]: Need to find other sections of code that only allow access across the front lot line.

452 (2) Side yard setback:

	<u>R-1-15</u>	<u>R-1-12</u>	<u>R-1-10</u>	<u>SPECIAL REGULATIONS</u>
<u>Minimum for dwelling:</u>	5 feet on one side, 10 feet on the other.			If a vehicle's sole access to the lot is provided over the rear Lot line by means of an alley, this shall be 5 feet.
<u>Minimum for other main building:</u>	20 feet			
<u>Minimum for side facing street on corner lot:</u>	15 feet			
<u>Minimum for accessory building:</u>	Same as main building, except 1 foot if located at least 6 feet in rear of main building.			See Section 108-7-16 for an accessory buildings over 1,000 sq. ft.

Commented [E21]: 10 on one side and 5 on the other Except 5 on each if each lot is alley-loaded in the rear of the lot.

Commented [E22]: Perhaps define rear-loaded lot?

Commented [E23]: Or average of the block

Commented [E24]: Check reference

453 (3) Rear yard setback:

	<u>R-1-15</u>	<u>R-1-12</u>	<u>R-1-10</u>
<u>Minimum for main building:</u>	30 feet		
<u>Minimum for accessory building:</u>	1 foot, except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot.		

Commented [E25]: Rear-loaded rear-facing garage shall have a rear setback no less than 15.

Commented [E26]: Need to create alley standards for rear load lots.

454 (4) Building height:

	<u>R-1-15</u>	<u>R-1-12</u>	<u>R-1-10</u>	<u>SPECIAL REGULATIONS</u>
<u>Minimum building height for main building:</u>	1 story			
<u>Maximum building height for</u>	35 feet			

Commented [E27]: Make this only applicable to the side adjacent to the street.

main building		
Maximum minimum building height for accessory building:	25 feet	See Section 108-7-16 for an accessory buildings over 1,000 sq. ft.

Commented [E28]: Check reference

455

Residential Zones	R-1-15	R-1-12	R-1-10
Minimum lot areas (in square feet)	15,000	12,000	10,000
Minimum lot width	60 feet	90-60 feet	80-60 feet
Minimum yard setbacks (in feet)			
Front	30 feet	30 feet	20 feet
Side			
Dwelling with total width not less than		40 feet	40 feet
▲		24 feet	24 feet
Other main bldg. each side		20 feet	20 feet
Accessory bldg.		40 feet	40 feet
Exception: Where located at least 6 feet from rear of main building or 60 feet back from the front lot lines, 1-foot, but not closer than 10 feet to dwellings on adjacent lots.			
Side facing street on corner lot		20 feet	20 feet
Exception: Average of existing buildings where 50 percent frontage is developed but not less than 15 feet			
Rear			
Main building		30 feet	20 feet
Accessory building		10 feet	10 feet
Main building height			
Minimum		Same for all zones:	1 story

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Maximum			35 feet
Accessory building height		25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings.	

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456 **Sec 104-12-5 Sign Regulations**

457 ~~The height, size and location of the following permitted signs shall be in accordance with the regulations~~
458 ~~set forth in this Land Use Code:~~

- 459 ~~1. Business sign for legal nonconforming commercial and industrial uses.~~
- 460 ~~2. Identification and information.~~
- 461 ~~3. Nameplate.~~
- 462 ~~4. Property.~~
- 463 ~~5. Service.~~

464 ...

465
466 **TITLE 106 SUBDIVISIONS**

467 ...

468 **Chapter 106-1 General Provisions**

469 ...

470 **Sec 106-1-8 Final Plat Requirements and Approval Procedure**

471 ...

472 **Sec 106-1-8.2 Final Plat Requirements**

473 The following are requirements for final plat consideration:

474 ...

475 **Plat notes required.** The following plat notes shall be placed on every page of the final plat, when
476 applicable:

477 (a) **Boundary and corners note.** A note on the plat shall indicate the subdivision boundary and the lot
478 corners are set as required by state code and county ordinances.

479 (b) **Hillside development plat note.** Pursuant to Section 106-2-4, a lot that has an average percent of
480 slope that is greater than 25-percent shall provide the following on the final plat:

481 (1) **Buildable area.** If the lot provides a buildable area, the buildable area shall be delineated on the
482 final plat by short dashed lines. The area shall be labeled as "Buildable area. See note [enter note
483 number here]." The note shall read as follows: "A lot with a delineated "buildable area" shall only
484 allow buildings within the designated buildable area."

485 (2) **Restricted lot.** If a lot is a restricted lot, the letter "R" shall be placed immediately to the right of the
486 lot number. The lot shall be labeled as "Restricted lot. See note [enter note number here]." The
487 note shall read as follows: "A lot labeled with the letter "R" after the lot number is a restricted lot
488 because it has an average percent of slope greater than 25-percent. Development thereon is
489 subject to a hillside development review pursuant to the provisions of Title 108, Chapter 14."

490 (c) **Agricultural uses plat note.** A subdivision located in an Agriculture A-1, A-2, A-3, or AV-3 Zone shall
491 have the following plat note: "Agriculture is the preferred use in the agricultural zones. Agricultural
492 operations as specified in the Land Use Code for a particular zone are permitted at any time including
493 the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the
494 basis that it interferes with activities of future residents of this subdivision."

495 (d) **Lot-averaged subdivision plat note.** A lot-averaged subdivision shall have the following plat note:
496 "For each zone in this subdivision, the average area and average width of lots within the zone equal or
497 exceed the minimum area and minimum width allowed in the zone. A subdivision amendment within
498 any part of the overall subdivision boundary shall comply with Section 106-2-4.2 of the Weber County
499 Code."

500 (e) **Connectivity-incentivized subdivision plat note.** A connectivity-incentivized subdivision shall have
501 the following plat note: "This subdivision was allowed flexible lot area and width in exchange for superior
502 street connectivity. A subdivision amendment within any part of the overall subdivision boundary shall
503 comply with Section 106-2-4.3 of the Weber County Code."

504 (f) **Moderate income housing plat note.** Pursuant to Section 104-27-6 or Section 104-22-12, a lot or unit
505 set aside for moderate-income housing shall have a plat note explaining the nature of the housing
506 restriction and the method by which occupancy and moderate-income affordability will be regulated.

507 (g) **Privately operated and maintained street or shared private lane plat note.**

508 (1) **Private street.** A parcel dedicated to the county but intended for a privately operated and
509 maintained street, pursuant to Section 106-2-2.1(b), shall be labeled as "Privately operated and
510 maintained street. See note [enter note number here]." The note shall read as follows: "Use of a
511 street labeled as "Privately operated and maintained street" is reserved for the exclusive and
512 private use of the adjoining lot owners until and unless the governing body assumes public
513 responsibility for the street."

514 (1)(2) **Shared private lane.** A shared private lane, pursuant to Section 106-2-2.1(c), shall be
515 labeled as "Shared private lane." If the shared private lane is temporarily in lieu of a street, then it
516 shall be labeled as "Shared private lane. See note [enter note number here]." The note shall read
517 as follows: "The shared private lane is also an easement held in favor of the County for possible
518 conversion to a public street at a time the County deems it appropriate, if ever."

Commented [E29]: Check reference

519 (g)(h) **Landscaping and watering restrictions plat note.** Pursuant to Section 106-4-2.1, a lot that will
520 have landscaping and watering restrictions shall have a note placed on the final recorded plat that
521 generally explains the landscaping and watering restrictions per lot, and references the recorded
522 covenant or, if applicable, covenants, and specifies the automatic watering system requirements of
523 Section 106-4-2.1, if applicable.

524 (h)(i) **Substitute monuments plat note.** Pursuant to Section 106-4-2.11, substitute monuments, when
525 used, shall be noted on the subdivision plat and must be durably and visibly marked or tagged with the
526 registered business name or the letters "P.L.S." followed by the registration number of the surveyor in
527 charge.

528 (i)(j) **Outdoor lighting in a cluster subdivision plat note.** Pursuant to Section 108-3-8, a cluster
529 subdivision plat shall contain a note stating that all lots in the subdivision are required to comply with
530 the outdoor lighting requirements of Title 108 Chapter 16-Reserved.

Commented [E30]: No longer needed if outdoor lighting applies in western weber.

531 (j)(k) **Natural hazard report disclosure plat note.** If any lot in the subdivision is in a natural hazard
532 study area, a note shall be placed on the subdivision plat as provided in Section 108-22-4.

533 ...

534 **Chapter 106-2 Subdivision Standards**

535 ...

536 **Sec 106-2-2 Street Standards**

537 **Sec 106-2-2.010 Streets Generally Public Street Requirement**

538 **Public street requirement.** The standard method of ensuring ease of access, efficient mobility, reduced
539 response time for first responders, effective emergency management, strong neighborhood relationships
540 through interconnectivity, and a more equitable means of access to community opportunities, is by requiring
541 public streets and public street connectivity at the time new development is proposed. As such, the default
542 requirement for each subdivision lot is to provide lot frontage on a street dedicated to the County as a public
543 right-of-way and thoroughfare.

Commented [E31]: Need to add
-Limited access to arterials and collectors
-Driveway apron and ROW approach for smaller lots

- 544 (a) **Public street dedication.** Each street in a subdivision shall be dedicated to the county as a public
545 street, except when a private street is allowed or required as provided in this section.
- 546 (b) **Standard street cross-sections.** All proposed public streets shall conform to the county street cross-
547 section standards, unless explicitly specified otherwise.

548 **Sec 106-2-2.020 Ogden Valley Private Street Option**

549 ~~Private street option.~~ The provisions of Section 106-2-2.010 notwithstanding. In the Ogden Valley
550 Planning Area, the County, and in some cases the applicant, may find benefit from a street being temporarily
551 or permanently private. In those cases, the Land Use Authority may require or an applicant may volunteer
552 a proposed street to be privately owned or privately operated and maintained. Development of or along a
553 private street shall comply with the following:

- 554 (a) **No entitlement.** An applicant is not entitled to make a street private. The Land Use Authority has full
555 discretion, subject to the regulations herein, to allow or require a street to be private.
- 556 (b) **Prohibition.** A private street shall not be allowed if:
- 557 (1) It creates a hardship for other landowners in the area to access and develop their land, or
- 558 (2) A public street is needed in the location of the private street, as determined by the Land Use
559 Authority.
- 560 (c) **Responsibility for construction.** The applicant shall pay for and construct the private street.
- 561 (d) **Ownership.** The final plat shall dedicate the land under the private street to the County for the purpose
562 of future conversion to a public street at a time the governing body determines a public street is
563 necessary, if ever.
- 564 (1) **Street-parcel dedication waiver.** The Land Use Authority may waive this requirement if
565 development or further development on adjacent lots or parcels to which the street could be
566 extended is extremely unlikely, or to which future public access offers very little public benefit, as
567 determined by the Land Use Authority.
- 568 a. **No street-block waiver.** A street needed to satisfy the street-block requirements of Section
569 106-2-3 is not eligible for this waiver unless there is no way in which that street can be
570 configured in the subdivision to support the creation of the street-block.
- 571 b. **Pathway in lieu waiver.** In circumstances where current or future public access by vehicle is
572 unwarranted, the Land Use Authority may grant a waiver and in lieu require the dedication and
573 installation of a 12-foot wide public easement and pathway or trail connection. The minimum
574 pathway or trail design shall provide for either a 10-foot wide hard-surface pathway with a
575 maximum average grade of 10 percent, or a single-track dirt trail with a maximum average
576 grade of 18 percent.
- 577 c. **Waiver requires joint ownership.** If a waiver is granted, the street parcel shall be held in joint
578 ownership of the owners of all lots that gain access from it.
- 579 (2) **Street-parcel configuration.** The parcel being dedicated to the county shall be the length of the
580 private street and extend to adjacent developable land or another street regardless of whether the
581 private street infrastructure does. The parcel shall be the same width required for a public street
582 right-of-way, and be configured at a grade that will not create an unreasonable burden for future
583 street-building and connectivity given typical grading and construction methods.
- 584 (3) **Transfer of street-parcel.** If adjacent parcels to which the private street could connect reach full
585 build-out or otherwise change in a manner that renders a future public street connection extremely
586 unlikely, or if future public access to those parcels offers very little public benefit, the county, at its
587 sole option, may transfer the land, in accordance with all legal requirements, to the joint ownership
588 of the owners of all lots that gain access from it.
- 589 (e) **Operation, maintenance, and use.** Except after the county assumes responsibility for the street, if
590 ever, the operations and maintenance of the installed private street improvements shall be the sole
591 responsibility of the owners of each lot gaining access from the private street. The Land Use Authority
592 may allow these owners to restrict access to the street by the general public, except county officials
593 conducting official county business on a county-owned street-parcel.

Commented [E32]: Maybe allowing private street if on a cul-de-sac in Western Weber.

- 594 (f) **Building setback standards.** The minimum building setbacks shall be measured from the boundary
595 of the county-owned street-parcel.
- 596 (g) **Private street required.** Unless the County Engineer or the Land Use Authority authorizes otherwise
597 based on the public benefit outweighing the long term operations and maintenance expense, a public
598 street is not allowed in the following circumstances:
- 599 (1) **Permanent terminal street.** A non-temporary terminal street;
- 600 (2) **Geologic hazards.** A street that traverses a geologic hazards study area shall be a private street,
601 unless the hazards study, as required by Chapter 108-22, provides compelling evidence that
602 demonstrates the hazard risk to a public street is low.
- 603 (h) **Construction standards.** Unless otherwise required by the local Fire Authority or County Engineer, a
604 private street shall be constructed to public street standards.
- 605 (i) **Plat notes.** On the final plat, the county-owned street-parcel, where applicable, shall be labeled and
606 noted as required by Section 106-1-8.2.
- 607 (j) **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to
608 run with the land that provides that:
- 609 (1) The owners of all lots that gain access from the private street are solely and equally responsible
610 for operations and maintenance of the street.
- 611 (2) If applicable, that by purchasing a lot that gains access from a private street, the owner
612 acknowledges that the street-parcel is owned in fee by the governing body for possible future public
613 street purposes, but that the governing body assumes no responsibility or liability for the street or
614 for the uses thereof or thereon until and unless, if applicable, the governing body assumes
615 responsibility for it.
- 616 (3) The owner is responsible for disclosing the nature of the street to prospective purchasers, renters,
617 or lessees.
- 618 (4) The landowner of record or authorized representative agree to pay a proportionate amount of the
619 costs associated with improving or restoring the street to operational public street standards at the
620 time the governing body assumes responsibility for it; and agrees to not protest the creation of a
621 special assessment area or other similar revenue generating mechanism the governing body
622 deems necessary to bring the private street to operational public street standards.

623 **Sec 106-2-2.030 Shared Private Lane**

624 Shared private lane. Unless specified otherwise in this Section 106-2-2.1(c), a shared private lane is only
625 allowed in locations where a street or street connection is not otherwise required or planned as provided in
626 the applicable general plan, and where its placement will not violate the applicable street-block requirement
627 of Section 106-2-3. Construction of a shared private lane is a subdivision improvement requirement and
628 shall comply with the relevant sections of Section 106-4 of this Land Use Code.

- 629 (a) Shared private lane design, configuration, and construction requirements. A shared private lane
630 shall be:
- 631 (1) Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum
632 improved surface width of 20 feet. A greater right-of-way width may be required by the County
633 Engineer for a cross-slope easement.
- 634 (2) Configured and constructed to safely facilitate the turning radius and weight of the Fire Authority's
635 largest fire apparatus.
- 636 (3) Constructed of all-weather material, have a grade of no greater than ten percent, a clearance no
637 less than 14 and a half feet, and if terminal and longer than 200 feet in length, a fire truck
638 turnaround at the end.
- 639 (4) Be on a parcel that is held in common ownership by a homeowner's association that governs the
640 lots that gain access therefrom, or be an easement recorded in favor of the owners of all lots that
641 gain access therefrom.
- 642 (5) If terminal, no longer than 600 feet, and provide access to no more than 15 residences.

Commented [E33]: Update with new reference

Commented [E34]: Check reference- update to include the 8x min lot width allowance

Commented [E35]:

Commented [E36R35]: Make clear this is for switchbacks

Commented [E37]: In a zone that allows greater density than one unit per acre this needs to be hard-surfaced

DRAFT – Last edited 2/14/2023

643 (6) If terminal and longer than 200 feet in length, designed with a fire apparatus turn-around approved
644 by the local fire authority at the end.

Commented [E38]: In western weber, no longer than 200 feet and no more than seven total lots.

645 (b) **Shared private lane temporarily in lieu of street.** As long as development on other properties in the
646 general area to which a street could extend is not imminent, a private lane may be installed in place of
647 a required public or private street, or it may be greater than 600 feet in length, under the following
648 circumstances:

649 a. **No interruption of street connectivity.** Doing so shall not disrupt the orderly build-out or
650 inhibit the future street connectivity of the area.

651 b. **Compliance with general plan.** It shall not be contrary to the General Plan's
652 recommendations that are specifically applicable to the area.

653 a.c. **Easement required.** The final plat shall convey an easement over the shared private lane to
654 Weber County for the purpose of future street conversion to a public street at a time the
655 governing body determines a public street is necessary, if ever.

Commented [E39]: Need legal to review.

656 1. The easement being dedicated to the county shall be the length of the private street and
657 extend to adjacent developable land or another street regardless of whether the private
658 street infrastructure does.

659 2. The easement shall be the same width required for a public street right-of-way, and be
660 configured at a grade that will not create an unreasonable burden for future street-building
661 and connectivity given typical grading and construction methods.

662 d. **Operation, maintenance, and use.** The operations and maintenance of the shared private
663 lane shall be the sole responsibility of the owners of each lot gaining access from it.

664 e. **Building setback standards.** The minimum front building setback shall be 33 feet greater than
665 otherwise required, and shall be measured from the centerline of the shared private lane.

666 f. **Plat note.** On the final plat, the county-owned easement shall be labeled and noted as required
667 by Section 106-1-8.2.

Commented [E40]: Verify consistency

668 (2) **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant
669 to run with the land that provides that:

670 a. The owners of all lots that gain access from the shared private lane are solely and equally
671 responsible for operations and maintenance of the lane.

672 b. If applicable, that by purchasing a lot that gains access from a shared private street, the owner
673 acknowledges that the lane easement is owned in fee by the governing body for possible future
674 public street purposes, but that the governing body assumes no responsibility or liability for the
675 lane or for the uses thereof or thereon until and unless, if applicable, the governing body
676 assumes responsibility for it.

677 c. The owner is responsible for disclosing the nature of the lane to prospective purchasers,
678 renters, or lessees.

679 b.d. The landowner of record or authorized representative agree to pay a proportionate amount of
680 the costs associated with improving or restoring the street to operational public street standards
681 at the time the governing body assumes responsibility for it; and agrees to not protest the
682 creation of a special assessment area or other similar revenue generating mechanism the
683 governing body deems necessary to bring the shared private lane to operational public street
684 standards.

685 ...

686 **Sec 106-2-2.040 Terminal Streets**

Commented [E41]: Anything here?

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688 **Sec 106-2-2.2050 Arterial And Collector Streets**

689 Unless specified otherwise in this Land Use Code, an arterial or collector street shall be dedicated to
690 conform to the right-of-way width designated on in the general plan, master street plan, capital improvement

or facilities plan, impact fee facilities plan, development agreement, or similar adopted planning or street design document. Setback from an arterial and collector street shall be in compliance with Section 108-7-2.010.

Commented [E42]: Check reference

...

Sec 106-2-2.8 Street Cross Sections and Design

(a) **Street cross section design.** A proposed new street or street extension shall comply with the standards and specifications provided in Section 106-4-5 of this Land Use Code, as shall half of an existing street adjacent to the lots in the subdivision, if applicable. The County Engineer is authorized to require the applicant to make offsite improvements on streets in the area if the impact of the subdivision on those streets necessitates the improvements.

(b) **Development on a substandard street.** Development on a substandard street shall comply with the provisions of Section 108-7-19. When an applicant is proposing a lot or lots that will gain access from a substandard street, or from a terminal street or terminal street-route that is substandard at any point leading to the lot or lots, the applicant can either choose to bring the street to the applicable standard or the following provisions shall apply:

Commented [E43]: Check reference.

Check also references to this section throughout and update.

(1) **Paying proportionate share.** As part of a "project improvement," as defined in UCA 11-36a-102, the applicant shall pay the cost of a proportionate share of street design, street improvements, and, if applicable, street right-of-way acquisition to bring that street into or closer to compliance with County standards. The cost of the proportionate share shall be determined as follows:

a. **Engineer's cost estimate.** Estimate the cost to improve the street to County standards from the point it becomes substandard to the furthest extent of the applicant's subdivision along the street, in compliance with the following:

1. This shall be furnished by the applicant in the form of an engineer's cost estimate. The estimate shall use up-to-date market costs for engineering and design, surveying, construction material, labor, and any other expense necessary to improve the street to County standards. The added expense of an intersection or other street component that is not related to providing a standard street to the applicant's subdivision shall be excluded from the calculation;

2. The County Engineer may require the applicant to furnish engineered drawings of the street and an itemized cost estimate in order to substantiate the estimated cost;

3. The County Engineer has the discretion to adjust the cost estimate for inflation or market fluctuations during the duration of construction of the applicant's obligations; and

4. A subdivision improvement that is required of the applicant by the Land Use Code regardless of the condition of the street shall not be included in this calculation, and shall be provided as otherwise required by this Title.

b. **Determine street's buildout potential.** Find the sum of the estimated number of lots expected along the street at buildout, plus the applicant's proposed number of lots, as follows:

1. Measure the length of the substandard street or street route from the point it becomes substandard to the furthest extent of the applicant's subdivision along the substandard street or street route;

2. Determine the estimated number of lots expected along the street at buildout by dividing the length of the street, the result of Subsection (b)(1)b.1., by the standard minimum lot width of the zone, as found in Title 104 of this Land Use Code. Do not use alternative lot widths, such as those allowed in a cluster subdivision or a lot-averaged subdivision, even if the applicant's subdivision has them; then

3. Combine the estimated number of lots expected along the street at buildout, the results of Subsection (b)(1)b.2. with the applicant's proposed number of subdivision lots.

c. **Final proportionate share calculation.** Divide the cost to improve the street or street route to County standards, the result of Subsection (b)(1)a. by the sum of the estimated number of lots

741 ~~expected along the street at buildout plus the applicant's proposed number of lots, the results~~
 742 ~~of Subsection (b)(1)b.~~

743 ~~(2) **Required improvements, escrow, and allowed deferral.** The County Engineer shall:~~

744 ~~a. **Required improvements.** Require the applicant to make improvements to the substandard~~
 745 ~~street or street route in an amount up to but not exceeding the applicant's cost of the~~
 746 ~~proportionate share, as determined herein. The County Engineer has full authority and~~
 747 ~~discretion to determine what improvements are required of the applicant;~~

748 ~~b. **Escrow.** Require this cost to be deposited with the County for the County to add a street's~~
 749 ~~needed improvements into scheduled road maintenance and improvements; or~~

750 ~~c. **Deferral.** If the County Engineer determines that the funds that would be made available are~~
 751 ~~insufficient to provide meaningful project improvements along the substandard street or street-~~
 752 ~~route, he may allow a substandard road agreement in lieu of the project improvements required~~
 753 ~~in this section. In this case, all owners having interest in the new subdivision shall execute a~~
 754 ~~substandard road agreement and notice to new owners. The content of the substandard road~~
 755 ~~agreement and notice shall be as specified by the county. At a minimum, it shall:~~

756 ~~1. Explain that the new subdivision has only a single street access connecting it to the greater~~
 757 ~~interconnected public street network, and the single street access is not built to the~~
 758 ~~minimum design and safety standards adopted by the County;~~

759 ~~2. Require a deferral agreement that specifies that the owners or successors and heirs are~~
 760 ~~responsible, at a time the governing authority deems it necessary, to pay for their~~
 761 ~~proportionate share of improving the parts of the single access street route that do not~~
 762 ~~conform to County standards;~~

763 ~~3. Allow the governing authority, at its option, to withhold any written protest filed by the~~
 764 ~~owners or their successors or heirs under the State Code's Assessment Area Act,~~
 765 ~~Provisions For Local Districts, or any similar government revenue generation mechanism,~~
 766 ~~from the final tally of collected protests, provided that the revenue generated by the~~
 767 ~~mechanism is used to improve access to the subdivision; and~~

768 ~~4. Be recorded to the property at the time of subdivision recordation or sooner.~~

769 ...

770 **Sec 106-2-5 Parks, School Sites And Other Public Places**

771 (a) In all subdivisions other than summer home subdivisions and subdivisions where there are no public
 772 streets, the planning commission may require the dedication to the county of not **more than three**
 773 **percent of the gross area of the subdivision for parks**, open spaces or other public uses in such location
 774 as approved by the planning commission as indicated on the approved preliminary plan, ~~unless the~~
 775 ~~subdivision is approved as part of a cluster subdivision.~~

776 (b) Where it is determined that a greater amount of land is required for parks and open spaces to meet the
 777 general plan requirements for that area of the county, or a school site is required, the planning
 778 commission after so apprising the appropriate agency, shall so indicate the open space or school site
 779 requirements to the subdivider on the approved preliminary plan.

780 (c) The subdivider, at the time of filing the final plat with the planning commission, must offer to sell at a
 781 fair market price to the county or other appropriate public agency, within one year immediately following
 782 the recording of the final plat, any land so designated for school sites or any land designated for park
 783 or open space in excess of the three percent of land area required to be dedicated in accordance with
 784 subsection (a) of this section.

785 (d) If any such proposed public areas or school sites have not been purchased by the appropriate public
 786 agency within one year after the recording of the final plat, such areas may be subdivided into lots and
 787 blocks in accordance with the requirements of this chapter.

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Commented [E44]: Update park requirements and research whether schools need to be removed from this section.

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TITLE 108 STANDARDS

Chapter 108-7 Supplementary And Qualifying Regulations

Sec 108-7-1 Purpose And Intent

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zoning regulations appearing elsewhere in this title.

Sec 108-7-2 Supplemental Site Development Standards Projections

Sec 108-7-2.010 Setbacks and Height Standards

(a) Animals and fowl. No animals or fowl shall be kept or maintained closer than 75 feet from any dwelling on an adjacent lot. Any barn, stable, coop, pen, corral, or enclosure for the housing or keeping of animals or fowl shall be kept, constructed, or maintained no less than 100 feet from an existing or planned future street right-of-way, and no less than 25 feet from any lot line.

(b) Collector and arterial streets. Where a street is designated as a collector or arterial street on a general plan, master street plan, impact fee facilities plan, capital improvement or facilities plan, or other similar adopted planning document, the minimum front and side yard setback for all buildings and other uses requiring a setback shall be measured from the edge of the planned future street right-of-way rather than the existing street right-of-way. ~~Where a street is designated on the master street plan of the county as a collector or arterial (major) street and where the existing street right-of-way requires widening to meet the right-of-way standards of such collector or arterial (major) street, the minimum front and side yard setback for all buildings shall be based upon the future designated right-of-way width as shown on the county master plan and shall be measured from the future lot line of the collector or arterial (major) street designated right-of-way instead of the existing lot line of the present street right-of-way.~~

(c) Large accessory building accessory to a dwelling. A Large Accessory Building, as defined in Section 101-2, shall comply with the following.

(1) When located behind Primary Dwelling. A Large Accessory Building that is located behind the Primary Dwelling on a Lot shall comply with the standards in the following table. "Located behind the Primary Dwelling" means the building is located behind a line that intercepts the furthest point of the Primary Dwelling from the Front Lot Line, and runs parallel to the Front Lot Line for the full width of the Lot.

Minimum front yard setback:	Same as otherwise required in this Land Use Code.
Minimum side and rear yard setback:	3 feet
Minimum distance from any public street right-of-way:	40 feet
Maximum height:	Same as otherwise required in this Land Use Code, or 35 feet if located greater than 100 feet from a public street right-of-way and 40 feet from the nearest Dwelling.

(2) When located to the side or front of a Primary Dwelling. A Large Accessory Building that is not located behind a Primary Dwelling, as described in Section 108-7-020(c)(1), is allowed on a Lot, provided there is no more than one per Lot, and in compliance with the following:

a. Setbacks. Typical front and side yard setbacks for a main building, but it shall never be closer to a street right-of-way, or planned future street right-of-way, than 40 feet.

b. Scale. It shall be smaller in height and building footprint than the Primary Dwelling.

c. Design. Unless setback from a street right-of-way at least 100 feet, all sides shall have similar or better architectural styling, building materials, and colors as the Primary Dwelling. As such:

Commented [E45]: Moving all supplemental ordinance related to setbacks from other parts of this chapter and consolidating them here.

Commented [E46]: Need to clean up in the zones too.

Commented [E47]: Search code for references to 108-7-16 to correct.

- 828 1. Roof style. The building's roof style and pitch shall be no less than the majority of the roof
- 829 style and pitch of the Primary Dwelling, and include similar roof detail.
- 830 2. Facade detail. Each of the building's facades shall provide detail, material, and diversity
- 831 of materials in substantially similar ratios as Primary Dwelling's facade that faces the Front
- 832 Lot Line.
- 833 3. Color. The building's facades and roof shall use the same or similar color hues as the
- 834 Primary Dwelling.

835 (a)(d) Swimming pools. An outdoor, permanent, in ground swimming pool shall be permitted to the side

836 or rear of a dwelling or private/public facility as an accessory use provided the requirements listed below

837 are met. This section does not apply to outdoor, temporary, above ground pools.

- 838 (1) ~~The location of the outdoor, permanent, in ground swimming pool or its accessory machinery shall~~
- 839 ~~not be less than ten feet from any property line; however, if a zone requires a larger setback, the~~
- 840 ~~more restrictive requirement shall apply. Structures that enclose pool accessory machinery are~~
- 841 ~~permitted with the same setbacks required for other accessory buildings in the zone in which they~~
- 842 ~~are located.~~
- 843 (2) ~~An outdoor, permanent, in ground swimming pool shall be completely enclosed by a substantial~~
- 844 ~~fence of not less than six feet in height, or by a power safety cover meeting the requirements of the~~
- 845 ~~International Building Codes applicable building code. The term "substantial fence" shall mean any~~
- 846 ~~fence that will fence shall be constructed in a manner that does not allow normal passage by any~~
- 847 ~~person except through an otherwise locked gate. Lights used to illuminate the pool or its~~
- 848 ~~accessories shall be so arranged as to reflect the light away from adjoining premises.~~

Commented [E48]: Does this need to be said?

Commented [E49]: Lights already governed by outdoor lighting code.

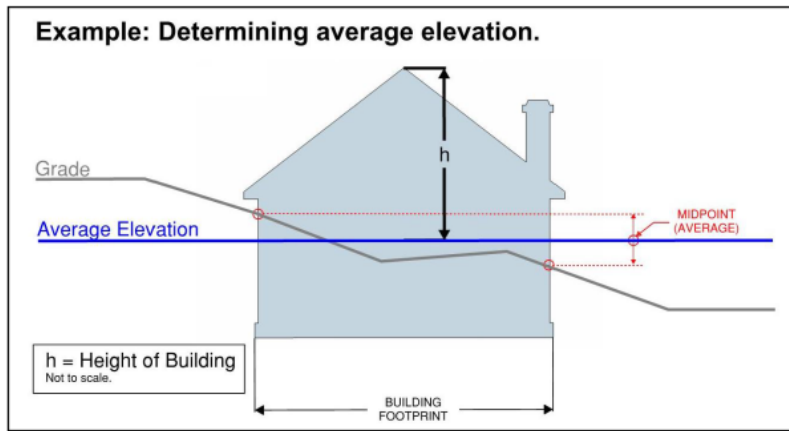
849 **Sec 108-7-2.020 Standards for Measuring Building Height**

850 (a) Measuring height. For the purpose of determining "height of building," as defined in section Chapter

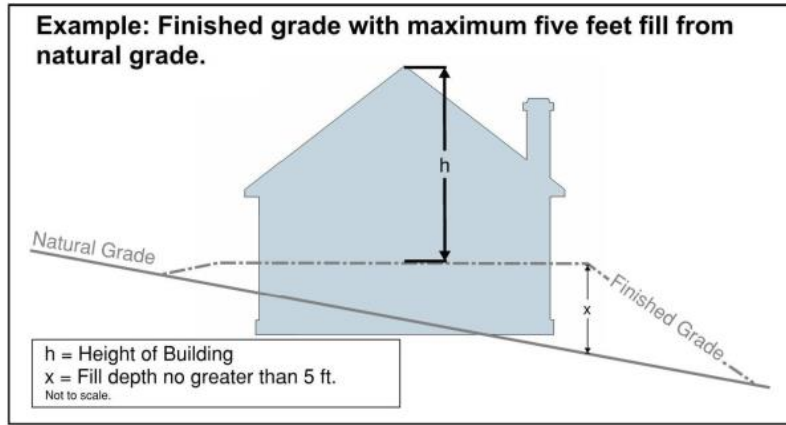
851 101-24-7, the following shall apply:

Commented [E50]: Review and change for all references

- 852 (1) Average elevation. Average elevation shall be determined by averaging the highest elevation and
- 853 the lowest elevation at the exterior footprint of the building or structure, including any support posts
- 854 that require a footing. An alternative means of calculating average elevation may be approved by
- 855 the planning director for an individual building if it follows industry best practices and is proposed
- 856 by a licensed surveyor, engineer, or architect.

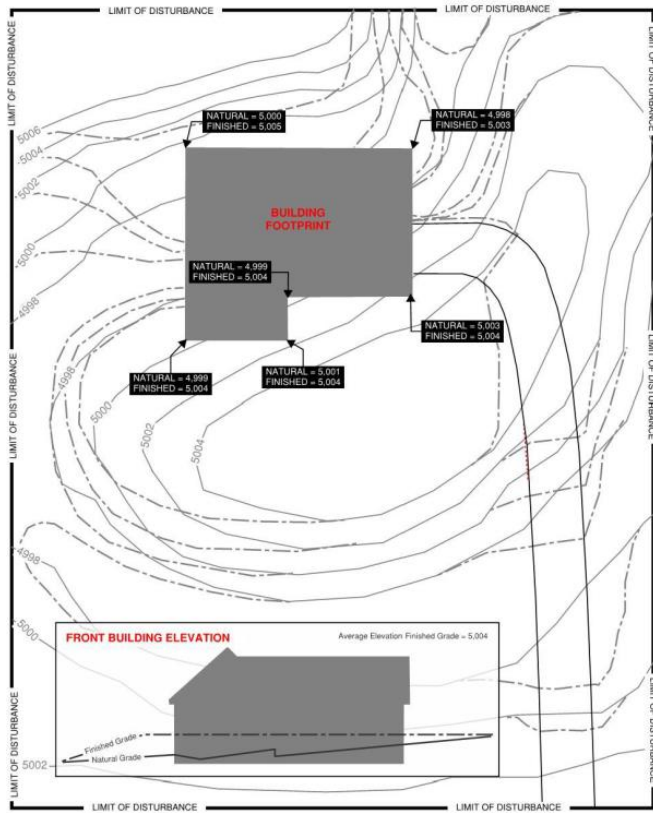


- 857
- 858 (2) Fill affecting building height. Except as provided in this subsection, when grading a site to obtain
- 859 the Finished Grade, as defined in section Chapter 101-4-72, no fill may exceed five vertical feet
- 860 at any point from the site's Natural Grade, as also defined in section Chapter 101-24-7.



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- a. Additional fill is allowed if required by county, state, or federal law, or to meet the standards of the National Flood Insurance Program. In this case the fill shall be no higher than the minimum of the other regulation or standard; or
 - b. In the Western-Central Weber area, as depicted in the Western Weber General Plan (2022) County Planning Area, if the building or structure is within 75 feet of a public or private street upon which its Llot or Pparcel has frontage, fill is allowed that will provide an average elevation of Ffinished Ggrade that is equal to the elevation of the street. In this case, the street's elevation shall be determined to be at the midpoint of the Llot's Ffront Llot Lline. If on a corner Llot the elevation of both streets at the midpoint of each Llot Lline shall be averaged.
- (3) Driveway slope. The slope of a driveway shall not exceed 15 percent. The Pplanning Ddirector may modify the applicability of this if it can be demonstrated that there is no other reasonable configuration of a driveway to avoid slopes over 15 percent.
- (4) Site plan submittal requirements. A site plan shall contain both existing and proposed topographic contours at two foot intervals for the entire limits of disturbance, unless more is required by another section of this Land Use Code or by the Pplanning Ddirector or Ceounty Eengineer for the purpose of determining compliance with other laws or standards. Grading that is proposed across Llot or Pparcel lines shall require the consent of all affected owners. Building elevation drawings shall display Nnatural Ggrade and Ffinished Ggrade, and shall present the Ffinished Ggrade's elevation at each corner of the building. This requirement may be waived by the Pplanning Ddirector or Ceounty Eengineer for sites that are relatively flat, or if evidence is presented that clearly show the proposed structures will not exceed the maximum height of the zone.

Example: Site plan showing existing and proposed topographic contours and building elevation drawing showing natural and finished grade.



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- (b) Roof structure height exception. Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limit of the zone in which they are located, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and at no time shall the height be greater than 15 feet higher than the maximum height of the zone. All exceptions to height shall be subject to applicable design review requirements and all mechanical equipment shall be screened by materials consistent with those used on the exterior of the main building.
- (c) Air traffic height conflicts. If in proximity to an airport, no building or structure or other appurtenance is permitted above the maximum height allowed by the Federal Aviation Administration, or other applicable airport or airspace regulation.
- (d) Minimum height of a dwelling. Unless on a Lot or Parcel five acres or greater, no dwelling shall be erected to a height less than one story above Natural Grade.

Commented [E51]: Move into zones, delete here.

Sec 108-7-2.030 Projections

- (a) Projections permitted into a required yard setback. Every part of a required yard setback shall be open to the sky, unobstructed except for accessory buildings meeting the required setbacks of the zone in which the building is located. Setbacks for all buildings are measured from the property line to the

902 outermost surface of a building's foundation wall. However, the following projections into the required
903 yard setbacks are permitted for single-family dwellings (including attached garages) only:

- 904 (1) Belt courses, sills, and lintels may project 18 inches into required front, rear and side yard setbacks.
905 (2) Cornices, eaves and gutters may project three feet into a required front yard setback, five feet into
906 a required rear yard setback, and two feet into a required side yard setback.
907 (3) Outside stairways, fire escapes, flues, chimneys and fireplace structures not wider than eight feet
908 measured along the wall of a building, may project not more than five feet into a required front yard
909 setback, ten feet into a required rear yard setback, and three feet into a required side yard setback.
910 (4) Unwalled porches including roof-covered patios, terraces, and balconies may project five feet into
911 a required front yard setback. Where the required rear yard setback is 30 feet or greater, a
912 projection of ten feet into the rear yard setback is allowed. Where the required rear yard setback is
913 less than 30 feet, a five-foot projection into the rear yard setback is allowed.
914 (5) Cantilevers may project no more than two feet into the required front and rear yard setback.
915 Cantilevers are not allowed in the required side yard setback.

916 (b) **Projections permitted into a private street right-of-way.** When a two-family dwelling, three-family
917 dwelling, four-family dwelling, multi-family dwelling, condominium, or commercial structure is proposed
918 to be built, and where the County's development standards allow a zero front yard setback, projections
919 into private street rights-of-way may be permitted when the following limitations, requirements and
920 standards are met:

Commented [E52]: Address projections into public ROW too.

- 921 (1) Projections shall be defined as and limited to architraves, awnings, balconies, bay windows, belt
922 courses, canopies, columns, cornices, eaves, footings, gutters, lintels, marquees, pedestrian
923 walkways, pediments, pilasters, railings, signs, sills, steps, and terraces.
924 (2) As determined by Weber County review agencies, the appropriate codes shall be applied and all
925 projections shall be demonstrated as compliant with those codes.
926 (3) The Weber County building official shall apply International Building Code standards related to
927 encroachments into public rights-of-way.
928 (4) Where a public utility easement does not strictly prohibit the location of a structure immediately
929 adjacent to or within a private road right-of-way, a letter approving the projection(s), whether above
930 grade or below, shall be provided by all utility service providers that have located utilities on the
931 related side of the right-of-way or have plans, within two years, to locate utilities on the related side
932 of the right-of-way.
933 (5) A letter approving the projection(s), whether above grade or below, shall be provided by the owner
934 of the right-of-way.
935 (6) In addition to all required street improvements, high-back curb or other barrier, determined
936 appropriate by the Weber County engineer, shall be installed to separate and sufficiently protect
937 pedestrian areas or sidewalks from dangers associated with street travel lanes.
938 (7) Pedestrian areas or sidewalks shall not be less than four and one-half feet in width.

939 **Sec 108-7-3 Fencing Requirements**

940 (a) A wall, fence or hedge not exceeding four feet in height may be located and maintained anywhere on
941 a lot except as required by section 108-7-7. A wall, fence, or hedge not more than six feet in height
942 may be located anywhere on an interior lot except within the area comprising the required front yard
943 setback. A wall, fence, or hedge not more than six feet in height may be located anywhere on a corner
944 lot except within the areas comprising the required front yard setback and the required side yard
945 setback which faces the street. A wall, fence, or hedge on a corner lot shall comply with the
946 requirements of section 108-7-7.

Commented [E53]: Change ref

947 (b) Notwithstanding the requirements of subsection (a) of this section, residential subdivisions and projects
948 may be encompassed in whole or in part by a perimeter fence of not more than six feet in height, subject
949 to design review and provided that access to lots is allowed only from approved interior public or private
950 streets that are part of the approved subdivision or project. In addition, a permanent means of
951 landscaping and maintaining the parking strip between the fence and the street curb shall be provided.

Commented [E54]: Change ref

- 952 (c) Where a retaining wall protects a cut below the natural grade, such retaining wall may be topped by a
- 953 fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining
- 954 wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill
- 955 shall be considered as contributing to the permissible height of a fence, solid wall, or hedge, provided
- 956 that in any event a protective fence or wall not more than four feet in height may be erected at the top
- 957 of the retaining wall. These provisions shall comply with the requirements of section 108-7-7.
- 958 (d) Fences for uses such as tennis or sport courts may be a maximum of 12 feet high, provided the fence
- 959 meets all of the required setbacks for an accessory building in the zone in which it is located and a land
- 960 use and building permit are obtained.
- 961 (e) The provisions of this section shall not apply to fences required by state law to surround and enclose
- 962 public utility subdivisions and public schools.
- 963 (f) In the Ogden Canyon, a fence that is greater than four feet in height shall not be located within 50 feet
- 964 of the centerline of Highway 39.

Commented [E55]: Change ref

Sec 108-7-4 Area Of Accessory Building

No accessory building or group of accessory buildings in any residential estates zone, cluster subdivision, or PRUD shall cover more than 25 percent of the rear yard.

Commented [E56]: Is this needed? Move to RE zones?

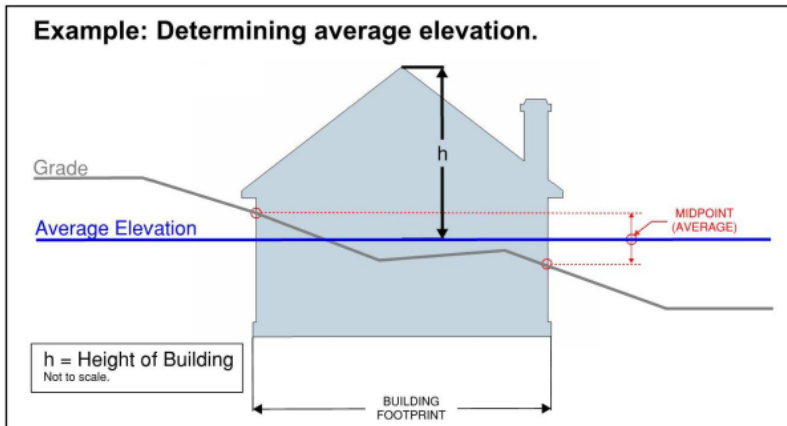
If needed, move to new site development standards section

Sec 108-7-5 (Reserved) Building Or Structure Height Requirements

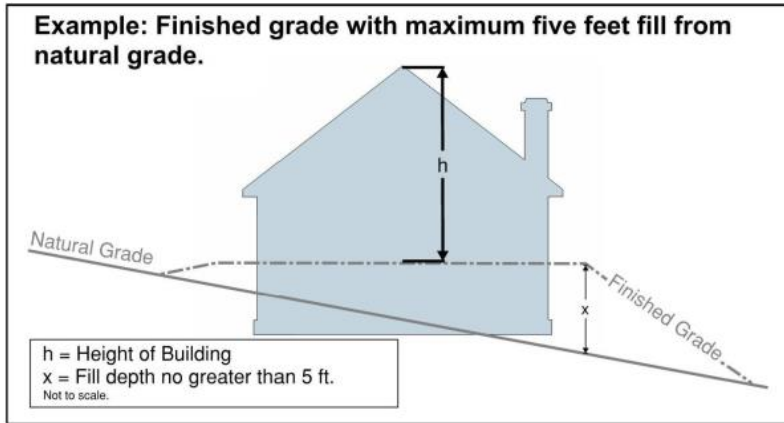
(a) ~~Measuring height.~~ For the purpose of determining "height of building," as defined in section 101-1-7, the following shall apply:

Commented [E57]: Move to new site development standards section

- (1) ~~Average elevation.~~ Average elevation shall be determined by averaging the highest elevation and the lowest elevation at the exterior footprint of the building or structure, including any support posts that require a footing. An alternative means of calculating average elevation may be approved by the planning director for an individual building if it follows industry best practices and is proposed by a licensed surveyor, engineer, or architect.

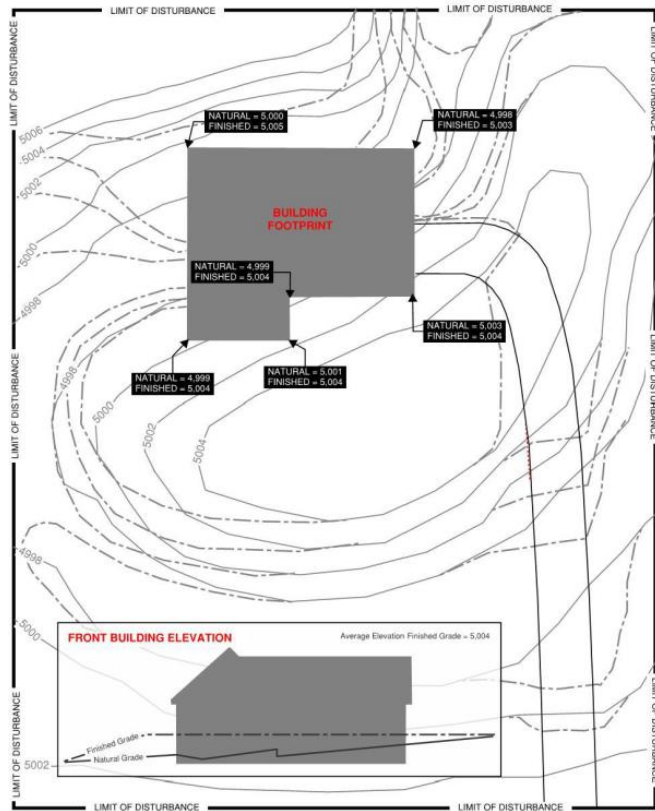


- (2)(1) ~~Fill affecting building height.~~ Except as provided in this subsection, when grading a site to obtain the finished grade, as defined in section 101-1-7, no fill may exceed five vertical feet at any point from the site's natural grade, as also defined in section 101-1-7.



- 980
- 981 a. Additional fill is allowed if required by county, state, or federal law, or to meet the standards of
- 982 the National Flood Insurance Program. In this case the fill shall be no higher than the minimum
- 983 of the other regulation or standard; or
- 984 b.a. In the Western Weber County Planning Area, if the building or structure is within 75 feet of a
- 985 public or private street upon which its lot or parcel has frontage, fill is allowed that will provide
- 986 an average elevation of finished grade that is equal to the elevation of the street. In this case,
- 987 the street's elevation shall be determined to be at the midpoint of the lot's front lot line. If on a
- 988 corner lot the elevation of both streets at the midpoint of each lot line shall be averaged.
- 989 (3)(1) ~~Driveway slope.~~ The slope of a driveway shall not exceed 15 percent. The planning
- 990 director may modify the applicability of this if it can be demonstrated that there is no other
- 991 reasonable configuration of a driveway to avoid slopes over 15 percent.
- 992 (4)(1) ~~Site plan submittal requirements.~~ A site plan shall contain both existing and proposed
- 993 topographic contours at two foot intervals for the entire limits of disturbance, unless more is required
- 994 by another section of this Land Use Code or by the planning director or county engineer for the
- 995 purpose of determining compliance with other laws or standards. Grading that is proposed across
- 996 lot or parcel lines shall require the consent of all affected owners. Building elevation drawings shall
- 997 display natural grade and finished grade, and shall present the finished grade's elevation at each
- 998 corner of the building. This requirement may be waived by the planning director or county engineer
- 999 for sites that are relatively flat, or if evidence is presented that clearly show the proposed structures
- 1000 will not exceed the maximum height of the zone.

Example: Site plan showing existing and proposed topographic contours and building elevation drawing showing natural and finished grade.



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~~(b)(a) **Roof structure height exception.** Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, cills or similar structures may be erected above the height limit of the zone in which they are located, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and at no time shall the height be greater than 15 feet higher than the maximum height of the zone. All exceptions to height shall be subject to applicable design review requirements and all mechanical equipment shall be screened by materials consistent with those used on the exterior of the main building.~~

~~(c)(a) **Air traffic height conflicts.** If in proximity to an airport, no building or structure or other appurtenance is permitted above the maximum height allowed by the Federal Aviation Administration, or other applicable airport or airspace regulation.~~

~~(d)(a) **Minimum height of a dwelling.** Unless on a lot or parcel five acres or greater, no dwelling shall be erected to a height less than one story above natural grade.~~

Sec 108-7-6 Garbage, Junk, And Weeds Unlawful

(a) **Garbage, inoperable or abandoned vehicles, and junk.** It is unlawful for any owner or occupant of land to permit garbage, inoperable or abandoned vehicles, or junk to accumulate or remain on or about the premises whenever it is unsightly and in public view, or whenever it is dangerous to the health, safety, and welfare of the people of the county. Every owner or occupant of land is hereby required to

1021 remove, or provide for the removal of, such garbage, inoperable or abandoned vehicles, and junk before
1022 the same become unsanitary, dangerous, or a nuisance.

1023 (b) **Weeds and unkempt yards.** Landowners are responsible for clearing all weeds from their property,
1024 including their property's perimeter and any adjacent sidewalk, trail or pathway, parkstrip, or
1025 unimproved portions of public rights-of-way. A yard, and any adjacent sidewalk, trail or pathway,
1026 parkstrip, or unimproved portion of public rights-of-way that are visible from a public right-of-way shall
1027 be maintained so that the property's appearance does not detract from the appearance of the
1028 neighborhood. Weeds, except noxious or invasive weeds which shall be removed promptly, and turf
1029 grasses shall be maintained at a height of not more than eight inches at any time, and the cuttings shall
1030 be promptly disposed of in an organized manner or mulched in place. Native vegetation, including
1031 grasses, and wildflowers, and shrubs, maintained in a natural state are exempt from the eight-inch
1032 regulation. Where a street has curbing, or where a deferral agreement for curbing was required, it is
1033 the responsibility of the property owner, not the County, to maintain, cut, or remove any vegetation that
1034 is between the edge of the travel surface within the public right-of-way and the edge of the public right-
1035 of-way adjoining the owner's property.

1036 (c) **Exemptions.** This section shall not apply to items which are clearly accessory and incidental to any
1037 agricultural use permitted in the zone, or to items completely and lawfully enclosed within a building or
1038 enclosure where it is not visible from a public or private way or other public or private property and
1039 which does not constitute a nuisance, endanger or adversely affect the health or welfare of the
1040 community, or the keeping of which does not violate any other law or ordinance.

1041 (d) **Owner or occupant responsibility.** Any owner or occupant of land that allows for the violation of this
1042 section shall make proper arrangements for the correction of the violation.

1043 ~~(e) **Public streets and other public property.**~~

1044 ~~(1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way, or other~~
1045 ~~public property in unincorporated areas of the county any garbage, inoperable or abandoned~~
1046 ~~vehicles, junk, weeds, or any other vegetation, if the deposited items or materials may interfere with~~
1047 ~~pedestrian or vehicular traffic or may in any way be dangerous to the health, safety, and welfare of~~
1048 ~~the people of the county.~~

1049 ~~(2) It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian~~
1050 ~~pathway, or sidewalk to ensure continual removal of vegetation overgrowth.~~

1051 ~~(3) In addition to the requirements of section 32-8-2, owners or occupants of a platted building lot, or~~
1052 ~~a lot of record with an existing residential, commercial, or manufacturing use, that adjoins a paved~~
1053 ~~pedestrian pathway and is less than five acres shall also be required to ensure continual removal~~
1054 ~~of snow from the pathway.~~

1055 **Sec 108-7-7 Clear View of Intersecting Streets Supplemental Street, Access, And Right-of-Way**
1056 **Standards**

1057 **Sec 108-7-7.010 Obstructions in Right-of-Way**

1058 To ensure deposited items or materials do not interfere with pedestrian or vehicular traffic or in any way be
1059 dangerous to the health, safety, and welfare of the people of the county, it is unlawful for any person to
1060 place or deposit in or upon any public street, right-of-way, or other public property in unincorporated areas
1061 of the county any garbage, inoperable or abandoned vehicles, junk, weeds, or any other vegetation, if the
1062 deposited items or materials may interfere with pedestrian or vehicular traffic or may in any way be
1063 dangerous to the health, safety, and welfare of the people of the county.

1064 **Sec 108-7-7.020 Vegetation and Snow Removal – Pedestrian Rights-of-Way**

1065 (a) It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian
1066 pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

1067 (b) In addition to the requirements of Section 32-8-2 of the Weber County Code, owners or occupants of
1068 a platted building lot, or a lot of record with an existing residential, commercial, or manufacturing use,
1069 that adjoins a paved pedestrian pathway and is less than five acres shall also be required to ensure
1070 continual removal of snow from the pathway.

Sec 108-7-7.030 Clear View of Intersecting Streets.

When an alley or access way intersects with a public right-of-way, or when the subject property abuts the intersection of two or more public rights-of-way, the triangular areas described below shall provide unobstructed cross-visibility at a level between two and eight feet in height. Trees may be planted inside the triangular areas, but shall be trimmed such that no limbs or foliage extend into the cross-visibility zone, and placed so as not to create a traffic hazard. Plant materials, excepting turf grass, shall not be located closer than three feet from the edge of any access way pavement. No other obstruction to view in excess of three feet in height shall be allowed. The triangular areas referred to above are defined as follows:

- (1) The area of property on either side of an access way formed by the intersection of each side of the access way and the public right-of-way line. The two sides of the triangle shall be ten feet in length measured from the point of intersection and the third side (hypotenuse) being a line connecting the ends of these two sides.
- (2) The area of property located at a corner formed by the intersection of two or more public rights-of-way. The two sides of the triangle shall be formed by the street rights-of-way lines for a length of 40 feet back from their intersection and the third side being a line connecting the ends of these two sides.

~~Sec 108-7-8 (Reserved) Setbacks For Animals And Fowl~~

~~No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling and not closer than 75 feet from any dwelling on an adjacent lot. Any barn, stable, coop, pen, corral, or enclosure for the housing or keeping of animals or fowl shall be kept, constructed, or maintained not less than 100 feet from a property line adjacent to a street and not less than 25 feet from any lot line.~~

Commented [E58]: Consolidated into 108-7-2.010 above. Search entire code for references to here and update.

~~Sec 108-7-9 Water And Sewage Requirements~~

- (a) In all cases, where a proposed building or use will involve the use of sewage facilities, and a public sewer is not available, and in all cases where a proposed supply of piped culinary water is not available, the sewage disposal and the domestic culinary water supply shall comply with requirements of the county board of health and/or state board of health and the application for a building and land use permit shall be accompanied by a certificate of approval from the board of health.
- (b) Building permits shall not be issued by the building inspector or county official unless private water supply and private sewage disposal is approved in accordance with the requirements of subsection (a) of this section.

Commented [E59]: Check compliance with new water reqs in subdivisions. Should development on previous lots be required to follow the same?

~~Sec 108-7-10 (Reserved) Required Building Setback From Designated Collector Or Arterial Streets~~

~~Where a street is designated on the master street plan of the county as a collector or arterial (major) street and where the existing street right-of-way requires widening to meet the right-of-way standards of such collector or arterial (major) street, the minimum front and side yard setback for all buildings shall be based upon the future designated right-of-way width as shown on the county master plan and shall be measured from the future lot line of the collector or arterial (major) street designated right-of-way instead of the existing lot line of the present street right-of-way.~~

Commented [E60]: Consolidated into setbacks section

Sec 108-7-11 Group Dwellings

- (a) **Yard regulations.** Group dwellings shall be considered as one building for the purpose of front, side, and rear yard requirements, the entire group as a unit requiring one front, one rear, and two side yards as specified for dwelling structures. The minimum distance between structures shall be ten feet for single-story buildings, 15 feet for two-story buildings and 20 feet for three- or more story buildings.
- (b) **Group dwelling PRUD.** A group dwelling complex shall be developed as a PRUD if the area of the complex is equal to or exceeds the minimum number of units or area required for a PRUD for the zone in which the complex is located. (See section 108-5-5(a))

~~Sec 108-7-12 (Reserved)~~

Sec 108-7-13 Residential Facility For Persons With A Disability Facility Requirements

- (a) The facility shall meet all county building, safety, and health codes applicable to similar dwellings.

- 1120 (b) The operator of the facility shall provide assurances that the residents of the facility will be properly
1121 supervised on a 24-hour basis.
- 1122 (c) Shall be licensed or certified by the department of human services under Title 62A, chapter 2, Licensure
1123 of Programs and Facilities (U.C.A. 1953, § 62A-1-101 et seq.).
- 1124 (d) A minimum of two off-street parking spaces plus one off-street parking space for each staff member
1125 other than the resident manager or house parents shall be provided.
- 1126 (e) The facility shall be capable of use as a residential facility for persons with a disability without structural
1127 or landscaping alterations that would change the structure's residential character.
- 1128 (f) The facility shall meet all requirements and definitions by reference to either the Federal Fair Housing
1129 Amendments Act (42 USC 3602) or its successor statutes or the Utah Fair Housing Act (U.C.A. 1953,
1130 § 57-21-1 et seq.) or its successor statutes.
- 1131 (g) No person being treated for alcoholism or drug abuse shall be placed in a residential facility for persons
1132 with a disability.
- 1133 (h) No person who is violent shall be placed in a residential facility for persons with a disability.
- 1134 (i) Placement in a residential facility for persons with a disability shall be on a strictly voluntary basis and
1135 not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.
- 1136 (j) The land use permit and business license granted in accordance with the provisions of this chapter, is
1137 nontransferable and terminates if the structure is devoted to a use other than as a residential facility for
1138 persons or, if the structure fails to comply with the county's building, safety, and health codes or the
1139 requirements of this section.
- 1140 (k) These facilities must be licensed by the county's business licensing department with the original license
1141 and any renewals thereof subject to the inspection and prior approval of the county health and building
1142 departments.
- 1143 (l) No residential facility for persons with a disability shall be made available to any individual whose
1144 tenancy therein would constitute a direct threat to the health or safety of other individuals or would
1145 result in substantial physical damage to the property of others.

1146 **Sec 108-7-14 Residential Facility For Troubled Youth; Facility Requirements**

- 1147 (a) A residential facility for troubled youth shall:
- 1148 (1) Be owned or leased by the residents or an immediate family member of the residents, or by a
1149 charitable, or beneficial organization, or by the state or a licensee thereof;
- 1150 (2) Be consistent with existing zoning of the desired location;
- 1151 (3) Be occupied on a 24-hour basis by no more than eight qualified youth in a family-type arrangement;
- 1152 (4) Conform with applicable standards of the state department of human services and be inspected
1153 and licensed by that department.
- 1154 (b) The facility shall meet all applicable building, safety, zoning and health codes and ordinances applicable
1155 to similar dwellings.
- 1156 (c) The facility shall be capable of use as a residential facility for troubled youth without structural or
1157 landscaping alterations that would change the structure's residential character and the structure shall
1158 not be used as a lock-down facility for the incarceration of the youth that it houses.
- 1159 (d) No residential facility for troubled youth shall be established within five miles of another residential
1160 facility for troubled youth as defined in this chapter.
- 1161 (e) Troubled youth who qualify for placement in the facility shall:
- 1162 (1) All be of the same gender within any one facility;
- 1163 (2) Be no less than ten years of age and no more than 18 years of age;
- 1164 (3) Not be convicted of or charged with any sexual offence, arson or aggravated assault;

- 1165 (4) Not be individuals with such severe psychiatric problems that they present a danger to themselves
1166 or others;
- 1167 (5) Attend school classes and matriculate in local area schools.
- 1168 (f) No home for troubled youth shall house children whose respective ages span more than four years.
1169 For instance, if the home houses children ten years of age, the oldest child in the home can be no more
1170 than 14 years of age.
- 1171 (g) The land use permit and any other license granted in accordance with the provisions of this chapter, is
1172 not transferable and terminates if the structure is devoted to a use other than a residential facility for
1173 troubled youth or if the structure fails to comply with the county's building, safety and health codes or
1174 the requirements of this chapter.
- 1175 (h) No residential facility for troubled youth shall occupy a lot in a recorded subdivision of four or more lots,
1176 including all subdivision phases.
- 1177 (i) The facility shall be permanently occupied by a married couple who will serve as house parents to the
1178 youth who reside therein. Their duties will be as follows:
- 1179 (1) To offer counseling and guidance to the youth under their care;
- 1180 (2) To supervise the orderly functioning of the household;
- 1181 (3) To provide meals to the youth who occupy the home;
- 1182 (4) To assign the duties, chores and other tasks to each of the youth who occupy the home;
- 1183 (5) Supervise the preparation of homework and studies each of the youth is required to complete for
1184 their education in local schools;
- 1185 (6) To immediately report to the appropriate state agency any difficulties, problems, breaches of the
1186 peace or violations of law engaged in by any of the youth under their care;
- 1187 (7) To also report the same conduct to the organization who employs them directly.
- 1188 (j) The house parents living within the home must meet the standards of the department of human services
1189 and obtain all licenses, permits or certificates required by the state before undertaking their duties as
1190 house parents.
- 1191 (k) In the event that the house parents terminate their employment without first training suitable
1192 replacements, the facility must replace them with trained house parents within 30 days, or the home for
1193 troubled youth must cease operating.

1194 **Sec 108-7-15 Residential Facility For Elderly Persons: Facility Requirements**

- 1195 (a) A residential facility for elderly persons may not operate as a business.
- 1196 (b) A residential facility for elderly persons shall:
- 1197 (1) Be owned by one of the residents or by an immediate family member of one of the residents, or by
1198 a charitable, or beneficial organization, including a facility for which the title has been placed in trust
1199 for a resident;
- 1200 (2) Be consistent with existing zoning of the desired location;
- 1201 (3) Be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type
1202 arrangement; and
- 1203 (4) Conform with applicable standards of the state department of human services and be licensed and
1204 inspected by that department.
- 1205 (c) A residential facility for elderly persons may not be considered a business because a fee is charged for
1206 food or for actual and necessary costs of operation and maintenance of the facility.
- 1207 (d) The owner of a residential facility for elderly persons may not charge residents administrative costs or
1208 salaries greater than 15 percent of that fee.
- 1209 (e) A person charging a fee shall:

- 1210 (1) Keep a record of all expenses and costs related to the fee; and
- 1211 (2) Make that record available for inspection by any resident of the facility, the state department of
- 1212 human services, and county building or zoning officials.
- 1213 (f) The facility shall meet all applicable building, safety, zoning and health codes and ordinances applicable
- 1214 to similar dwellings:
- 1215 (1) A minimum of one off-street parking space for each adult resident person or married couple shall
- 1216 be provided;
- 1217 (2) The facility shall be capable of use as a residential facility for elderly persons without structural or
- 1218 landscaping alterations that would change the structure's residential character;
- 1219 (3) No person being treated for alcoholism or drug abuse shall be placed in a residential facility for
- 1220 elderly persons;
- 1221 (4) Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and not a
- 1222 part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;
- 1223 (5) The land use permit and business license granted in accordance with the provisions of this chapter,
- 1224 is nontransferable and terminates if the structure is devoted to a use other than a residential facility
- 1225 for elderly persons or if the structure fails to comply with the county's building, safety and health
- 1226 codes or the requirements of this chapter; and
- 1227 (6) The decision by the county regarding an application for a conditional use permit for a residential
- 1228 facility for elderly persons shall be based upon legitimate land use criteria and shall not be based
- 1229 upon a general discrimination against the grouping of elderly persons in such a facility or because
- 1230 of age and its attendant characteristics. Upon application for a conditional use permit in any area
- 1231 where residential dwellings are allowed, the county shall determine only whether or not the facility
- 1232 conforms to this Land Use Code. If the county determines that the facility complies with the
- 1233 ordinances, it shall grant the requested permit.

Sec 108-7-16 (Reserved) Large Accessory Buildings (1,000 Square Feet Or Larger)

- 1234 ~~(a) Accessory buildings 1,000 square feet or larger in area that accommodate uses meeting zoning~~
- 1235 ~~requirements shall:~~
- 1236
- 1237 ~~(1) Be located at least six feet from the rear of a dwelling in the residential estates zones and at least~~
- 1238 ~~ten feet from the rear of a dwelling in the agricultural and forest zones.~~
- 1239 ~~(2) Have a side yard setback of at least ten feet on an interior lot and 40 feet on a corner lot where the~~
- 1240 ~~side property line is adjacent to a street.~~
- 1241 ~~(3) Have a maximum height of 25 feet.~~
- 1242 ~~Exceptions. The side yard may be reduced to three feet (except in a forest zone) and the height~~
- 1243 ~~increased to 35 feet if the accessory building is located at least 100 feet from a property line~~
- 1244 ~~adjacent to a street and at least 40 feet from a dwelling on an adjacent lot.~~
- 1245 ~~(b) One accessory building which is subordinate to the dwelling in area and height may be located in front~~
- 1246 ~~or to the side of the dwelling provided:~~
- 1247 ~~(1) It is located not less than 40 feet from any property line adjacent to a street.~~
- 1248 ~~(2) The large accessory building conforms to the dwelling in architectural style and materials on all~~
- 1249 ~~sides of the building and the roof. Large accessory buildings on agricultural parcels containing at~~
- 1250 ~~least 5.25 acres and a single-family dwelling shall be exempt from this requirement provided that~~
- 1251 ~~the accessory building is located at least 100 feet from a property line adjacent to a street.~~
- 1252 ~~(3) It meets the side yard requirement for a main building in the zone in which the building is located,~~
- 1253 ~~and it is located at least 40 feet from a dwelling on an adjacent parcel.~~
- 1254 ~~(4) In no case shall the front yard setback be less than the required front yard setback for a main~~
- 1255 ~~building in the zone in which the building is located.~~
- 1256 ~~(c) Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint~~
- 1257 ~~of the dwelling shall require approval by the planning commission as a design review.~~

Commented [E61]: Search code for references to correct.

~~(d)(a) Accessory buildings used for the keeping of animals and fowl shall also meet the requirements of section 108-7-8. Accessory buildings shall also meet the requirements of section 108-7-4.~~

~~**Sec 108-7-17 (Reserved) New Construction In Residential And Commercial Developments**~~

~~In approved residential and commercial developments, where developers may have up to two years to complete utility, road and other improvements, land use permits and building permits shall not be issued until all utility improvements requisite for residential occupancy are installed, except for the asphalt, curb, gutter, and sidewalk on the road.~~

~~**Sec 108-7-18 (Reserved) Swimming Pools**~~

~~An outdoor, permanent, in ground swimming pool shall be permitted to the side or rear of a dwelling or private/public facility as an accessory use provided the requirements listed below are met. This section does not apply to outdoor, temporary, above ground pools.~~

~~(a) The location of the outdoor, permanent, in ground swimming pool or accessory machinery shall not be less than ten feet from any property line; however, if a zone requires a larger setback, the more restrictive requirement shall apply. Structures that enclose pool accessory machinery are permitted with the same setbacks required for other accessory buildings in the zone in which they are located.~~

~~(b)(a) An outdoor, permanent, in ground swimming pool shall be completely enclosed by a substantial fence of not less than six feet in height, or by a power safety cover meeting the requirements of the International Building Codes. The term "substantial fence" shall mean any fence that will not allow normal passage by any person except through an otherwise locked gate.~~

~~(c)(a) Lights used to illuminate the pool or its accessories shall be so arranged as to reflect the light away from adjoining premises.~~

~~**Sec 108-7-19 Development on a Substandard Street or Public by Right-of-Use Road Building On Dedicated Substandard Streets Or Public By Right Of Use Roads**~~

~~(a) Development on a substandard street is not permitted unless in compliance with this Section 108-7-19. New or improved agricultural accesses are exempt from these requirements.~~

~~(b) For the purpose of this section, a substandard street means any of the following, from the point it becomes substandard, or from the nearest intersection with a non-terminal street or street-route, whichever is closer, to the furthest extent of the applicant's proposed development adjacent to the street:~~

- ~~(1) a substandard street;~~
- ~~(2) a road that is public by right-of-use that does not meet minimum public street standards; and~~
- ~~(3) a terminal street-route or public by right-of-use road-route that at any point leading to the development does not meet minimum public street standards.~~

~~(c) An application for a permit, subdivision, or any other approval authorized by this Land Use Code that proposes to provide, add, or increase the intensity of access to a Lot or Lots from a substandard street shall not be approved unless the substandard nature of the street or street-route is cured. However, if curing the substandard nature of the street or street route is not roughly proportionate to the increased impact of the proposal, then the following provisions shall apply.~~

~~(1) **Right-of-way dedication or conveyance.** In all cases, the applicant shall dedicate, by subdivision plat or deed conveyance, to the County the minimum street right-of-way width of the applicant's entire street frontage.~~

~~(2) **Street frontage improvements.** In all cases, the applicant shall be financially responsible for the improvement of the applicant's street frontage for up to, but not to exceed, three times the applicable minimum lot width allowed, except, however, if the development is of the nature that makes the future development of any remaining portion of the lot width unlikely, the applicant shall bear the burden of the full lot width. The County Engineer has full authority and discretion to determine the specific improvements required to be installed by the applicant prior to or as condition of approval, and whether any remaining improvements may be deferred to a later time, as otherwise provided in this Section.~~

Commented [E62]: Isn't this already in the subdivision code? Does it need to be here?

Commented [E63]: Consolidated into site development standards above.

Check entire code for references to correct.

Commented [E64]: Move to new 108-7-040

Commented [E65]: What other uses should be exempt from street improvements?

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- (3) **Paying proportionate share.** As part of a "project improvement," as defined in UCA 11-36a-102, the applicant shall pay the cost of a proportionate share of street design, street improvements, and, if applicable, street right-of-way acquisition to bring that street into or closer to compliance with County standards. The cost of the proportionate share shall be determined as follows:
 - a. **Engineer's cost estimate.** Estimate the cost to improve the substandard street or street-route to County standards from the point it becomes substandard, or from the nearest intersection with a non-terminal street or street-route, whichever is closer, to the furthest extent of the applicant's proposed development adjacent to the street.
 - 1. This shall be furnished by the applicant in the form of an engineer's cost estimate. The estimate shall use up-to-date market costs for engineering and design, surveying, construction material, labor, and any other expense necessary to improve the street to County standards. The added expense of an intersection or other street component that is not related to providing a standard street to the applicant's subdivision shall be excluded from the calculation;
 - 2. The County Engineer may require the applicant to furnish engineered drawings of the street and an itemized cost-estimate in order to substantiate the estimated cost;
 - 3. The County Engineer has the discretion to adjust the cost-estimate for inflation or market fluctuations during the duration of construction of the applicant's obligations; and
 - 4. A subdivision improvement that is required of the applicant by the Land Use Code regardless of the condition of the street shall not be included in this calculation, and shall be provided as otherwise required by this Title.
 - b. **Determine street's buildout potential.** Find the sum of the estimated number of lots expected along the street at buildout, plus the applicant's proposed number of lots, as follows:
 - 1. Measure the length of the substandard street or street-route from the point it becomes substandard to the furthest extent of the applicant's subdivision along the substandard street or street-route;
 - 2. Determine the estimated number of lots expected along the street at buildout by dividing the length of the street, the result of Subsection (b)(1)b.1., by the standard minimum lot width of the zone, as found in Title 104 of this Land Use Code. Do not use alternative lot widths, such as those allowed in a cluster subdivision or a lot-averaged subdivision, even if the applicant's subdivision has them; then
 - 3. Combine the estimated number of lots expected along the street at buildout, the results of Subsection (b)(1)b.2. with the applicant's proposed number of subdivision lots.
 - c. **Final proportionate share calculation.** Divide the cost to improve the street or street-route to County standards, the result of Subsection (b)(1)a. by the sum of the estimated number of lots expected along the street at buildout plus the applicant's proposed number of lots, the results of Subsection (b)(1)b.
 - (4) **Required improvements, escrow, and allowed deferral.** The County Engineer shall:
 - a. **Required improvements.** Require the applicant to make improvements to the substandard street or street-route in an amount up to but not exceeding the applicant's cost of the proportionate share, as determined herein. The County Engineer has full authority and discretion to determine the specific improvements required of the applicant;
 - b. **Escrow.** Require this cost to be deposited with the County for the County to add a street's needed improvements into scheduled road maintenance and improvements; or
 - c. **Deferral.** If the County Engineer determines that the funds that would be made available are insufficient to provide meaningful project improvements along the substandard street or street-route, a substandard road agreement may be allowed in lieu of the project improvements required in this section. In this case, the applicant, and all owners having interest in the subject Lot or Lots shall execute a substandard road agreement and notice to new owners. The content of the substandard road agreement and notice shall be as specified by the County, but at a minimum it shall:

- 1358 1. For a terminal substandard street or street route, explain that the subject Lot or Lots has
- 1359 or have only a single street access connecting it to the greater interconnected public street
- 1360 network, and the single street access is not built to the adopted minimum design and safety
- 1361 standards;
- 1362 2. Require a deferral agreement that specifies that the owners or successors and heirs are
- 1363 responsible, at a time the governing authority deems it necessary, to pay for their
- 1364 proportionate share of curing the substandard nature of the street or street-route;
- 1365 3. Allow the governing authority, at its option to withhold any written protest filed by the owners
- 1366 or their successors or heirs under the State Code's Assessment Area Act, Provisions For
- 1367 Local Districts, or any similar government revenue generation mechanism, from the final
- 1368 tally of collected protests, provided, however, that the revenue generated by the
- 1369 mechanism is used to improve access to the Lot or Lots; and
- 1370 4. Be recorded to the property at the time of subdivision recordation or sooner for subdivision
- 1371 approval, or prior to the issuance of a land use permit or final approval for other types of
- 1372 approvals.

1373 ~~(a) An applicant for a land use and building permit for property which abuts and has access from a~~

1374 ~~substandard dedicated street or public by-right of use road, shall, as a condition of issuance of such~~

1375 ~~permits, be required:~~

- 1376 ~~(1) To sign a substandard road agreement provided by the county.~~
- 1377 ~~(2) To dedicate, if the road is substandard in width, sufficient road right-of-way widening to meet county~~
- 1378 ~~road standards or as recommended by the county engineer in situations that warrant an alternative~~
- 1379 ~~width such as unusual topographic or boundary conditions.~~

1380 ~~(b) Where a dedicated street or public by right of use road is determined to be of less right-of-way width~~

1381 ~~than the county standard, the minimum front and corner (facing street) side yard setbacks for all~~

1382 ~~buildings and structures shall be measured from the future county standard street right-of-way line~~

1383 ~~location, rather than from the present right-of-way line.~~

1384 **Sec 108-7-20 Occupying Recreational Vehicles**

- 1385 (a) Occupying any parked, self contained, recreational vehicle within the county is allowed as a temporary
- 1386 use in the following locations:
- 1387 (1) Forest zones.
- 1388 (2) Recreational vehicle parks.
- 1389 (3) Mobile home parks with recreational vehicle provisions.
- 1390 (b) Occupying a parked recreational vehicle, by the property owner, may be permitted for a period of six
- 1391 months on the property where a home is under construction, provided that the recreational vehicle is
- 1392 hooked up to an approved wastewater disposal system.
- 1393 (c) Recreation vehicles lawfully parked at a private residence are allowed to be used exclusively by the
- 1394 owner or guests, if self contained, for a period not to exceed 30 days in a calendar year or more than
- 1395 14 consecutive days. A copy of the land use permit shall be clearly displayed in a window of the
- 1396 recreational vehicle being so used.

1397 **Sec 108-7-21 No Obstruction Of Irrigation Ditches, Drains And/Or Canals**

1398 No development shall obstruct the flow of water from an irrigation ditch, drain and/or canal. Any alteration

1399 or diversion of such waterways shall be approved by the county engineer and the irrigation company.

1400 **Sec 108-7-22 Temporary Real Estate Sales Office**

1401 A temporary real estate sales office may, by conditional use permit, be allowed within a model home or the

1402 garage area of a model home located within a residential subdivision development of ten or more lots or

1403 phase of more than ten lots, for the sale of real estate within that specific subdivision or phase subject to

1404 the following conditions:

- 1405 (a) Prior to use of the structure as a temporary real estate office, it shall have a certificate of occupancy.

Commented [E66]: Align with subdivision code requirements
Does this need to be said? Isn't there already law prohibiting obstructing flow?

- 1406 (b) The front yard of a model homes with a temporary sales offices shall be landscaped, as approved by
1407 the planning commission.
- 1408 (c) If the sales office is established in the garage, the garage door may be temporarily replaced with French
1409 doors, sliding glass doors or as approved by the planning commission. Permanent changes to the site
1410 are prohibited. When the temporary use expires, the applicant shall restore the structure to its originally
1411 intended use as a residence and/or garage.
- 1412 (d) Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable
1413 provisions of the Land Use Code for the zone in which the use will be conducted and as approved with
1414 the conditional use permit. All signs shall be removed when the permit expires. Any zoning
1415 requirements for lighting shall be complied with.
- 1416 (e) A temporary real estate sales office may operate daily between 8:00 a.m. and 8:00 p.m.
- 1417 (f) A conditional use permit for a temporary sales office in a model home shall be limited to a five-year
1418 time period from the time that the certificate of occupancy is issued. Time extensions may be
1419 considered by the planning commission on a case-by-case basis.
- 1420 (g) If construction of the model home temporary sales office is not completed within one year of the
1421 conditional use approval by the planning commission, the permit shall be considered null and void.

Sec 108-7-23 River And Stream Corridor Setbacks (Western Weber County)

- 1423 (a) No structure, accessory structure, road, or parking area shall be built within the required setback from
1424 a river or stream as measured from the high water mark of the river or stream. The high water mark
1425 shall be determined by the county engineer. The areas within the setback shall be maintained in a
1426 manner that protects the quality of water in the river or stream and the habitat of native vegetation and
1427 wildlife along the river or stream.
 - 1428 (1) Structures, accessory structures, roads, or parking areas shall not be developed or located within
1429 100 feet on both sides of the Weber River from the high water mark of the river.
 - 1430 (2) Structures, accessory structures, roads, or parking areas shall not be developed or located within
1431 75 feet on both sides of year round streams, as determined from the high water mark of the stream.
 - 1432 (3) Structures, accessory structures, roads, or parking areas shall not be developed or located within
1433 50 feet from the high water mark of the natural ephemeral stream.
- 1434 (b) Exceptions.
 - 1435 (1) Bridges or stream alterations approved by the Army Corps Of Engineers and Utah Department of
1436 Water Resources, Division of Water Quality.
 - 1437 (2) Trails.
 - 1438 (3) The Ogden River below Pineview Reservoir to its confluence with the Weber River.
- 1439 (c) Streams are those areas where surface waters flow sufficiently to produce a defined channel or bed. A
1440 defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter
1441 or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year
1442 round. This definition is not meant to include stormwater runoff devices or entirely artificial watercourse
1443 unless they are used to store or convey pass-through stream flows naturally occurring prior to
1444 construction of such devices. Stream watercourses where the definition may apply are those that
1445 appear on the U.S.G.S. Quad maps.
- 1446 (d) See title 104, chapter 28 (Ogden Valley Sensitive Lands Overlay Districts) for Ogden Valley River and
1447 Stream Corridor Setbacks.

**Sec 108-7-24 Supplemental Energy Generation Standards Wind Energy Conversion Systems-
(Small Wind Energy Systems)**

- 1450 (a) Small Wind Energy System. The intent of this section is to regulate the placement and installation of
1451 small wind energy conversion systems in the county while providing for the safe, effective, and efficient
1452 use of such systems. These systems will be used primarily to produce clean energy and reduce on-site
1453 consumption of utility power for individual properties. The following regulations shall apply to all small
1454 wind energy conversion systems:

Commented [E67]: Weber River setbacks. Maybe consolidate with sensitive lands ordinance?

Commented [E68]: Consolidate into energy regulations

- 1455 (1) The minimum lot size required for a small wind energy system shall be 20,000 square feet.
- 1456 (2) Small wind energy systems shall be set back a distance equal to 110 percent of the tower height
- 1457 plus the turbine blade length from all property lines and a distance equal to 150 percent of the tower
- 1458 height plus the turbine blade length from any dwelling on adjacent property. Small wind energy
- 1459 systems shall not be located within the minimum front yard setback of any lot, nor within the
- 1460 minimum side yard setback facing a street on a corner lot, nor on the roof of a residential structure.
- 1461 (3) The maximum height of a small wind energy system (including tower and blades) shall not exceed
- 1462 70 feet. Small wind energy systems proposed to be over 70 feet will require approval from the
- 1463 planning commission as part of the conditional use permit. The minimum distance between the
- 1464 ground and any protruding blades utilized on a small wind energy system shall be 15 feet as
- 1465 measured at the lowest point of the arc of the blades.
- 1466 (4) Small wind energy systems must comply with applicable Federal Aviation Administration (FAA)
- 1467 regulations, including any necessary approvals for installations close to airports.
- 1468 (5) Small wind energy system towers shall maintain either a galvanized steel finish or a finish in a color
- 1469 approved by the planning commission as part of the conditional use, and shall not be artificially
- 1470 lighted unless required by the FAA.
- 1471 (6) Small wind energy systems shall not exceed 60 decibels as measured at the closest property line
- 1472 except during short term severe wind events. A manufacturer's sound report shall be required with
- 1473 an application for a small wind energy system.
- 1474 (7) Manufacturer specifications for components and installation shall be required with an application
- 1475 for a small wind energy system.

(b) Solar energy systems

- 1477 (1) Small solar energy system. A small solar energy system, as defined in sSection 101-4-72, is
- 1478 allowed in any zone, and shall meet the setback and height requirements for an accessory building
- 1479 in the zone in which the system is located. Setbacks shall be measured to the outermost edge of
- 1480 the system nearest the property line. Solar energy systems which are attached to a building shall
- 1481 meet the same setbacks that are required for the building.
- 1482 (2) Large solar energy system. A large solar energy system, as defined in sSection 101-4-72, is
- 1483 regulated by sTitle 104, cChapter 30, of this Land Use Code.

Commented [E69]: Check this reference for misreferences to this paragraph.

~~The intent of this section is to regulate the placement and installation of small wind energy conversion systems in the county while providing for the safe, effective, and efficient use of such systems. These systems will be used primarily to produce clean energy and reduce on-site consumption of utility power for individual properties. The following regulations shall apply to all small wind energy conversion systems:~~

- 1489 ~~(a) The minimum lot size required for a small wind energy system shall be 20,000 square feet.~~
- 1490 ~~(b) Small wind energy systems shall be set back a distance equal to 110 percent of the tower height plus~~
- 1491 ~~the turbine blade length from all property lines and a distance equal to 150 percent of the tower height~~
- 1492 ~~plus the turbine blade length from any dwelling on adjacent property. Small wind energy systems shall~~
- 1493 ~~not be located within the minimum front yard setback of any lot, nor within the minimum side yard~~
- 1494 ~~setback facing a street on a corner lot, nor on the roof of a residential structure.~~
- 1495 ~~(c) The maximum height of a small wind energy system (including tower and blades) shall not exceed 70~~
- 1496 ~~feet. Small wind energy systems proposed to be over 70 feet will require approval from the planning~~
- 1497 ~~commission as part of the conditional use permit. The minimum distance between the ground and any~~
- 1498 ~~protruding blades utilized on a small wind energy system shall be 15 feet as measured at the lowest~~
- 1499 ~~point of the arc of the blades.~~
- 1500 ~~(d) Small wind energy systems must comply with applicable Federal Aviation Administration (FAA)~~
- 1501 ~~regulations, including any necessary approvals for installations close to airports.~~
- 1502 ~~(e) Small wind energy system towers shall maintain either a galvanized steel finish or a finish in a color~~
- 1503 ~~approved by the planning commission as part of the conditional use, and shall not be artificially lighted~~
- 1504 ~~unless required by the FAA.~~

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1505 ~~(f) Small wind energy systems shall not exceed 60 decibels as measured at the closest property line~~
1506 ~~except during short term severe wind events. A manufacturer's sound report shall be required with an~~
1507 ~~application for a small wind energy system.~~

1508 ~~(g) Manufacturer specifications for components and installation shall be required with an application for a~~
1509 ~~small wind energy system.~~

1510 ...

1511 **Sec 108-7-26 Land Use Applications Involving Lots/parcels With Existing Violations**

1512 No land use application shall be approved for any lot/parcel until all unresolved zoning, building, business
1513 license, nuisance, or other violations on any such lot/parcel, or on any parcel included in any manner as
1514 part of the application are resolved, unless approval of the application will resolve all of the existing
1515 violations. A land use application submitted for approval, which will resolve all of the existing violations,
1516 must be accompanied by a letter from the applicant stating what the existing violations are, and how the
1517 proposed land use application will resolve them.

Commented [E70]: Move to the enforcement section 102-4 if not already there.

1518 **Sec 108-7-27 (Reserved) Solar Energy Systems**

1519 ~~(a) **Small solar energy system.** A small solar energy system, as defined in section 101-1-7, is allowed in~~
1520 ~~any zone, and shall meet the setback and height requirements for an accessory building in the zone in~~
1521 ~~which the system is located. Setbacks shall be measured to the outermost edge of the system nearest~~
1522 ~~the property line. Solar energy systems which are attached to a building shall meet the same setbacks~~
1523 ~~that are required for the building.~~

Commented [E71]: Consolidate into energy regulations

1524 ~~(b) **Large solar energy system.** A large solar energy system, as defined in section 101-1-7, is regulated~~
1525 ~~by title 104, chapter 30, of this Land Use Code.~~

1526 **Sec 108-7-28 Garage Sales/Yard Sales**

1527 Garage sales/yard sales of personal used items from a single-family dwelling shall not be held more than
1528 once every three months.

1529 **Sec 108-7-29 Flag Lots and Land Locked Residential Lot or Parcel Access Strip, Private Right-Of-**
1530 **Way, And Access Easement Standards**

1531 ~~In order to provide for safe and consistent access to lots/parcels using flag lot access strips, private rights-~~
1532 ~~of-way, or access easements as the primary means of ingress and egress to a dwelling unit, the following~~
1533 ~~standards shall be met, in addition to the individual requirements of sections 108-7-30—108-7-32. These~~
1534 ~~standards shall not apply to bona-fide agricultural parcels that are actively devoted to an agricultural use(s)~~
1535 ~~that is the main use.~~

Commented [E72]: No need to say this. This section is for residential lots or parcels.

1536 ~~(a) **Design standards. Access to flag lot or land locked lot or parcel.** When allowed by this Land Use~~
1537 ~~Code, a **Flag Lot** or a land-locked Lot intended for residential use shall have an access road or driveway~~
1538 ~~that extends from a public right-of-way to the area of the Lot that will be developed. The access road~~
1539 ~~or driveway shall be comply with the following standards:~~

Commented [E73]: Defined?

1540 ~~(1) Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum~~
1541 ~~improved surface width of 20 feet. A greater right-of-way width may be required by the County~~
1542 ~~Engineer for a cross-slope easement.~~

1543 ~~(2) Configured and constructed to safely facilitate the turning radius and weight of the Fire Authority's~~
1544 ~~largest fire apparatus.~~

1545 ~~(3) Constructed of all-weather material, have a grade of no greater than ten percent, a clearance no~~
1546 ~~less than 14 and a half feet, and if terminal and longer than 200 feet in length, a fire truck turnaround~~
1547 ~~at the end.~~

1548 ~~(4) Be on a parcel that is held in common ownership by a homeowner's association that governs the~~
1549 ~~Lots that gain access therefrom, or be an easement recorded in favor of the owners of all Lots that~~
1550 ~~gain access therefrom.~~

1551 ~~(5) If terminal, no longer than 600 feet, and provide access to no more than 15 residences.~~

1552 ~~(6) If terminal and longer than 200 feet in length, designed with a fire apparatus turn-around approved~~
1553 ~~by the local fire authority at the end.~~

1554

1555 (1) ~~The flag lot access strip, private right-of-way, or access easement shall be designed and built to a~~
1556 ~~standard approved by the county engineer. The improved road surface does not require hard~~
1557 ~~surface paving, i.e., concrete or asphalt, but the improvements shall meet the following standards.~~

1558 ~~The access road or driveway shall have a legal right-of-way width of 24 feet and an improved all-~~
1559 ~~weather travel surface of 20 feet, and be constructed to the minimum standards approved by the~~
1560 ~~local fire authority. At no time shall it be constructed to support less than a 75,000 lbs fire apparatus.~~
1561 ~~The flag lot access strip shall have a minimum width of 20 feet and a maximum width of 30 feet. A~~
1562 ~~private right-of-way or access easement shall have a minimum width of 16 feet and a maximum~~
1563 ~~width of 50 feet. The private right-of-way and access easement width standards may be modified~~
1564 ~~by the Weber Fire District in conjunction with the county engineer on a case-by-case basis.~~

1565 (2) ~~The improved travel surface of the flag lot access strip, private right-of-way, or access easement~~
1566 ~~shall be a minimum of 12 feet wide if the access serves fewer than five dwellings, and a minimum~~
1567 ~~of 20 feet wide if the access serves five or more dwellings.~~

1568 (3) ~~The improved road surface of the flag lot access strip, private right-of-way, or access easement~~
1569 ~~shall be capable of supporting a minimum weight of 75,000 pounds.~~

1570 (4) ~~A turnout measuring at least ten feet by 40 feet shall be provided adjacent to the traveled surface~~
1571 ~~of the a flag lot access strip, private right-of-way, or access easement (private access) if the private~~
1572 ~~access is greater than 200 feet in length. The turnout shall be located at the approximate midpoint~~
1573 ~~of the private access if its length is between 200 and 800 feet. If the private access length is greater~~
1574 ~~than 800 feet, turnouts shall be provided at least every 400 feet thereafter. These standards may~~
1575 ~~be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case~~
1576 ~~basis.~~

Commented [E74]: Isn't this only applicable for 12-foot wide fire roads?

1577 (5) ~~The flag lot access strip, private right-of-way, or access easement shall have a maximum grade of~~
1578 ~~ten percent. This standard may be modified by the Weber Fire District in conjunction with the county~~
1579 ~~engineer on a case-by-case basis; however, the maximum grade shall not exceed 15 percent.~~

1580 (6) ~~The flag lot access strip, private right-of-way, or access easement shall have a minimum vertical~~
1581 ~~clearance of 14.5 feet.~~

1582 (7) ~~No buildings, structures, or parking areas are allowed within the flag lot access strip, private right-~~
1583 ~~of-way, or access easement.~~

1584 (8) ~~New bridges, including decking and culverts shall be capable of supporting a minimum weight of~~
1585 ~~75,000 pounds. For existing bridges, a current certified engineer statement of load bearing~~
1586 ~~capabilities must be submitted to the county engineer and the Weber Fire District for review.~~

1587 (9) ~~The flag lot access strip, private right-of-way, or access easement shall have a minimum inside~~
1588 ~~travel-way radius of 26 feet, outside travel-way radius of 45 feet, and outside clear-zone radius of~~
1589 ~~50 feet on all curves, particularly switchbacks. The width of the access may need to be increased~~
1590 ~~to accommodate these standards.~~

1591 (10) ~~(7) Water and sewer lines located within the flag lot access strip, private right-of-way, or~~
1592 ~~access easement require written notification from the agencies providing such services.~~

1593 (b) **Safety standards.**

1594 (1) The lot address shall be displayed in a prominently visible location at the street entrance to the flag
1595 lot access strip, private right-of-way, or access easement.

1596 (2) A turn-around area shall be provided at the home location to allow firefighting equipment to turn
1597 around. This area shall be a year round surface capable of supporting fire equipment (a minimum
1598 inside turning radius of 30 feet and an outside turning radius of not less than 45 feet).

1599 (3) A fire hydrant or other suppression method may be required by the fire district.

1600 (4) A site plan showing the location of the home, any proposed access roads and driveways, along
1601 with the location of and distance to the nearest fire hydrant (if available) shall be submitted to the
1602 fire district for review.

- 1603 (5) Conditions may be imposed by the land use authority to ensure safety, accessibility, privacy, etc.,
1604 to maintain or improve the general welfare of the immediate area.
- 1605 (c) **Lot/parcel development standards.**
- 1606 ~~(1) The lot/parcel shall meet all minimum yard and area requirements of the zone in which it is located.~~
- 1607 ~~(2)(1) Buildings shall be set back a minimum of 30 feet from the end of the flag lot access strip,~~
1608 ~~private right-of-way, or access easement. 63 feet from the center of the Lot's access right-of-way.~~
- 1609 ~~(3) The lot/parcel shall meet the minimum lot width requirement for the zone in which the lot is located~~
1610 ~~at the end of the access strip.~~
- 1611 ~~(4) The lot/parcel shall have a flag lot access strip, private right-of-way, or access easement~~
1612 ~~constructed in conformance with subsections (1), (2), and (3) of this section prior to the issuance~~
1613 ~~of land use permits or building permits.~~
- 1614 ~~(d) **Expiration.** Flag lot access strips, private rights-of-way, and access easements which have been~~
1615 ~~approved by the land use authority are valid for 18 months from the date of approval.~~

1616 **Sec 108-7-30 Flag Lots**

- 1617 (a) ~~Unless otherwise allowed in this Land Use Code, a flag lot shall not be allowed if it avoids the installation~~
1618 ~~of a street contemplated by this Land Use Code, an adopted general plan, master transportation plan,~~
1619 ~~development agreement, or other adopted document intended to govern the placement, connectivity,~~
1620 ~~or creation of a street or street block. The land use authority shall determine whether or not it is feasible~~
1621 ~~or desirable to extend a street to serve a lot(s)/parcel(s) or lots at the current time, rather than approving~~
1622 ~~a flag lot. Criteria to be used in determining feasibility or desirability of extending a street shall include,~~
1623 ~~but not be limited to topography, boundaries, and whether or not extending a road would open an area~~
1624 ~~of five acres or more in Western Weber County and ten acres or more in the Ogden Valley for~~
1625 ~~development.~~
- 1626 (b) The lot area exclusive of the access strip shall be ~~a minimum of three acres~~ no less than twice the
1627 minimum lot area required by the zone, regardless of any alternative lot-area provision of this Land Use
1628 Code.
- 1629 (c) Each flag lot shall access a street by means of its own fee title access strip. Successive stacking of lots
1630 on the same access strip is not permitted.
- 1631 (d) No access strip shall exceed 800 feet in length.
- 1632 (e) A maximum of two flag lot access strips may be located adjacent to each other.
- 1633 ~~(f) No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access~~
1634 ~~strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-~~
1635 ~~subdivided, or changed in order to meet the requirements of this section.~~

1636 **Sec 108-7-31 Access To A Lot/Parcel Using A Private Right-Of-Way Or Access Easement**

1637 Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or
1638 access easement may, under certain circumstances, use a private right-of-way or access easement as the
1639 primary access. Approval is subject to the applicant demonstrating compliance with the following criteria
1640 and conditions:

- 1641 (a) **Criteria.**
- 1642 (1) The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is
1643 the main use; or
- 1644 (2) The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is
1645 the main use and is the subject parcel of an approved agri-tourism operation; or
- 1646 (3) Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a
1647 street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances
1648 that may support an approval of a private right-of-way/access easement as access to a lot/parcel
1649 may include but not be limited to unusual soil, topographic, or property boundary conditions.
- 1650 (b) **Conditions.**

1651 (1) It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal
1652 access due to historic use, court decree, or the execution of an easement, right-of-way, or other
1653 instrument capable of conveying or granting such right; and

1654 (2) The landowner of record or authorized representative shall agree to pay a proportionate amount of
1655 the costs associated with developing a street if, at any time in the future, the county deems it
1656 necessary to have the landowner replace the private right-of-way/easement with a street that would
1657 serve as a required access to additional lots. The agreement shall be in the form considered
1658 appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain
1659 all matters of fact, including a lot/parcel boundary description, which are necessary to make the
1660 agreement intelligible and show its successive nature.

1661 **Sec 108-7-32 Access To A Lot/Parcel At A Location Other Than Across The Front Lot Line**

1662 Access to lots/parcels at a location other than across the front lot line may be approved as the primary
1663 access, subject to the following criteria:

1664 (a) The applicant demonstrates that special or unique boundary, topographic, or other physical conditions
1665 exist which would cause an undesirable or dangerous condition to be created for property access
1666 across the front lot line.

1667 (b) It shall be demonstrated that appropriate and legal access exists due to historic use, court decree, or
1668 the execution of an easement, right-of-way, or other instrument capable of conveying or granting such
1669 right.

1670 **Sec 108-7-33 Building Parcel Designation**

1671 (a) Separate adjoining lots within an approved subdivision plat may be combined for building purposes
1672 without filing a formal subdivision plat amendment. The original lot lines, as recorded, do not change.

1673 (b) A building parcel designation shall be approved provided that:

1674 (1) An application shall be submitted on a form approved by the planning director;

1675 (2) The application shall include a copy of the subdivision plat;

1676 (3) All lots proposed to be combined shall be under the same ownership;

1677 (4) No additional lot shall be created; and

1678 (5) The existing lots shall conform to the current zoning or be part of a platted cluster subdivision or
1679 PRUD. Existing lots that do not conform to current zoning shall require an amended subdivision
1680 plat.

1681 **Sec 108-7-34 Cannabis Production Establishment**

1682 In addition to any other site development standard or use regulation, a cannabis production establishment,
1683 where allowed by the zone, is governed as follows:

1684 (a) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or other
1685 foul odor is exhausted.

1686 (b) In the M-1 and M-2 zones, a cannabis production establishment shall not include cannabis cultivation,
1687 as defined by state code.

1688 (c) In the A-2 and A-3 zones, the following standards shall apply to the cannabis production establishment:

1689 (1) In the A-2 zone, a cannabis production establishment is restricted to only a cultivation facility, as
1690 defined by state code.

1691 (2) In the A-2 and A-3 zones combined, no more than one cannabis production establishment is
1692 allowed to be in operation at any one time.

1693 (3) The minimum lot area required is 20 acres.

1694 (4) The minimum setback from any lot line is 100 feet.

1695 (5) The architectural, landscape, and screening design standards of Title 108 Chapter 2 are applicable
1696 to the use.

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1697 (6) The establishment shall be located on land that has access from a street that meets currently
1698 adopted street standards.

1699 (7) As defined by state code, if a residential use exists, or is later located within, 500 feet of the facility,
1700 the site shall have a six-foot land berm or an eight-foot masonry wall constructed to shield the view
1701 of the facility from the residential properties, except where interruption is necessary to provide
1702 vehicle access to the facility.

1703 (8) Outdoor cultivation of plants, as defined by state code, is prohibited.

1704 **Sec 108-7-35 Agricultural Building Exemption**

1705 Agricultural buildings are exempt from the permit requirements of the state construction codes, except
1706 plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

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1711 **Chapter 108-16 Outdoor Lighting**

1712 **Sec 108-16-1 Purpose And Intent**

1713 The purpose and intent of this chapter is to promote the unincorporated area's community character ~~of the~~
1714 ~~Ogden Valley, as provided for in the Ogden Valley general plan, as described in both the Ogden Valley and~~
1715 ~~Western Weber General plans, and other areas of the County and may be applicable,~~ by providing
1716 regulations and encouragement for the preservation of a dark sky. This chapter is also intended to promote
1717 the health, safety, and general welfare of ~~Ogden Valley and other Co~~ county residents and visitors by:

- 1718 (a) Reducing, eliminating, or preventing light trespass;
- 1719 (b) Reducing, eliminating, or preventing unnecessary or inappropriate outdoor lighting;
- 1720 (c) Reducing, eliminating, or preventing the effects of outdoor lighting on wildlife;
- 1721 (d) Preventing unsightly and unsafe glare;
- 1722 (e) Promoting energy conservation;
- 1723 (f) Maintaining nighttime safety, utility, and security;
- 1724 (g) Encouraging a minimal light footprint ~~of~~ for land uses in order to reduce light pollution; and
- 1725 (h) Promoting and supporting astrotourism and recreation, including the pursuit or retention of accreditation
1726 of local parks by the International Dark-Sky Association.

1727 **Sec 108-16-2 Applicability**

1728 In the unincorporated areas of the Ogden Valley, as well as the unincorporated areas of the West-Central
1729 Weber area, as depicted in the Western Weber General Plan, and other areas of the County as may be
1730 provided in this Land Use Code, the following provisions apply:

- 1731 (a) **New outdoor lighting.** All new outdoor lighting ~~installed after August 1, 2017,~~ shall conform to the
1732 requirements established by this chapter.
- 1733 (b) **Existing outdoor lighting.** ~~Except as provided in subsection (c) below, All~~ existing outdoor lighting
1734 that does not meet the requirements of this chapter ~~and is not exempted by this chapter~~ shall be
1735 considered ~~a nonconforming use and as such~~ Except for nonconforming lighting installed on a single-
1736 family or two-family residence on or before August 1, 2017 in the Ogden Valley, and January 1, 2023
1737 in the West-Central Weber area, all nonconforming lighting shall be phased out as outlined in section
1738 Section 108-16-7 of this chapter.
- 1739 (c) ~~Lighting for residential use. Except as may be provided in section 108-16-7, the lighting standards~~
1740 ~~of this chapter are not mandatory for a single-family, two-family, or three-family dwelling in existence~~
1741 ~~or approved on or before August 1, 2017. The county shall employ educational methods and incentives~~
1742 ~~to encourage voluntary compliance for these residential uses.~~
- 1743 (c) **Exemptions.** Exemptions from the applicability of this chapter, or certain parts herein, can be found in
1744 Section 108-16-5.
- 1745 (d) **Conflict.** Should this chapter be found to be in conflict with other sections of this code, the more
1746 restrictive shall apply.

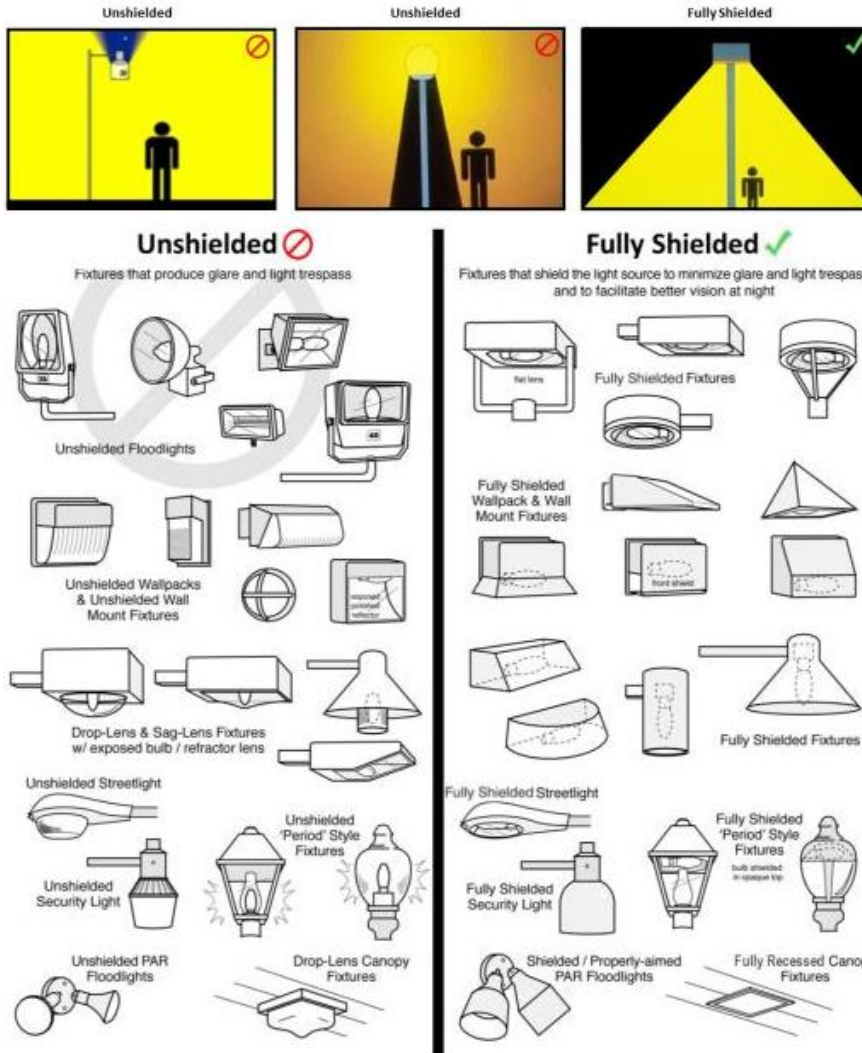
1747 **Sec 108-16-3 General Standards**

1748 (a) **Light shielding and direction.** Unless specifically exempted in section 108-16-5, all outdoor lighting
1749 shall be fully shielded and downward directed in compliance with the following, ~~examples of which are~~
1750 ~~graphically depicted in section 108-16-10:~~

- 1751 (1) **No upward light.** No artificial light source shall project direct artificial light into the nighttime sky.
1752 Examples of unshielded and shielded light sources:

Commented [E75]: The new language in (b) above makes this paragraph unnecessary.

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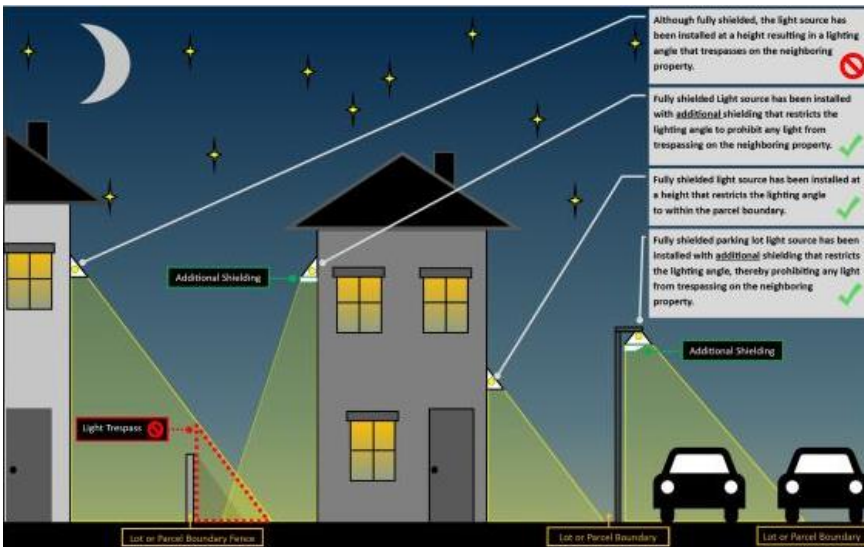
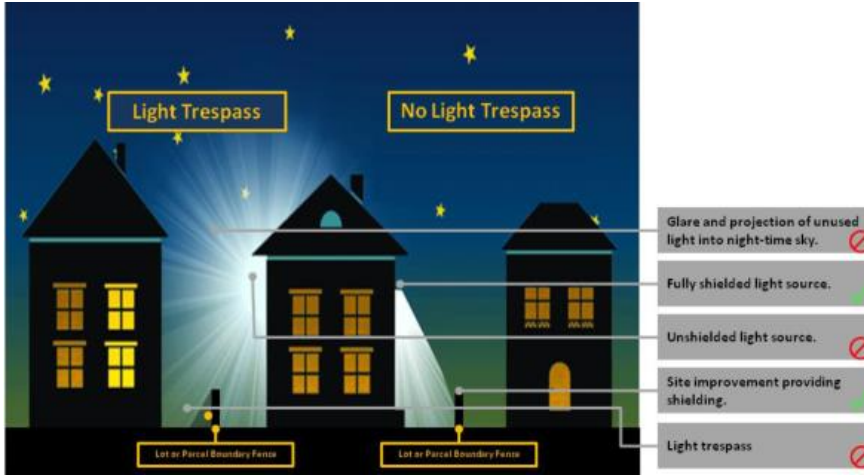
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(4)(2) Location, angle, and height. No artificial light source shall be placed at a location, angle, or height that creates a light trespass, as defined in section 101-24-7 and graphically depicted in section 108-16-11. To ensure light does not trespass on neighboring property, light fixtures that comply with the shielding provisions of this section may also require additional or extended shielding elements to further mitigate its angle of light travel to ensure the direct artificial light source does not trespass on neighboring property. This concept is graphically depicted in section 108-16-11. Example of light trespass a light trespass mitigation:



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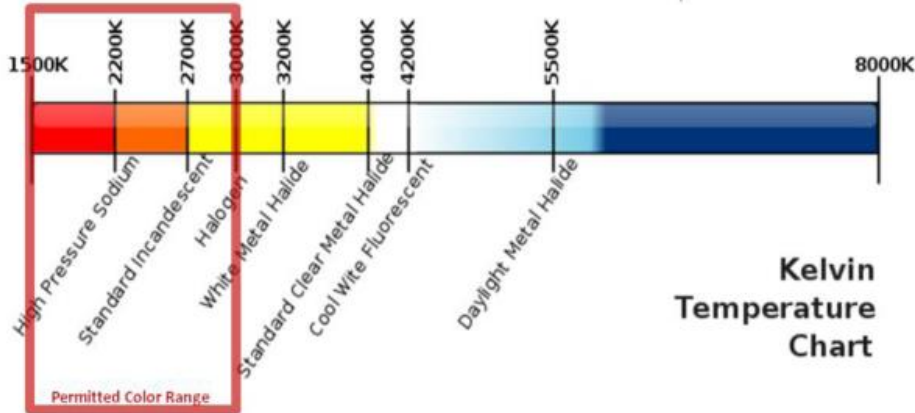
~~(2)~~(3) **Shielding material.** The shielding shall be made of completely opaque material such that light escapes only through the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or allows light to escape through it in any other manner is not permitted.

~~(3)~~(4) **Shielding mechanism.** Shielding may be attained by light fixture design, building design, or other site design features such as fencing, walls, landscaping, or other screening, provided it is in strict compliance with subsections (a)(1) through (3) of this section.

~~(4)~~(1) ~~To ensure light does not trespass on neighboring property, light fixtures that comply with the shielding provisions of this section may also require additional or extended shielding elements to further mitigate its angle of light travel to ensure the direct artificial light source does not trespass on neighboring property. This concept is graphically depicted in section 108-16-14.~~

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1774 (b) **Light color.** Unless otherwise specified in this chapter, the color of any outdoor artificial light source
1775 shall be equal to or less than 3000K, in accordance with the standard Kelvin temperature chart, as
1776 graphically depicted [as follows](#): ~~in section 108-16-12.~~



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1778 **Sec 108-16-4 Specific Standards**

1779 In addition to the general standards of [section-Section 108-16-3](#), the following are specific standards that
1780 apply to all commercial, industrial, manufacturing, public and quasi-public, institutional, recreation, and
1781 resort uses, and [three-family, four-family, and](#) multiple-family dwellings as defined in Section 101-[24-7](#):

1782 (a) **Light curfew.** Unless exempt in [section-Section 108-16-5](#), outdoor lighting shall be turned off by 10:00
1783 p.m., or, if applicable, within one hour after the close of business, whichever is later, except the
1784 following, so long as they are activated by a motion sensor controller that is set to extinguish the light
1785 source within two minutes after the last detection of motion:

- 1786 (1) Lighting to illuminate the building's point of entry only;
1787 (2) Safety lighting of parking lots and pedestrian areas;
1788 (3) Limited lighting that is absolutely necessary for after-hours business.

1789 (b) **Flashing or flickering light.** No flickering or flashing lights shall be permitted.

1790 (c) **Canopy lighting.** All direct artificial light sources shall be sufficiently recessed so as not to project
1791 direct light greater than five feet from the outside perimeter of the canopy, and shall not produce more
1792 than a ratio of eight lumens per square foot of canopy area. This ratio shall be calculated by combining
1793 the total lumen output of each artificial light source and dividing by the square footage of the canopy.
1794 [See section 108-16-13 for a graphic depiction. Example of canopy lighting and calculation:](#)



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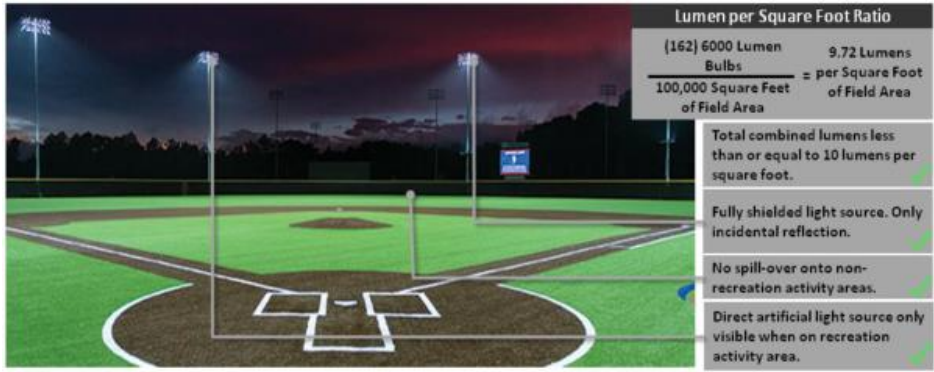
- (d) **Parking lot lighting.** All artificial light sources in open-air parking lots shall not exceed a ratio of two lumens per square foot of parking lot area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the parking lot area. See section 108-16-14 for a graphic depiction. [Example of parking lot lighting and calculation:](#)



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- (e) **Recreation facility lighting.** Recreation facility lighting, as defined in section 101-24-7, shall comply with the following:
- (1) The lighting for the recreation activity area shall only be directed onto the area where the recreation activities are occurring. It shall not be allowed to illuminate surfaces that are not essential to the function of the recreation activity.
 - (2) The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the recreation activity area. [See section 108-16-15 for a graphic depiction.](#)
 - (3) The recreation activity area shall be lit only when it is in use.
 - (4) The light color standard of 108-16-3 does not apply to lighting for the recreation activity area.
 - (4)(5) [Example of recreation facility lighting and calculation:](#)

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- (f) **Sign lighting.** Sign lighting shall comply with the requirements of 110-2-12.
- Sec 108-16-5 Exemptions**
- The following artificial light sources are exempt from the requirements of this chapter:
- (a) **Agricultural lighting.** Lighting for agricultural uses;
 - (b) **Federal and state flag lighting.** The outdoor lighting of a United States or State of Utah official flag, provided it is in compliance with the following:
 - (1) The light shall be downward directed from the top of the flag pole;
 - (2) The light shall be as narrow a beam as possible and aimed and shielded to illuminate, to the best effort practicable, only the area which the flag occupies in all wind conditions; and
 - (3) The light level shall be minimized to create the least amount of impact on the dark sky, while still offering noticeable illumination of the flag;
 - (c) **Federal and state facilities lighting.** Federal and state facilities are exempt from the requirements of this chapter. However, they are encouraged to cooperate and to coordinate with the county during the construction of their facilities to be in compliance with this chapter;
 - (d) **Fossil fuel lighting.** Fossil fuel light, produced directly by the combustion of natural gas or other utility-type fossil fuels;
 - (e) **Holiday or festive lighting.** Holiday or festive outdoor lighting for residential uses, provided it is in compliance with the following:
 - (1) That the lighting shall not create a hazard or glare nuisance; and
 - (2) That the lighting shall be temporary in nature and not permanently installed. It shall be removed within a reasonable time after the end of the holiday or festive event, but at least once per year;
 - (f) **Low output light source.** An artificial light source having an output equal to or less than 105 lumens, provided that the cumulative lumen output of all low output light sources shall not exceed a ratio of one and one-half lumens per square foot of cumulative area intended to be illuminated.
 - (1) This ratio shall be calculated by combining the total lumen output of each low output light source divided by the square footage of the area intended to be illuminated.
 - (2) The low output light sources shall be distributed across the area intended to be illuminated and not organized in a focused location.
 - (3) Low output light sources are exempt from the requirements of this chapter so long as they comply with the definition and use outlined in this section, except that a low output light source may not be integrated into a new or replacement outdoor light fixture that is either:
 - a. rated to produce a lighting output that exceeds 105 lumens; or

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- 1845 b. does not conform to the shielding requirements of section 108-16-3(a);
- 1846 ~~(f)~~~~(g)~~ **Mobile lighting.** Lighting affixed to a vehicle, provided the lighting is not intended for the stationary
1847 illumination of an area;
- 1848 ~~(e)~~~~(h)~~ **Motion sensor controlled light source with an integrated camera system.** A motion controlled
1849 artificial light source with an integrated camera system, provided it is in compliance with the following:
- 1850 (1) The light output is equal to or less than 1,800 lumens;
- 1851 (2) The color temperature of the light source does not exceed 5,000 degrees kelvin;
- 1852 (3) The motion sensor is set to turn the artificial light source off two minutes after the last detection of
1853 motion;
- 1854 (4) Lighting shall not be triggered by any activity outside the property boundary; and
- 1855 (5) The artificial light source is sufficiently shielded in a manner that prevents light trespass;
- 1856 ~~(h)~~~~(i)~~ **Safety or security lighting.** For the sole purpose of mitigating legitimate and verifiable safety or
1857 security hazards, the land use authority may exempt an artificial light source if it is shown to be
1858 necessary. The land use authority may apply reasonable conditions to ensure optimal compliance with
1859 the purpose and intent of this chapter. Evidence demonstrating that it is necessary shall be one or both
1860 of the following:
- 1861 (1) Submitted proof of lighting requirements from a property insurance company that demonstrates
1862 that compliance with this chapter will render the property uninsurable. The minimum amount of
1863 lighting required by the property insurance company shall be considered the maximum for the
1864 purposes of this chapter; or
- 1865 (2) Submitted reasonable research findings, from a qualified professional, as defined by section 101-
1866 ~~24-7~~, that offer a compelling argument for the need for the exemption. However, if the land use
1867 authority is aware of other research findings that refute what is submitted, then the land use
1868 authority must determine which research findings are more persuasive under the circumstances. If
1869 the land use authority grants the exemption, then the minimum amount of lighting necessary to
1870 ensure appropriate safety or security, as recommended by the qualified professional, shall be
1871 considered the maximum for the purposes of this chapter;
- 1872 ~~(h)~~~~(j)~~ **Occasional event lighting.** Outdoor lighting intended for an occasional event, such as a wedding,
1873 party, social gathering, or other similar event that occurs on an occasional basis, provided it is in
1874 compliance with the following:
- 1875 (1) Occasional event lighting shall be turned off by 10:30 p.m. and any remaining lighting shall comply
1876 with this chapter; and
- 1877 (2) Occasional events shall not occur more than twice per month;
- 1878 ~~(h)~~~~(k)~~ **Underwater lighting.** Underwater lighting in a swimming pool or other water feature provided it is
1879 not intended to illuminate features above water;
- 1880 ~~(k)~~~~(l)~~ **Temporary public agency lighting.** Temporary outdoor lighting in use by law enforcement or a
1881 government agency or at their direction;
- 1882 ~~(h)~~~~(m)~~ **Tower lighting.** Tower lighting required by the FAA or the FCC, provided that it shall not exceed
1883 the minimum requirements of those agencies. Collision markers shall have a dual mode for day and
1884 night to minimize impact to the night sky and migrating birds; and
- 1885 ~~(m)~~~~(n)~~ **Traffic control devices.** Traffic control devices and signals.
- 1886 **Sec 108-16-6 Procedures For Compliance**
- 1887 (a) **Applications.** Any application for a permit or approval required by this Land Use Code shall contain
1888 evidence that the proposed work complies with this chapter.
- 1889 (b) **Contents of application or submittal.**
- 1890 (1) In addition to the specific application requirements elsewhere in this Land Use Code, the application
1891 submittal shall contain the following:

- 1892 a. Plans indicating the location of all artificial light sources on the premises, including their height
- 1893 above the ground.
- 1894 b. Description of each artificial light source device, and supporting structure. This description may
- 1895 include, but is not limited to, device specifications from the manufacturer, drawings, details,
- 1896 and cross sections, when available.
- 1897 (2) The required plans and descriptions set forth in subsection (b)(1) of this section shall be complete
- 1898 and shall be presented in a manner that clearly demonstrates compliance with this chapter. The
- 1899 land use authority may require the applicant to submit photometric schematics and attestation from
- 1900 a qualified professional that the submittal complies with this chapter.

Sec 108-16-7 Required Replacement Of Nonconforming Outdoor Lighting

After the effect of this chapter, which is August 1, 2017 in the Ogden Valley Planning Area and January 1, 2023 in the Western Weber Planning Area, all existing outdoor lighting that does not comply with the requirements of this chapter shall be considered nonconforming outdoor lighting. All nonconforming outdoor lighting shall be phased out in accordance with the following schedule: over time as follows:

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- 1906 (a) **Lighting conversion, single and two-family dwellings exception.** Except for outdoor lighting for a
- 1907 single-family or two-family dwelling; or three-family dwelling in existence or approved on or before
- 1908 August 1, 2017 the date specified in this Section 108-16-7, and except for exemptions provided in
- 1909 Section 108-16-5, any nonconforming outdoor artificial light source shall be terminated, replaced, or
- 1910 retrofitted to conform to the requirements of this chapter within ten years after the effect of this chapter.
- 1911 The county shall provide periodic public notice of the effect, of this chapter. The county shall employ
- 1912 educational methods and incentives to encourage voluntary compliance prior to this 10-year period and
- 1913 to assist the public in understanding and complying with this chapter;
- 1914 (b) **Lighting replacement.** The replacement of any nonconforming outdoor artificial light source shall
- 1915 comply with the requirements of this chapter;
- 1916 (c) **Building exterior modification.** When the replacement change of any building's exterior materials
- 1917 exceeds 25 percent of the building's exterior area, excluding roof area, whether by a single modification
- 1918 project or by an accumulation of separate modification projects, all nonconforming outdoor lighting on
- 1919 the premises on or within 25 feet of the building shall be brought into compliance with the requirements
- 1920 of this chapter. This shall not include repainting or re-roofing.
- 1921 (d) **Building expansion.** When a building's expansion exceeds the threshold established in this
- 1922 subsection, whether by a single expansion project or by an accumulation of separate expansion
- 1923 projects, all nonconforming outdoor lighting on the premises on or within 25 feet of the building shall be
- 1924 brought into compliance with the requirements of this chapter. The established threshold of expansion
- 1925 shall be the smaller of the following:
 - 1926 (1) Twenty-five percent of the total area of the building as it exists on August 1, 2017 the date specified
 - 1927 in this Section 108-16-7; or
 - 1928 (2) Two thousand five hundred square feet; and
- 1929 (e) **Site improvements.** When a site improvement which requires a land use permit, conditional use
- 1930 permit, or design review approval, modifies an area that exceeds the threshold established in this
- 1931 subsection, whether by a single modification project or by an accumulation of separate modification
- 1932 projects, all nonconforming outdoor lighting on the premises shall be brought into compliance with the
- 1933 requirements of this chapter. The established threshold of modification shall be the smaller of the
- 1934 following:
 - 1935 (1) Twenty-five percent of the site area; or
 - 1936 (2) Twenty thousand square feet.
- 1937 **Sec 108-16-8 Violations, Enforcement, And Implementation**
- 1938 (a) **Violations.** The following constitute violations of this chapter:
 - 1939 (1) The installation, maintenance, or operation of any outdoor artificial light source not in compliance
 - 1940 with the provisions of this chapter.

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- 1941 (2) The alteration of any outdoor artificial light source after outdoor lighting plan approval without the
1942 review and approval of the land use authority when such alteration does not conform to the
1943 provisions of this chapter.
- 1944 (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in a
1945 manner that does not comply with this chapter.
- 1946 (b) **Enforcement.** Violations of this chapter are subject to enforcement and penalties as outlined in section
1947 102-4-4.
- 1948 (c) **Creation of dark sky committee. In the Ogden Valley.** The county will create an Ogden Valley dark
1949 sky committee to include representatives as follows: one planning division employee, two Ogden Valley
1950 residents at large, two Ogden Valley Business Association members, and one individual from the
1951 Ogden Weber Chamber of Commerce. The committee's purpose shall be to advise the county on dark
1952 sky best practices, implementation strategies, incentive programs, public/private partnerships, and
1953 anything else as the county commission deems necessary.

1954 ~~Sec 108-16-9 Examples Of Direct Artificial Light~~

1955 ~~Sec 108-16-10 Examples Of Unshielded And Shielded Light Sources~~

1956 ~~Sec 108-16-11 Examples of Light Trespass.~~

1957 ~~Sec 108-16-12 Standard Kelvin Temperature Chart~~

1958 ~~Sec 108-16-13 Example Of Canopy Lighting.~~

1959 ~~Sec 108-16-14 Example Of Parking Lot Lighting~~

1960 ~~Sec 108-16-15 Example Of Recreation Facility Lighting~~

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1964 **Chapter 108-17 Ogden Valley Pathways**

1965 **Sec 108-17-1 Purpose And Intent**

1966 The pathway element of the Ogden Valley general plan (Ogden Valley pathways master plan) was
1967 developed to promote, plan and protect non-motorized public pathways in order to maintain and enhance
1968 the Ogden Valley's beauty, pastoral atmosphere, rural lifestyle, outdoor recreational opportunities and
1969 sense of community. The vision is to establish a network of pathways linking all of Ogden Valley and to
1970 enable residents, visitors and their children to travel in safety on foot, bicycle, horseback, skates,
1971 snowshoes or skis, to a wide variety of destinations throughout the valley.

1972 **Sec 108-17-2 General Categories Of Pathways**

1973 Pathways shall be designated for non-motorized use only except as used for law enforcement officers and
1974 other authorized personnel in the course of their duties. There are two general categories of pathways:

- 1975 (a) A valley-wide pathway network as shown in the Ogden Valley pathways master plan, referred to
1976 subsequently as the master pathways map.
- 1977 (b) Pathways to connect individual neighborhoods or subdivisions to the network.

1978 **Sec 108-17-3 Locating Pathways**

1979 (a) Wherever possible, pathways shall be located in corridors that have been or will be preserved as natural
1980 or green space, thus creating a "greenway" and not a standard sidewalk or alley. The master pathways
1981 map is adopted as a guide, and is not intended to define the exact route of every pathway.

1982 (b) Each pathway, as shown on the master pathways map, as well as other pathways which may be
1983 proposed in the future, shall be constructed or designated for public use in one or a combination of the
1984 following locations:

- 1985 (1) On currently existing public rights-of-way.
- 1986 (2) On rights-of-way or easement corridors acquired from willing landowners, who may grant or sell a
1987 portion of their property, an easement, or a license for use.
- 1988 (3) Sidewalks developed as part of a subdivision shall provide access to the pathway network. The
1989 provision of the pathway fulfills what is a county sidewalk requirement.
- 1990 (4) Greenways.

1991 **Sec 108-17-4 Pathway Types And Development Standards**

1992 Pathways in the Ogden Valley will be used by a wide variety of non-motorized user groups; therefore
1993 multiple-use pathways can often provide the greatest benefit to the most users. In some cases, a pathway
1994 suitable for one user group may be unsuitable for another, due to inherent conditions such as surface or
1995 location.

1996 (a) **Pathways; types.**

1997 (1) **Unpaved trails.** Typically located in parks or undeveloped areas, these pathways are suitable for
1998 equestrians, hikers, walkers, joggers, and mountain bikes. They shall be a minimum of four feet in
1999 width, except in the back country, where they shall conform to USDA Forest Service standard trail
2000 specifications for desired and expected user types. Unpaved trails shall be constructed of native
2001 material or surfaced with crushed rock or similar material when necessary to prevent erosion or
2002 mud conditions. Where unpaved trails parallel a roadway trails shall be separated from the roadway
2003 by a barrier open space or landscaping of minimum of ten feet. The typical unpaved trails section
2004 is shown in figure 1.

2005 (2) **Bike paths.** Also called "shared use paths" or "Class I Bikeways," these pathways are suitable for
2006 walkers, joggers, skaters, and others, as well as children and casual bicyclists. Bike paths shall be
2007 paved with asphalt, concrete, or a compacted surface such as roto-mill or crushed rock and shall
2008 be separated from roadways by a minimum ten-foot barrier, open space or landscaping. Certain
2009 trails may be designated as unpaved trails with the agreement/expectation that they will later be
2010 converted to bike paths as funds become available. Bike paths shall be a minimum ten feet in width
2011 and designed to AASHTO (American Association of State Highway Transportation Officials)
2012 standards for shared use paths, as shown in figure 2.

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- a. Bollards or gates may be placed at the entrance to a bike path in order to prevent unauthorized use by motor vehicles. Bollards, when used, shall be placed a minimum of five feet apart, with one bollard on the centerline of the bike path in order to show two-way traffic directions. Approved signs shall be installed to designate the purpose and use of the bike path.
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- (3) **Side paths.** Side paths are designed to run alongside a roadway and are intended primarily for pedestrian use. Side paths shall be paved with concrete, asphalt, road base or crushed rock, with a minimum of five-foot width, and located a minimum of ten feet from the roadway, where feasible. The ten-foot open space shall preserve the naturally occurring vegetation or shall be landscaped with grass or other plants. See figures 3 and 4.
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- (4) **Shared roadways.** Shared roadways are minor or dead-end streets, typically local roads, loop roads and cul-de-sacs which are no more than 800 feet in length and serve no more than 14 dwelling units, where it is safe to walk or bike in the roadway, with no requirement for a separate pathway. Shared roadways are not appropriate for highways, areas of high motor vehicle speeds or commercial areas.
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- (5) **Bike lanes.** Bike lanes are roadway lanes which shall be striped, marked and signed for the use of bicycles and are also known as "Class II Bikeways" designed to AASHTO standards, with a bike lane on each side of the roadway. All county roads in the Ogden Valley with an actual or expected average daily traffic count of 1,000 or more shall, when undergoing reconstruction or alteration over two miles or more, be constructed with bike lanes of a minimum five feet in width, as shown in figure 5. Where terrain precludes a minimum five-foot width, the county shall widen highway shoulders as much as practical.
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- a. The design of grates for stormwater catchbasins is also critical to bicycle safety on all roadways. Grates with parallel bars pose a special danger to bicyclists, whose tires can easily slip between the bars. Other types of grates have been designed that effectively carry away stormwater and are also safe for bicycles. The county shall adopt a "bicycle-safe" grate such as that shown in figure 6.
- 2039
- (6) Because of safety concerns, side paths and sidewalks shall not be designated as bikeways.
- 2040
- (b) **Development.**
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- (1) Pathways shall be required in all subdivisions, although some pathways may be of the shared roadway type described in subsection (a)(4) of this section. The planning commission shall consider the master pathways map and determine whether a pathway corridor should be set aside and what the exact route and width of the corridor should be. Land set aside in this manner shall count toward the provision of open space for clustering and other requirements.
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- (2) Trail heads shall be located so as to minimize impact on the local community and complement the rural setting, while maintaining access to the general public.
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- (3) A proposed local pathway system that is not shown on the master pathways map, but serves a particular development and is designed to tie into the general pathway network, shall also be considered by the planning commission for acceptance.
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- (4) Unpaved trails may be used to link a development to forest service or other recreational land. Analysis shall be made by the developer during the approval process as to which pathway types are most appropriate and their location, with emphasis on safety, aesthetics and design that is tailored to the local topography and conditions.
- 2055
- (c) **Signage and facilities.**
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- (1) Standard and consistent signs shall be used to designate trail heads, pathway uses, directional information, educational information and historical information along the pathways. Signs shall conform to the Ogden Valley sign ordinance which requires the use of natural materials.
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- (2) Vehicle and bicycle parking, restrooms, drinking water, trail information and hitching posts shall be provided at the direction of the planning commission at the time of review and approval process, as not all facilities will be necessary and/or required.
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- (3) Roadway crossing shall be accomplished by means of a signed and "zebra" striped crosswalk for most effective vehicular visibility. Tunnels or bridges may be constructed under/over high-traffic

2064 roads with county commission approval after a recommendation from the planning commission.
2065 Tunnels shall conform to AASHTO standards.

2066 (d) **Utilities.**

2067 (1) Any digging and filling of utility trenches on or along a pathway by utility, construction and
2068 excavation companies shall require restoration of the pathway to its original condition or better.

2069 (2) Utility lines running parallel to the pathway shall be installed under the trail bed in order to minimize
2070 site disturbance. Laterals and lines perpendicular to the pathway shall be located to minimize site
2071 disturbance and removal of significant vegetation. Physical obstructions shall be located away from
2072 the pathway and access points such as manhole covers shall be located flush with the pathway
2073 surface to avoid hazards. A financial guaranty may be required by the board of county
2074 commissioners to ensure pathway restoration.

2075 (3) If a utility line of any significant distance is proposed to be trenched, the planning commission shall
2076 determine whether or not the utility route could reasonably be used for a pathway as described in
2077 this chapter, the general plan or the master pathways map. If it is determined that the utility
2078 easement would be a desirable pathway, the utility company shall, in their restoration of the
2079 contours, restore to a level surface and grade which would be usable as a pathway.

2080 (e) **Maintenance.**

2081 (1) Prior to construction of a pathway, the entity to be responsible for maintenance shall sign a
2082 maintenance agreement to be approved by the county attorney and the county commissioners.
2083 Privately owned pathways, such as one in a gated community, shall be the sole responsibility of
2084 the homeowner's association. Maintenance of a pathway on privately owned land over which a
2085 public easement is granted shall be determined by agreement between the county and the
2086 landowner.

2087 (2) Volunteers from the Ogden Valley chapter of Weber Pathways and from other trail-advocacy
2088 organizations shall monitor the pathway system to report necessary maintenance issues to the
2089 county. In addition, volunteer efforts, by groups such as the Boy Scouts and various trail users,
2090 may be used for simple maintenance tasks. An adopt-a-trail program may be initiated.

2091 (f) **Environmentally sensitive areas.**

2092 (1)

2093 (2) The presence of wildlife is part of the heritage and charm of the Ogden Valley, and the protection
2094 of wildlife habitat and environmentally sensitive areas is an important value to the community. The
2095 state division of wildlife resources (DWR) has identified three types of critical wildlife habitat in the
2096 Ogden Valley area:

- 2097 a. Winter range, primarily for deer and elk, in the Middle Fork-Monastery area.
- 2098 b. The Class I fishery in Ogden Canyon.
- 2099 c. Small areas of wetlands and Class 3 fisheries in the Ogden Valley.

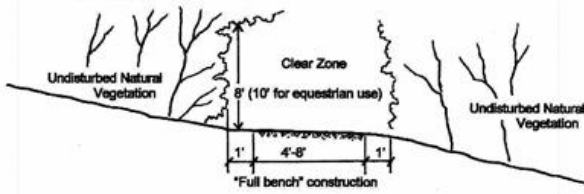
2100 (3) Habitat items 1 and 2 are shown on the master pathway map. Wetlands have not been mapped on
2101 the master pathways map, but along with riparian areas, or the corridors of vegetation along
2102 streambanks, are habitats of great importance to local wildlife. The development of wetlands is
2103 regulated by the U.S. Army Corps of Engineers, and trails along streambanks are regulated by the
2104 state division of water rights.

2105 (4) Impacts of pathways on wildlife can be positive or negative and shall be determined by the planning
2106 commission during the review and approval process. In order to minimize negative effects on critical
2107 habitat, the following shall be considered:

- 2108 a. Pathways on public land in the critical winter range area shall be closed seasonally during such
2109 dates as recommended by the DWR. Locked gates, with signage explaining the importance of
2110 the habitat and the reason for the closure, shall be installed at the trail heads or other
2111 appropriate locations.

- 2112 b. Any pathway near a river or stream shall be constructed so as not to adversely affect the water
- 2113 quality or riparian vegetation of the stream or to impair the natural processes of the stream,
- 2114 such as spring flooding.
- 2115 c. When any pathway is planned for a designated wetland area, the Corps of Engineers shall be
- 2116 contacted for a 404 Permit.
- 2117 d. Pathways shall not be routed through the middle of large undisturbed areas of natural
- 2118 vegetation, but shall be located on the edge of such areas or in places already disturbed by
- 2119 human activities.
- 2120 e. Pathways shall not be routed continuously along stream banks, depriving wildlife of important
- 2121 undisturbed habitat, but shall provide a reasonable number of access points to the stream, so
- 2122 that the public will not be tempted to create unauthorized or "social" trails to reach the water.
- 2123 f. Where appropriate, pathways shall be used to improve habitat through the consolidation of
- 2124 many "social" trails into one well-designed pathway. The "social" trails shall be revegetated
- 2125 with species native to the Ogden Valley or beneficial to wildlife.
- 2126 g. The county leash laws shall be strictly enforced.

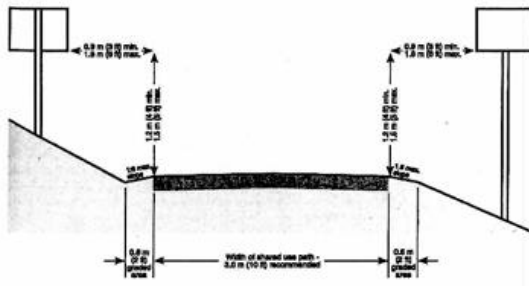
Figure 1. Typical Unpaved Trail Section



*Must be at least 10' wide if planned for later conversion to a bike path. May be less than 4' wide in the back country, but must conform to USDA Forest Service standard trail specifications for desired and expected user types.

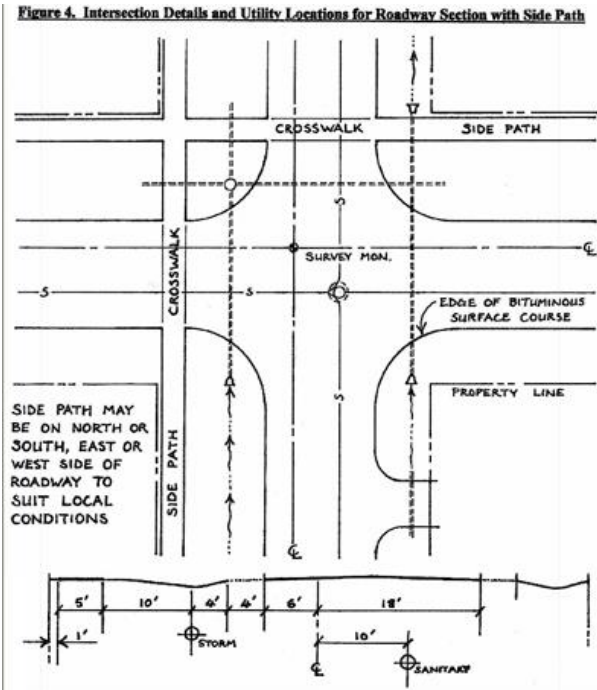
Surfacing, when used, shall be 1"-minus crushed rock, shall consist of no less than 50% clay, and shall be compacted to "hard" condition. Drainage shall be by means of rolling dips rather than waterbars.

Figure 2. Standard Bike Path Section

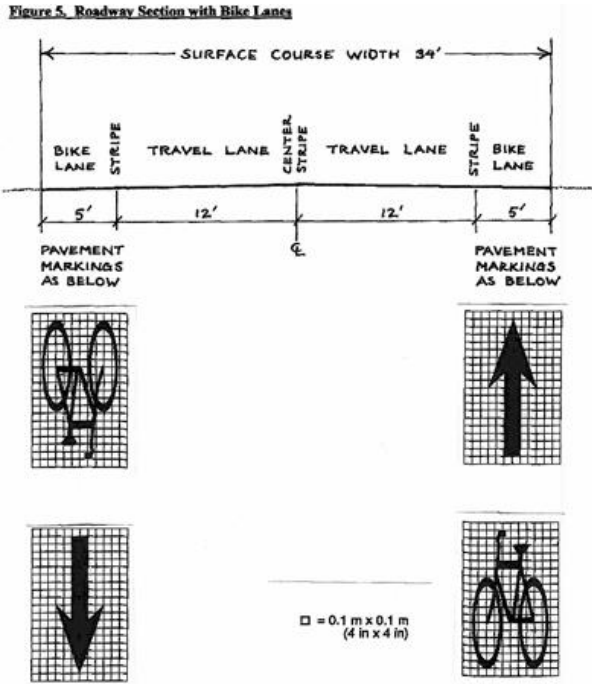


Asphalt paving shall be no less than 3" in thickness, over a sub-base of at least 6" of compacted road base or equivalent.

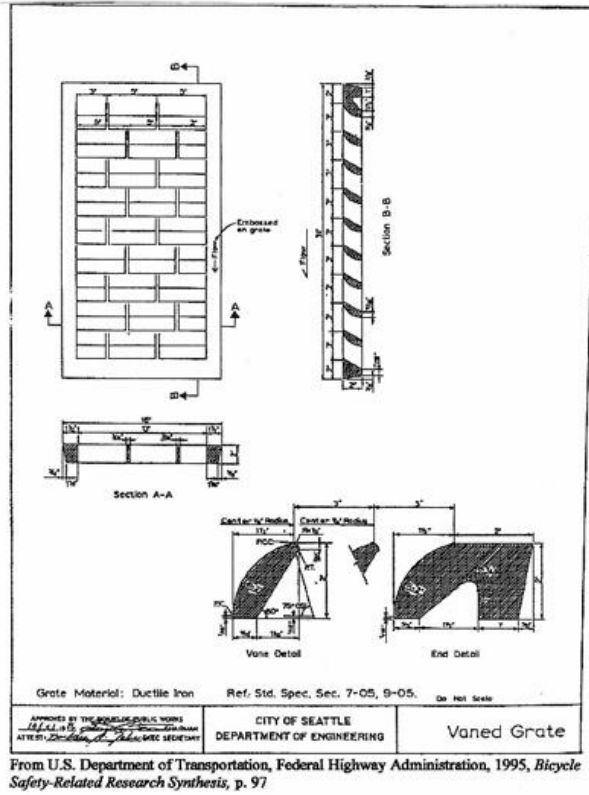
Adapted from AASHTO, 1999, *Guide for the Development of Bicycle Facilities*, p. 35



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Sec 108-17-5 Landowner Relations

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1. Respect for private property rights is an essential aspect of the pathways program. As shown on the master pathways map, the scenarios under which pathways are to be constructed or designated for public use invite the cooperation of private property owners and the expression of their opinions and concerns. Furthermore, whenever a pathway is constructed along a pre-existing corridor formerly used for a different purpose, such as a canal or a power line, any pre-existing rights held by adjacent landowners concerning drainage, ditch maintenance, crossing and access, and other matters will continue to be honored.

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2. Trespassing and liability are of concern to property owners adjacent to trails. While trespassing from pathways, just as trespassing from roadways, cannot be absolutely prevented, signs shall be posted at all trail heads reminding users to respect private property by staying on the trail. Access shall not be allowed or provided from a pathway onto private property without the permission of the landowner. Landowners adjacent to a pathway may, and are encouraged to create their own access paths to connect to the pathway.

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3. The question of liability cannot be solved by the Ogden Valley pathways master plan or by this chapter; however, it should be emphasized that the potential liability incurred by property adjacent to a pathway is no greater than that experienced adjacent to a roadway. Furthermore, the State of Utah has adopted a Limitation of Landowner Liability Public Recreation Act (section 57-14-1 et seq.). This act specifically protects landowners who allow the public onto their property free of charge for recreational purposes.

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TITLE 110 SIGNS

Chapter 110-1 ~~Western-Weber Signs~~(Reserved)

Chapter 110-2 ~~Ogden-Valley Signs~~ Regulations

Sec 110-2-1 Purpose And Intent

The purpose and intent of the sign standards is to provide for reasonable display of all signage ~~in the Ogden Valley~~ to identify and advertise products, services, institutions, events, and business establishments for the information and convenience of the general public. These standards and criteria are designed to protect and promote the public health, safety, and general welfare of persons within the community. The standards are also designed to aid in the orderly development and promotion of business by providing regulations, which encourage aesthetics, effectiveness, and flexibility in the display and use of signs while protecting and enhancing community character in the unincorporated portion of ~~the Ogden Valley in~~ Weber County, ~~as described in the Ogden Valley General Plan.~~

It is the county's policy to regulate signs in a manner that is consistent with the free speech protections and provisions of the United States Constitution and of the Constitution of the State of Utah by enacting regulations which do not restrict speech on the basis of its content, viewpoint or message; and do not favor one form of speech over another.

Sec 110-2-2 Applicability

(a) Permit required. No person shall erect, alter or relocate any sign without first obtaining a land use permit, and meeting the standards set forth in this section. Signs conforming to the requirements of this section which identify seasonal business may be removed for the seasons during which the business is not in operation, and may be reinstalled in the same manner and location without a new permit. All applications for land use permits shall be accompanied by:

(1) Plans, designs, specifications and drawings, stating specifically all dimensions, lighting (see also section 108-16-6), and colors, and

(2) Plans of for installation, stating clearances and setbacks.

~~(a)~~(b) Permit expiration. Land use permit for a sign shall expire six months after issuance if the sign is not erected or altered pursuant to the permit.

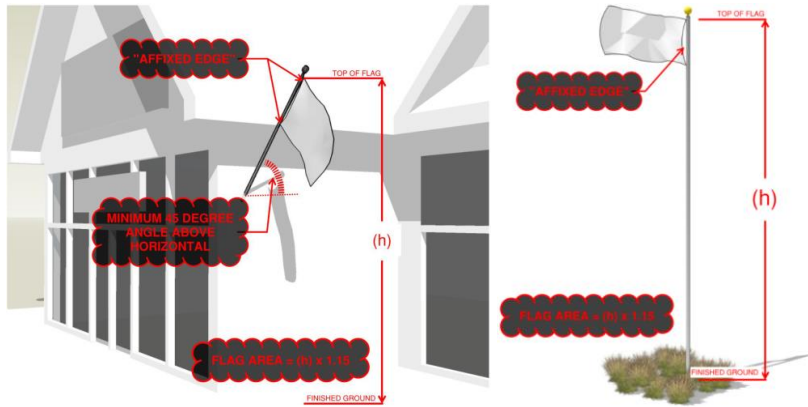
~~(b)~~(c) Exemptions. The following are exemptions from the requirements of this chapter:

(1) Maintenance and repainting. The repainting, changing of parts, and general maintenance of signs located on the site shall not be deemed alterations requiring a permit, except for nonconforming signs as set forth in Section 110-2-4, Nonconforming signs.

(2) Flags. A flag, as defined in Section 101-~~2-1-7,~~ is not a sign provided it complies with the following:

- a. It shall not be mounted on a roof, atop any sign, or higher than the maximum building height allowed in the zone as measured from the top of the flag to the finished ground directly below;
- b. It shall be a rectangle, mounted or affixed on only one edge to a support that angles no less than 45 degrees above the horizontal, except during a government-sponsored half-staff period at which time the affixed edge may be ~~it may be flown~~ full horizontal;
- c. The length of the edge of the flag that is mounted or affixed shall be less than or equal to the length of an intersecting adjacent edge and shall be mounted or affixed in a manner so that it hangs or drapes when no wind is present; and
- d. The area of the flag in square feet shall be no greater than 1.15 times the linear feet of the flag height as measured from the top of the flag to the finished ground directly below.

2197 e. Examples of non-sign flags:



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2200 **Sec 110-2-3 Master Signage Plan**

2201 A master signage plan shall be required to ensure compliance with standards and requirements of this Land
2202 Use Code when multiple signs are allowed and/or multiple tenants, businesses or other entities occupy a
2203 single building or storefront.

2204 (a) *Approval of the master signage plan.* The master signage plan is subject to site plan approval, and
2205 once approved, all individual land use permits shall comply therewith.

2206 (b) *Requirements.* Each master signage plan shall clearly indicate the location, size, illumination details,
2207 type and all dimensions, including height, of each sign on the property, as well as the distribution or
2208 allowed signage among multiple tenants, businesses or entities within a building or complex.

2209 **Sec 110-2-4 Nonconforming Signs**

2210 ~~After the effect of this chapter, which is August 1, 2017, any A sign that was installed in accordance with~~
2211 ~~the laws at the time it was installed, but no longer complies due to subsequent changes to the law, does~~
2212 ~~not comply with the requirements of this chapter~~ shall be considered a nonconforming sign. A
2213 nonconforming sign that is not defined as a billboard under U.C.A. 1953, § 17-27a-103 shall be phased out
2214 in accordance with the following schedule:

2215 (a) *Sign replacement.* The replacement of any nonconforming sign shall comply with the requirements of
2216 this chapter.

2217 (b) *Building exterior modification.* When the replacement of a building's exterior materials exceeds 25
2218 percent of the building's exterior area, excluding roof area, whether by a single modification project or
2219 by an accumulation of separate modification projects, all nonconforming signs on the premises on or
2220 within 25 feet of the building shall be brought into compliance with the requirements of this chapter.
2221 This shall not include repainting or re-roofing.

2222 (c) *Building expansion.* When a building's expansion exceeds the threshold established in this subsection,
2223 whether by a single expansion project or by an accumulation of separate expansion projects on or after
2224 August 1, 2017, all nonconforming signs on the premises on or within 25 feet of the building shall be
2225 brought into compliance with the requirements of this chapter. The established threshold of expansion
2226 shall be the smaller of the following:

2227 (1) Twenty-five percent of the total area of the building ~~as it exists on August 1, 2017~~; or

2228 (2) Two thousand five hundred square feet; and

2229 (d) *Site improvements.* When a site improvement which requires a land use permit, conditional use permit,
2230 or design review approval, modifies an area that exceeds the threshold established in this subsection,
2231 whether by a single modification project or by an accumulation of separate modification projects, all

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nonconforming signs on the premises shall be brought into compliance with the requirements of this chapter. The established threshold of modification shall be the smaller of the following:

- (1) Twenty-five percent of the site area; or
- (2) Twenty thousand square feet.

Sec 110-2-5 Allowable Specific Signs Allowances and Standards, Generally By Zoning District

(a) **Commercial and other non-residential signs.** The following apply for signs in zones that are not primarily residential:

(1) **Wall sign.** ~~Valley Commercial CV-1, CV-2 and the Manufacturing MV-1 Zoning Districts.~~ Each freestanding building is allowed one wall sign per side of building that faces a street.

a. The wall sign shall not exceed five percent of the square footage of the side of the building that faces a street, as measured by multiplying the linear width of the building front by the height of the building.

b. In lieu of one wall sign per side, a building that has multiple units is allowed one wall sign per unit. The sign shall not exceed five percent of the width of the unit multiplied by the height of the unit, regardless of whether the unit faces the street.

c. A canopy or projecting sign with the same size limits may substitute a wall sign, provided the canopy or projecting sign has a minimum vertical clearance of eight feet from any walking surface, and is not project more than four feet from the wall to which is it mounted.

(2) **Ground sign.** Each lot is allowed one ground sign per street frontage.

a. The ground sign for a single-building lot, excluding accessory buildings, shall not exceed eight feet in height and 12 feet in width.

b. The ground sign for a multiple-building lot shall not exceed 14 feet in height and 12 feet in width. A multiple-building lot that has no frontage along a collector or arterial street is allowed one ground sign at the offsite location where the development gains access from the collector or arterial street as long as the sign is within 300 feet of the development.

c. A ground sign may be placed on a landscaped, mounded berm up to two feet from grade.

d. A ground sign shall be setback from any property line or street right-of-way no less than 10 feet unless the lot's main building setback is less as otherwise provided in this Land Use Code, in which case the sign shall be setback in accordance with the main building setback.

(3) **Entrance/exit sign.** Entrance/exit signs are limited to two signs for each approved street access. An entrance exit sign shall:

a. Be no greater than three square feet per side;

b. Be no higher than five feet above the ground at the top of the sign;

c. Be setback at least ten feet from the street right-of-way; and

d. Have content limited to "Entrance" and "Exit."

(4) **Window sign.** A sign displayed in a window is allowed and a land use permit for a sign is not required for them as long as they comply with the following:

a. **Size limit of window sign.** The cumulative sign area for window signage shall occupy no more than 25 percent of the area of the window in which the signage is displayed. A sign necessary to fulfill a governmental regulation or requirement is exempt.

b. **Illumination of window sign.** Despite the provisions of Title 108, Chapter 16, one window sign, measuring no greater than four square feet in area, may be illuminated in a manner visible from outside the building, provided it shall only be illuminated during business hours and only to an illumination level reasonably necessary to communicate the message to the nearest street right-of-way.

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c. Prohibited features of window sign. No window sign or any other sign within a building or structure shall move, flash, blink, rotate, or be animated in any way that is visible from outside the property's boundaries.

d. Example of window signs:



(5) Manual changeable copy signs.

a. Generally. One manual changeable copy sign per business is permitted to be displayed by the following types of businesses. The sign shall not exceed one square foot of sign area per linear foot of building frontage, and may be either a ground or wall sign.

1. Theaters. Motion picture theaters and playhouses.
2. Auditoriums and performing arts facilities.
3. Convention facilities. Businesses with convention facilities.
4. Gasoline stations. Businesses which sell motor fuels at retail cost, dispensed from pumps on premises.
5. Grocery stores.
6. Public, private or charter schools.

b. In the DRR-1 Zone. One reader board or changeable copy sign, not exceeding 16 square feet, is permitted and may be displayed within a resort village area when the village area consists of six or more commercial buildings.

(b) Residential signs. The following apply to signs in zones that are primarily residential:

- (1) Dwellings with less than eight units. One wall sign identifying the name of the owner and/or property, not to exceed six square feet is permitted.
- (2) Dwellings with eight units or more. One wall sign not to exceed 20 square feet in area is permitted.

(c) Signs in all zones. The following apply to signs in all zones.

(1) Conservation property sign. A conservation property sign, as defined in section 101-2, may be erected on any property complying with the minimum provisions of the definition. The sign shall either be a monument sign or a freestanding sign (pole sign) in compliance with the following:

- a. Monument sign. For a monument sign, the width shall be no greater than ten feet and the height shall be no greater than eight feet, with a sign face no greater than 24 square feet.
- b. Freestanding sign (pole sign). For a freestanding sign (pole sign), the width shall be no greater than eight feet and the height shall be no greater than ten feet with a sign face no greater than 24 square feet. The sign face shall be mounted between the sign poles, which shall be constructed of timbers that measure at least eight inches by eight inches and extend from the ground to the top of the sign face. The top of the sign face and the bottom of the sign face shall be completely bounded by timbers that have a minimum width of eight inches. When

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placed adjacent to a street with shoulders that slope downward toward the sign base, a freestanding sign may be installed atop a rock or earthen-berm base that is no greater than three feet in height.

c. **Example.** The following images are examples of each:



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- (2) **Gate or arch sign.** A gate or arch sign situated over the primary entry of a lot or parcel of land. The sign shall:
 - a. Have a face that does not exceed 30 square feet;
 - b. Have a vertical clearance of at least 14.5 feet from the driving surface and a total height not to exceed 18 feet;
 - c. Have a minimum passable width of 20 feet and a total width not to exceed 30 feet pole to pole.
 - d. If an arch, have an arch depth not to exceed two feet.

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- (3) **Neighborhood entry signs.** Each neighborhood or development may be allowed one ground sign or, if affixed to a retaining wall, wall sign, not to exceed six feet in height and 40 feet in width. The sign may be placed on a landscaped, mounded berm up to two feet from grade.

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(d) **Exempt signs.** The following apply to signs in all zones and these signs are exempt from the sign material standards of Section 110-2-12(a)

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- (1) **Addressing numbers.** Addressing numbers shall be no more than 12 inches in height. An addressing number sign is also exempt section 110-2-12(b)(8).
- (2) **Athletic field scoreboard signs.** An athletic field scoreboard sign shall not exceed 120 square feet in any zone. An athletic field scoreboard sign is also exempt from section 110-2-12(b)(3).
- (3) **Business signs.** No more than one "Open/Closed" and one "Vacancy/No Vacancy" sign, one "Hours of Operation" sign, and one "Credit Card Acceptance" sign, not to exceed a total of four square feet in area, displayed for each business.

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- (4) **Grand opening signs.** On a one-time basis, a business establishment shall be permitted one banner not to exceed 12 square feet, to be displayed for a period of not more than 30 days.

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- (5) **Guidance signs.** Guidance and other informational signs authorized by the Utah Department of Transportation or other governmental agency. A guidance sign is exempt from all of the standards of section 110-2-12.

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- (6) **Historical signs.** Historical name signs for sites and/or structures recognized by the Board of County Commissioners or the Weber County Heritage Foundation as having historical significance to the county.

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- (7) **Murals.** Murals, when depicted on the sides or rear of a building or storefront, provided that the mural has no connection or advertising context to any business conducted or any product or service offered therein.

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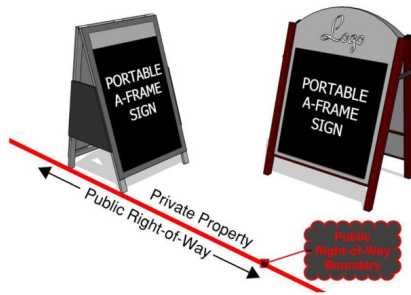
- (8) **Nameplate signs.** Nameplate signs not to exceed four square feet that identify the occupants/owners and/or home occupation of a residential property.

Commented [E80]: Working on a separate text amendment that affects this. Verify consistency.

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- 2350 (9) **Portable sign.** The only portable signage allowed, excluding temporary signs regulated by 110-2-
2351 11, is an a-frame sign, also known as a sandwich board sign, in compliance with the following:
- 2352 a. **Number, location, and timing for a portable sign.** One portable sign per commercial
2353 business is permitted on site. Up to two offsite portable signs are permitted per commercial
2354 business, provided compliance with the following:
- 2355 1. The commercial business shall have a physical location within the specific planning area
2356 and a valid business license;
 - 2357 2. The portable sign shall be located outside any public street right-of-way;
 - 2358 3. The portable sign shall be located no closer than ten feet from any other portable sign;
 - 2359 4. If located outside a commercial, manufacturing, or resort zone, the portable sign shall only
2360 be located adjacent to a collector or arterial street right-of-way;
 - 2361 5. The business shall receive landowner permission for the specific location of the portable
2362 sign;
 - 2363 6. The portable sign shall be properly placed and anchored to the ground in a manner that
2364 keeps it in place, upright, and level; and
 - 2365 7. The portable sign shall only be on display during the hours of operation of the business.
- 2366 b. **Standards for a portable sign.** The maximum sign area shall be nine square feet with a width
2367 and height when folded of no greater than three feet each. Both sides of the sign shall have a
2368 four-sided frame of natural, stained, rustic, or antiqued-painted wood or similarly appearing
2369 faux wood, or natural antiqued metal; and the same applies to the sign supports. The sign
2370 background shall be at least 50 percent darker than the sign message, as discerned using
2371 industry best practices, and shall only use earth-toned colors that are clearly visible, without
2372 instruments, from the sign location.
- 2373 c. **Permit and expiration.** A land use permit is required for a portable sign pursuant to section
2374 110-2-2. A land use permit for an offsite portable sign shall expire annually at the time the
2375 business license for the commercial business to which it belongs expires or on December 31.
2376 An offsite portable sign shall not be included as a part of a master signage plan.
- 2377 d. **Examples.** The following are examples of allowed portable signs:



- 2378
- 2379 (10) **Private warning signs.** Private warning signs, provided they do not exceed four square feet.
- 2380 (11) **Signs on vehicles.** Signs for business identification which may include name, address, and
2381 telephone number, not to exceed two feet by three feet upon the side door of a vehicle.
- 2382 (12) **Statuary and sculptures.** Freestanding statuary and sculptures which are considered to be works
2383 of art and which are placed on private property clearly for the benefit and interest of the general
2384 public.
- 2385 (13) **Traffic signs.** All signs erected in or adjacent to a public right-of-way by a public agency or in a
2386 private road right-of-way for the purpose of controlling or directing traffic. A traffic sign is exempt
2387 from all of the standards of section 110-2-12.

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~~Wall signs. Each freestanding building or complex of buildings is allowed one wall sign per street frontage which shall not exceed five percent of the square footage of the front of the building (linear footage of the front of the building, multiplied by the height of the building; multiplied by five percent) not including false fronts. If multiple units, each unit to be allowed five percent of width of the unit multiplied by the height.~~

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~~Ground/monument sign. Each freestanding building or complex lothaving primary or secondary entry from a street, shall be allowed one ground sign per street frontage.~~

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~~The ground sign for a single building lot, excluding accessory buildings, shall not to exceed eight feet in height and 12 feet in width.~~

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~~The ground sign for a multiple building lot shall not exceed 14 feet in height and 12 feet in width. A multiple building lot that has no frontage along a collector or arterial street is allowed one ground sign at the offsite location where the development gains access from the collector or arterial street as long as the sign is within 300 feet of the development.~~

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~~The A ground sign may be placed on a landscaped, mounded berm up to two feet from grade.~~

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Each individual building within the project area may have a ground monument sign and shall meet the requirements of this chapter, with the signs being approved as part of the master signage plan.

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~~Entrance ground sign. One entrance ground sign on a multiple building/tenant project may have a maximum sign height of 14 feet and a maximum width of 12 feet. This sign replaces the ground monument sign allowance that is allowed for one of the buildings in a multiple building/tenant project. The entrance ground sign shall be approved as part of the master signage plan.~~

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~~Conditional use. Land-locked offsite entrance ground sign. As a conditional use, cA commercial or manufacturing developments of multiple lots that are developed on an interior section of ground with lots having has no frontage along major roads a (collector or arterial street) will be allowed an one entrance ground sign meeting the requirements of this chapter, at the offsite location where the development gains access from the local roads intersect the major collector or arterial roadstreet, which lead directly to the development as long as it is within 500 feet of the development. The entrance ground sign will announce the businesses within the development. Hotels/motels will be allowed "Vacancy/No Vacancy" on this sign.~~

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Commercial Valley Resort Recreation Zone (CVR-1), Agricultural Valley (AV-3), Forest Valley (FV-3), FR-1, FR-3, F-5, F-10, and F-40.

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Nonresidential uses:

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~~Wall signs. Each freestanding building or complex of buildings is allowed one wall sign per street frontage which shall not exceed five percent of the square footage of the front of the building (linear footage of the front of the building, multiplied by the height of the building; multiplied by five percent) not including false fronts. If multiple units, each unit to be allowed five percent of width of the unit multiplied by the height.~~

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~~Ground/monument sign.~~

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~~Each freestanding building or complex having primary or secondary entry from a street, shall be allowed one ground sign per frontage, not to exceed eight feet in height and 12 feet in width. The sign may be placed on a landscaped, mounded berm up to two feet from grade.~~

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~~One entrance ground sign on a multiple building project may have a maximum sign height of 14 feet and a maximum width of 12 feet. This sign replaces the ground monument sign allowance for one of the buildings in a multiple building/tenant project. The entrance ground sign shall be approved as part of the master signage plan.~~

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~~Entrance ground sign. One entrance ground sign on a multiple building project may have a maximum sign height of 14 feet and a maximum width of 12 feet. This sign replaces the ground~~

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2437 monument sign allowance that is allowed for one of the buildings in a multiple building/tenant
2438 project. The entrance ground sign shall be approved as part of the master signage plan.

2439 *Residential uses.*

2440 Single-family and residential units of less than eight units. One wall sign identifying the name of the
2441 owner and/or property, not to exceed six square feet is permitted.

2442 Multifamily residential uses of eight units or more. One wall sign not to exceed 20 square feet in
2443 area is permitted.

2444 Subdivision entry signs (monument sign). Each subdivision may be allowed one monument sign,
2445 not to exceed six feet in height and ten feet in width. The sign may be placed on a landscaped,
2446 mounded berm up to two feet from grade.

2447 *Destination and recreation resort zone.*

2448 *Nonresidential uses.*

2449 *Wall signs.* Each freestanding building or complex of buildings is allowed one wall sign per street
2450 frontage which shall not exceed five percent of the square footage of the front of the building (linear
2451 footage of the front of the building, multiplied by the height of the building; multiplied by five percent)
2452 not including false fronts. If multiple units, each unit to be allowed five percent of width of the unit
2453 multiplied by the height.

2454 *Ground/monument sign.* Each freestanding building or complex having primary or secondary entry
2455 from a street, shall be allowed one ground sign per frontage, not to exceed six feet in height and
2456 ten feet in width. The sign may be placed on a landscaped, mounded berm up to two feet from
2457 finished grade. The planning commission may approve up to two ground/monument signs at each
2458 main resort entrance/portal when presented as part of a master signage plan as described in
2459 section 110-2-3.

2460 *Portable signs.* A frame or sandwich signs not exceeding nine square feet may be placed outside
2461 of a particular subdivision, project or event site; however, the sign must remain within the resort
2462 boundary.

2463 *Banners not to exceed 21 square feet each.* Each sign shall be safely secured to a permanent
2464 fixture and extend no closer than eight feet to the ground.

2465 *Changeable copy signs.* Manual signs only meeting the requirements as listed in section 110-2-
2466 10(b) (Special purpose signs—destination and recreation resort manual changeable copy signs).

2467 *Residential uses.*

2468 Single-family and residential units of less than eight units. One wall sign identifying the name of the
2469 owner and/or property, not to exceed six square feet is permitted.

2470 Multifamily residential uses of eight units or more. One wall sign not to exceed 20 square feet in
2471 area is permitted.

2472 Subdivision entry signs (monument sign). Each subdivision may be allowed one monument sign,
2473 not to exceed six feet in height and ten feet in width. The sign may be placed on a landscaped,
2474 mounded berm up to two feet from grade.

2475 (1) *Sign plan.* Within any Ogden Valley recreation and resort zone, at elevations of at least 6,200 feet
2476 above sea level, where a master plan has been approved by the planning commission, the planning
2477 commission may modify any provision of this chapter by approving a sign plan created by the
2478 developer (as defined in the applicable zoning development agreement) if the planning commission
2479 determines that the plan is consistent with the approved master plan.

2480 **Sec 110-2-6 (Reserved) Optional And Alternative Signs**

2481 1. ~~Canopy signs.~~ Canopy signs may be substituted for wall signs, subject to approval of the master
2482 signage plan. Any approved canopy sign shall have a minimum vertical clearance of eight feet from
2483 any walking surface.

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- ~~2. **Projecting signs.** Projecting signs that are perpendicular to a building may be substituted for wall signs, subject to approval of the master signage plan. No sign face of a projecting sign may project more than four feet from the wall to which it is mounted. Any projecting sign shall have a minimum vertical clearance of eight feet from any walking surface.~~
- ~~3. **Entrance/exit signs.** Entrance/exit signs are limited to two signs for each approved driveway opening for commercial uses and multi-tenant dwellings, and shall be limited to a maximum of three square feet per side, and shall be no higher than five feet above the ground at the top of the sign. Setbacks shall be ten feet from right-of-way. Content is limited to "Entrance" and "Exit."~~

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Sec 110-2-7 (Reserved) Window Signs

Signs displayed in windows of buildings or storefronts are allowed in all zoning districts. A land use permit for a sign is not required for their display, provided they comply with the following:

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- 1. ~~**Size limit of window sign.** The cumulative sign area for window signage shall occupy no more than 25 percent of the area of the window in which the signage is displayed. Signage necessary to fulfill a governmental regulation or requirement is exempt.~~
- 2. ~~**Illumination of window sign.** Despite the provisions of Title 108, Chapter 16, one window sign, measuring no greater than four square feet in area, may be illuminated in a manner visible from outside the building, provided it shall only be illuminated during business hours and only to an illumination level reasonably necessary to communicate the message to the nearest street right-of-way.~~
- 3. ~~**Prohibited features of window sign.** No window sign or any other sign within a building or structure shall move, flash, blink, rotate, or be animated in any way that is visible from outside the property's boundaries.~~
- 4. ~~**Example of window signs:**~~



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Sec 110-2-8 Prohibited Signs And Sign Devices

All signs not specifically listed as allowed are prohibited, including:

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- 1. ~~**Moving signs.** Animated, flashing, blinking, fluttering, undulating, swinging, changing, rotating or otherwise moving signs, pennants, tethered "party or weather-type" balloons, holograms, light beams, lasers or other like decorations and including moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.~~
- 2. ~~**Moving appurtenances.** Moving mechanical or electrical appurtenances attached to a sign or otherwise intended to attract attention to a sign.~~
- 3. ~~**Rotating beacon lights.**~~
- 4. ~~**Inflatable advertising devices or signs.** (Does not refer to passenger type hot air balloons being used for passenger flight.)~~
- 5. ~~**Flags.** Flags not exempted in section 110-2-2.~~
- 6. ~~**Banners.** Banners, unless specifically provided otherwise in this chapter.~~

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2521 ~~7.5. Changeable copy signs. Electronic changeable copy signs, except as permitted for traffic signs as~~
2522 ~~provided in Section 110-2-5(d) in section 110-2-9(b)(13). Manual changeable copy signs except as~~
2523 ~~permitted in section 110-2-10.~~

Commented [E88]: Change this to allow electronic signs in western weber as long as it is shielded from above.

2524 ~~8.6. Off-site signs. Unless otherwise specified in this Land Use Code, A~~ all off-site, off-premises and
2525 directional signs which advertise businesses, establishments, activities, facilities, goods, products,
2526 or services not made, produced, sold or present on the premises or site where the sign is installed
2527 and maintained are prohibited, ~~except as exempted in section 110-2-9, Other signs.~~
2528 ~~Notwithstanding the foregoing, where access to a parcel is via an adjacent parcel, signs may be~~
2529 ~~located on such adjacent parcel.~~

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2530 ~~9.7. Signs on motor vehicles, except for student driver signs.~~ Vehicle signs may be allowed on vehicles,
2531 but they may not be illuminated or parked on a long-term basis to be used as a sign for the purpose
2532 of advertising a product or directing people to a business activity ~~as listed in section 110-2-9, Other~~
2533 ~~signs.~~

2534 ~~10.8. Luminous tube signs. Unless otherwise specified in this Land Use Code, E~~ external gas
2535 filled luminous tubes, such as neon, argon or fluorescent, signs or valances, unless inside a building
2536 or in a window and not to exceed four square feet in area, ~~except as listed in section 110-2-12,~~
2537 ~~Sign materials and display standards,~~ and may not flash or blink.

2538 ~~11.9. Other temporary signs. Unless otherwise specified in this Land Use Code,~~ Any other device
2539 in the form of a sign, which is of a temporary nature, or mobile, and not permanently affixed to a
2540 building or an upright support affixed firmly to the ground, ~~except as permitted in section 110-2-11,~~
2541 ~~Temporary sign usage.~~

2542 ~~12.10. Roof signs.~~ Signs mounted on a roof or atop a parapet wall.

2543 ~~13.11. Billboards.~~

2544 ~~14.12. Pole signs.~~ Except one pole sign per public, private, and charter school, consisting of not
2545 more than a six-foot tall by ten-foot wide changeable reader board sign, located not less than ten
2546 feet and not more than 15 feet above the sidewalk, may be permitted.

2547 ~~15.13. Public property signs.~~ It shall be unlawful for any person to fasten or attach, paint or place
2548 any sign, handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise
2549 or to cause the same to be done in or upon the curbstone, lamp post, telephone pole, electric light
2550 or power pole, hydrant, bridge or tree, or in or upon any portion of any sidewalk or street. It shall
2551 be unlawful to paste, place, paint or attach any sign defined in this chapter on any building, street
2552 or property of the county. No sign shall be erected on or project over public property, except as
2553 permitted in section 110-2-9, other signs, and section 110-2-11, temporary sign usage.

Sec 110-2-9 Other Allowed Signs

The following signs are allowed in all zoning districts in the Ogden Valley of Weber County:

(1) ~~Conservation property sign.~~ A conservation property sign, as defined in section 101-21-7, may be
erected on any property complying with the minimum provisions of the definition. The sign shall
either be a monument sign or a freestanding sign (pole sign) in compliance with the following:

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a. ~~Monument sign.~~ For a monument sign, the width shall be no greater than ten feet and the height
shall be no greater than eight feet, with a sign face no greater than 24 square feet.

b. ~~Freestanding sign (pole sign).~~ For a freestanding sign (pole sign), the width shall be no greater
than eight feet and the height shall be no greater than ten feet with a sign face no greater than
24 square feet. The sign face shall be mounted between the sign poles, which shall be
constructed of timbers that measure at least eight inches by eight inches and extend from the
ground to the top of the sign face. The top of the sign face and the bottom of the sign face shall
be completely bounded by timbers that have a minimum vertical height of eight inches. When
placed adjacent to a street with shoulders that slope downward toward the sign base, a
freestanding sign may be installed atop a rock or earthen berm base that is no greater than
three feet in height.

c. ~~Example.~~ The following images are examples of each:



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~~(2) Gate or arch sign. A gate or arch sign situated over the primary entry of a lot or parcel of land, provided that the sign face does not exceed 30 square feet and that the sign provides a vertical clearance of at least 14.5 feet from the driving surface, not to exceed 18 feet in height and a minimum passable width of 20 feet, not to exceed 30 feet pole to pole. Depth of the arch shall not exceed two feet. A land use permit, to verify compliance with applicable standards, and a building permit to verify proper installation of footings and to ensure wind tolerance, is required.~~

~~(3)(1) Subdivision entry signs. An approved, recorded subdivision may locate one sign at each entrance. The sign shall be a ground or monument sign, and shall meet all specifications/requirements for monument signs in section 110-2-5. In the event the location of the subdivision entry sign is in a zone not governed by section 110-2-5, the dimensions of the sign shall be no greater than allowed in the AV-3 zone. The planning commission shall approve location and design style. A double entry sign may be approved by the planning commission where there is a divided center island entry street.~~

~~(b) The following signs are allowed in all zoning districts in the Ogden Valley of Weber County, and are exempt from the standards of section 110-2-12(a):~~

~~(1) Addressing numbers. Addressing numbers shall be no more than 12 inches in height. An addressing number sign is also exempt section 110-2-12(b)(8).~~

~~(2) Athletic field scoreboard signs. An athletic field scoreboard sign shall not exceed 120 square feet in any zone. An athletic field scoreboard sign is also exempt from section 110-2-12(b)(3).~~

~~(3) Business signs. No more than one "Open/Closed" and one "Vacancy/No Vacancy" sign, one "Hours of Operation" sign, and one "Credit Card Acceptance" sign, not to exceed a total of four square feet in area, displayed for each business.~~

~~(4) Grand opening signs. On a one-time basis, a business establishment shall be permitted one banner not to exceed 12 square feet, to be displayed for a period of not more than 30 days.~~

~~(5) Guidance signs. Guidance and other informational signs authorized by the Utah Department of Transportation or other governmental agency. A guidance sign is exempt from all of the standards of section 110-2-12.~~

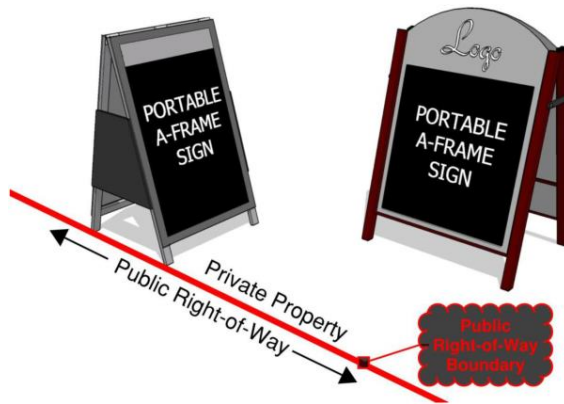
~~(6) Historical signs. Historical name signs for sites and/or structures designated recognized by the Board of County Commissioners or the Weber County Heritage Foundation as having historical significance to the county (and as identified in the Ogden Valley Master Plan).~~

~~(7) Murals. Murals, when depicted on the sides or rear of a building or storefront, provided that the mural has no connection or advertising context to any business conducted or any product or service offered therein.~~

~~(8) Nameplate signs. Nameplate signs not to exceed four square feet that identify the occupants/owners and/or home occupation of a residential property.~~

~~(9) Portable sign. The only portable signage allowed, excluding temporary signs regulated by 110-2-11, is an a-frame sign, also known as a sandwich board sign, in compliance with the following:~~

- 2609 a. ~~Number, location, and timing for a portable sign.~~ One portable sign per commercial business
2610 is permitted on site. Up to two offsite portable signs are permitted per commercial business
2611 offsite, provided the offsite portable signs comply with the following:
- 2612 1. ~~The commercial business shall have a physical location within the Ogden Valley specific~~
2613 ~~planning area, or Huntsville Town, and a valid business license;~~
 - 2614 2. ~~The portable sign shall be located outside any public street right-of-way;~~
 - 2615 3. ~~The portable sign shall be located no closer than ten feet from any other portable sign;~~
 - 2616 4. ~~If located outside a commercial, manufacturing, or resort zone, the portable sign shall only~~
2617 ~~be located adjacent to a collector or arterial street right-of-way;~~
 - 2618 5. ~~The business shall receive landowner permission for the specific location of the portable~~
2619 ~~sign;~~
 - 2620 6. ~~The portable sign shall be properly placed and anchored to the ground in a manner that~~
2621 ~~keeps it in place, upright, and level; and~~
 - 2622 7. ~~The portable sign shall only be on display outside during the hours of operation of the~~
2623 ~~business.~~
- 2624 b. ~~Standards for a portable sign.~~ The maximum sign area shall be nine square feet with a width
2625 and height when folded of no greater than three feet each. Both sides of the sign shall have a
2626 four-sided frame of natural, stained, rustic, or antiqued-painted wood or similarly appearing
2627 faux wood, or natural antiqued metal; and the same applies to the sign supports. The sign
2628 background shall be at least 50 percent darker than the sign message, as discerned using
2629 industry best practices, and shall only use earth-toned colors that are clearly visible, without
2630 instruments, from the sign location.
- 2631 c. ~~Permit and expiration.~~ A land use permit is required for a portable sign pursuant to section 110-
2632 2-2. A land use permit for an offsite portable sign shall expire annually at the time the business
2633 license for the commercial business to which it belongs expires or on December 31. An offsite
2634 portable sign shall not be included as a part of a master signage plan.
- 2635 d. ~~Examples.~~ The following are examples of allowed portable signs:



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- 2637 (10) ~~Private warning signs.~~ Private warning signs, provided they do not exceed four square feet.
- 2638 (11) ~~Signs on vehicles.~~ Signs for business identification which may include name, address, and
2639 telephone number, not to exceed two feet by three feet upon the side door of a vehicle.
- 2640 (12) ~~Statuary and sculptures.~~ Freestanding statuary and sculptures which are considered to be works
2641 of art and which are placed on private property clearly for the benefit and interest of the general
2642 public.

~~(13) Traffic signs. All signs erected in or adjacent to a public right-of-way by a public agency or in a private road right-of-way for the purpose of controlling or directing traffic. A traffic sign is exempt from all of the standards of section 110-2-12.~~

Sec 110-2-10 (Reserved)

~~1. Manual changeable copy signs. One reader board or changeable copy sign per business is permitted to be displayed, at one square foot of sign area per linear foot of building frontage, and may be either ground or wall sign by the following types of businesses:~~

- ~~1. Theaters. Motion picture theaters and playhouses.~~
- ~~2. Auditoriums and performing arts facilities.~~
- ~~3. Convention facilities. Businesses with convention facilities.~~
- ~~4. Gasoline stations. Businesses which sell motor fuels at retail cost, dispensed from pumps on premises.~~
- ~~5. Grocery stores.~~
- ~~6. Public, private or charter schools.~~

~~2. Destination and Recreation Resort Zone manual changeable copy sign. One reader board or changeable copy sign, not exceeding 16 square feet, is permitted and may be displayed within a resort village area when the village area consists of six or more commercial buildings.~~

~~3. Movie poster signs. Motion picture theaters, facilities for performing arts, and retail stores whose primary business is the sale and/or rental of pre-recorded video tape and/or discs to the general public shall be permitted to display a maximum of two poster signs. Movie posters shall be displayed in a display case which shall be permanently affixed to the wall of the building or storefront. Movie posters shall not be affixed directly to a wall as a temporary sign. Movie poster display cases may be lighted as long as they comply with the sign illumination standards found in Section 110-2-12 of this chapter. Movie poster display cases shall not exceed 12 square feet in area. The area of any movie poster sign conforming to this section shall not count toward the total signage allowed by section 110-2-5. Allowable signs by zoning district.~~

Sec 110-2-11 Temporary Signs Usage

Temporary signs shall be permitted in accordance with standards set forth below, unless specified otherwise in this ordinance:

(a) *Setback standards for temporary signs.*

- (1) Temporary signs must be located completely on private property, ~~except as exempted in section 110-2-9, other signs unless specified otherwise in this Land Use Code.~~
- (2) Signs must be placed ten feet behind the sidewalk, including those with grass strips between the street and the sidewalk, except for special event banners and special event directional signs.
- (3) On streets with no sidewalks and where it is not clear where the property line is located, signs must be placed ten feet behind the curb or pavement and not hang into the street; and
- (4) At intersections, they must be placed beyond the site distance triangle as found in ~~Section 108-7-7~~, clear view of intersecting streets.

(b) ~~Temporary s~~*Sign speeches.* Temporary signs in this section shall in no way regulate the content of speech, only the place and manner in which it is permitted.

(c) *Additional standards.* The following table applies to temporary sign use:

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Sec 110-2-12 Sign Materials And Display Standards

(a) *Sign materials.* All materials used to construct signs, supports or fasteners shall conform to the following standards:

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- (1) Signs may be constructed of painted, stained, sandblasted or carved wood, brick, stone, textured concrete or similar material. Glass (including plexi-glass), metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass, wrought iron, and other metals may remain untreated and allowed to develop a natural patina.
 - (2) Support structures may be constructed of painted, stained, sandblasted or carved wood, brick, stone, textured concrete or similar material. Glass, metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass, wrought iron, and other metals may remain untreated and allowed to develop a natural patina. Support structures shall use natural, muted earth-tone colors including browns, black, grays, rusts, etc. In the Ogden Valley, Wwhite shall not be used as a predominant color, but may be used as an accent.
 - (b) *Display standards.* The display of all signs regulated by this Land Use Code shall conform to the standards of this section.
 - (1) *No obstruction permitted.* No sign shall obstruct a clear view to and from traffic along any street right-of-way, entrance or exit. See Section 108-7-XX
 - (2) *No projection within-right-of-way.* ~~No~~ Except when specifically provided otherwise in this Land Use Code, no signs, except traffic signs and similar regulatory notices shall be allowed to project or be located within a public right-of-way.
 - (3) *Illumination.* An illuminated sign, as defined in ~~section-Chapter 101-24-7.~~ shall comply with the requirements of ~~chapter-Chapter 108-16~~ and the following provisions, ~~examples-Examples~~ of which are graphically depicted in ~~section-Section 110-2-15.~~
 - a. *Downward directed light.* Unless otherwise specified ~~in this subsection (b) herein,~~ all exterior lighting of a sign shall be downward directed from the top of the sign, and oriented so as to illuminate only the sign area, as defined in ~~section-Chapter 101-24-7,~~ excluding the supports.
 - b. *Light trespass.* No direct artificial light, as defined in ~~section-Chapter 101-24-7,~~ shall be projected from the sign area or beyond the sign area, including by means of diffusion or refraction through a translucent or transparent surface. However, direct artificial light, excluding diffused or refracted light, for a sign area that does not have a frame or separate background, as in the case of a logo or individual lettering mounted to a wall without a defined sign perimeter, may illuminate or reflect onto a background surface, such as a wall, beyond the exterior perimeter of the sign area, provided that:
 - 1. It shall not exceed six inches beyond the sign area;
 - 2. It shall be shielded so as not to project light onto any other surface.
 - c. *Light level.* Exterior lighting of a sign shall not exceed a ratio of 75 lumens per square foot of sign area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the sign area. See section 110-2-15 for a graphic depiction.
 - d. *Photometric plans.* The land use authority may require the applicant to submit photometric schematics and attestation from a qualified professional that the submittal complies with this chapter.
 - ~~e.~~ *Directional or circulation signs not visible offsite.* Directional or circulation signs that are not visible from any point outside of the property boundary are not subject to the illumination requirements of this subsection (b) or the outdoor lighting requirements of Chapter 108-16. An applicant wishing to install such an exempt illuminated directional or circulation sign shall have the burden of proof by communicating the proposed sign height, location, and visibility from any point outside of the property boundaries through the submission of an outdoor lighting plan to the land use authority. Directional or circulation signs claiming exemption from the illumination requirements of this chapter or Chapter 108-16 shall not allow their illumination to extend past the horizontal plain of the upper sign boundary into the night sky.
 - (4) *Wall signs mounted on parapets.* A wall sign mounted on a parapet wall shall be mounted six inches or more below the top of the parapet wall.

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2738 (5) *No imitation of traffic signs.* Signs shall not resemble, imitate or approximate the shape, size, form
2739 or color of traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness
2740 of traffic signs, signals or devices, not be lighted in a way that can cause glare or impair driver
2741 visibility upon roads.

2742 (6) *No prevention of ingress/egress.* Signs shall not be erected, relocated or maintained in such a way
2743 that prevents free ingress or egress from any door, window or fire escape, and no sign shall be
2744 attached to a standpipe or fire escape.

2745 (7) *No mounting on natural features.* No signs shall be painted or mounted on trees. No naturally
2746 occurring land-form or naturally occurring land feature (rocks, cliff faces, etc.) shall be defaced for
2747 purposes of displaying a sign.

2748 ~~(8) *Clearance.* The clearance of a projecting, canopy or wall sign shall be measured from the lowest~~
2749 ~~edge of the overhang eight feet to the driving or walking surface below.~~

2750 ~~(9) *Sign setbacks.*~~

2751 ~~a. *Monument and/or ground signs.* Any monument sign or ground sign shall be set back a~~
2752 ~~minimum of ten feet from any property line. Signs fronting on state highways shall be set back~~
2753 ~~ten feet from the right-of-way.~~

2754 ~~b. *Projections into public right-of-way.* Projections into the public right-of-way are not allowed,~~
2755 ~~except for signs set by public agencies for safety purposes, such as the state department of~~
2756 ~~transportation.~~

2757 ~~c. *Clear view triangle.* Signs shall not be placed within the clear view triangle as defined in title~~
2758 ~~108, chapter 7 of the Weber County Land Use Code.~~

2759 ~~(10)~~(8) *Landscaping.* The ground area around the base of all ground/monument signs shall be
2760 landscaped in accordance with the requirements of applicable chapters of the Weber County Land
2761 Use Code. The planning commission may exempt some monument/ground signs from this
2762 standard where it is demonstrated, by the owner/developer, that the landscaping would unduly
2763 interfere with pedestrian or vehicular traffic, interfere with traffic visibility or for other reasons be
2764 impractical.

2765 ~~(11)~~(9) *No street frontage.* When a freestanding building, complex or storefront does not face a
2766 public street or approved private road, and is accessed via a pedestrian area or common parking
2767 and driveway area, the linear footage of building or storefront facing the pedestrian area or common
2768 parking area shall substitute for purposes of determining allowable signage.

2769 ~~(12)~~(10) *Sign area.* The area of a sign shall be measured as provided in the definition of "sign area"
2770 as provided in section 101-24-7.

2771 ~~(13) *Directional or circulation signs not visible offsite.* Directional or circulation signs that are not visible~~
2772 ~~from any point outside of the property boundary are not subject to the illumination requirements of~~
2773 ~~this subsection (b) or the outdoor lighting requirements of Chapter 108-16. An applicant wishing to~~
2774 ~~install such an exempt illuminated directional or circulation sign shall have the burden of proof by~~
2775 ~~communicating the proposed sign height, location, and visibility from any point outside of the~~
2776 ~~property boundaries through the submission of an outdoor lighting plan to the land use authority.~~
2777 ~~Directional or circulation signs claiming exemption from the illumination requirements of this chapter~~
2778 ~~or Chapter 108-16 shall not allow their illumination to extend past the horizontal plain of the upper~~
2779 ~~sign boundary into the night sky.~~

2780 **Sec 110-2-13 Dangerous Or Defective Signs**

2781 1. *Removal or repair by owner.* Any sign which is found to be in a dangerous or defective condition
2782 shall be removed or repaired by the owner of the premises or the owner of the sign. Upon failure
2783 of the owner to remove or repair a dangerous or defective sign, the planning director shall proceed
2784 with enforcement measures.

2785 2. *Removal by planning director.* The planning director may cause the removal of any sign that
2786 endangers the public safety or a sign for which no sign permit has been issued, if, after giving notice
2787 the owner has not remedied the violation.

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2788 3. *Cost of removal.* The cost associated with the removal of a sign by the planning director shall be
2789 paid by the owner of the property on which the sign is located. If the cost is not paid within 30 days,
2790 the unpaid balance shall be considered a lien against the property and said lien shall be filed by
2791 the county attorney.

2792 **Sec 110-2-14 Construction Standards**

2793 Signs and sign structures shall be designed and constructed to resist wind and seismic forces as specified
2794 in the uniform building code, as adopted by the county. A building permit for the sign structure shall be
2795 required, as well as a land use permit. If there is any indication, in the opinion of the ~~county~~-County
2796 ~~engineer~~Engineer, that the proposed structure may not resist wind, seismic forces or other loads or
2797 stresses, a state registered engineer's certificate on the sign's structural plans shall be required.

2798 **Sec 110-2-15 Examples Of Sign Illumination**



- Unacceptable color temperature.
- Fully shielded artificial light source. No visible direct artificial light.
- Light buffers no more than six inches around perimeter of sign area.



- Acceptable color temperature.
- Direct artificial light source projected by means of diffusion through translucent surface.
- Light buffers no more than six inches around perimeter of sign area.



- Lumen per Square Foot Ratio**
- | | |
|-----------------------------|--------------------------|
| 1650 Lumen Bulb | 50 Lumens per |
| 33 Square Feet of Sign Area | Square Foot of Sign Area |
| = | |
- Total combined lumens less than or equal to 50 lumens per square foot.
 - Acceptable color temperature.
 - Light only illuminates sign area.
 - No visible direct artificial light.

2799

**WEBER COUNTY
ORDINANCE NUMBER 2022-_____**

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY'S LAND USE CODE TO CREATE A WEST WEBER STREET REGULATING PLAN WITHIN THE FORM-BASED CODE, AND TO PROVIDE AMENDMENTS RELATED TO THE EXECUTION OF THE FORM BASED ZONE.

WHEREAS, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

WHEREAS, these land use regulations include form-based ordinances, that establish a street regulating plan, street classifications, land uses, architectural standards, and lot development standards for specific communities; and

WHEREAS, a private landowner located within the West Weber Village area near 12th Street and 4700 West has requested an amendment to the Weber County Land Use Code to add specific provisions and exhibits intended create a form-based zone applicable to land within and around the West Weber Village area; and

WHEREAS, on _____, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on _____, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on _____, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments herein substantially advance many goals and objectives of the Western Weber General Plan and the Ogden Valley General Plan; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments serve to create the necessary regulatory framework that will guide future development in form-based communities;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

SECTION 1: AMENDMENT. The Weber County Code is hereby *amended* as follows:

- 1 **Part II Land Use Code**
- 2 ...
- 3 **Title 101 General Provisions**
- 4 ...
- 5 **Chapter 101-2 Definitions**
- 6 ...
- 7 **Sec 101-2-3 Be Definitions**
- 8 ...
- 9 **Barn.** The term "barn" means an agricultural structure used for the storage of produce, animals and/or
- 10 agricultural vehicles and equipment.
- 11 **Base density.** The term "base density" means the number of residential development rightsdwelling-units

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12 allowed within an [described](#) area. ~~For development types that permit more dwelling units than otherwise~~
13 ~~provided by the lot development standards of the zone,~~ the base density shall be calculated as the net
14 ~~developable acreage for development types that permit more dwelling units than otherwise provided by~~
15 ~~the lot development standards of the zone;~~ as defined herein, divided by the minimum lot area of the zone,
16 except when a greater area would otherwise be required by the Weber-Morgan Health Department due
17 to lack of sanitary sewer or culinary water, ~~then when~~ the greater area shall be used. This calculation can
18 be observed by this formula: ((net developable acreage) / (minimum lot area)) = base dwelling unit density.
19 The result shall be rounded down to the nearest whole dwelling unit.

20 **Basement/cellar.** The term "basement/cellar" means a story having more than one-half of its height
21 below natural grade. The portion below the natural grade shall not be counted as part of the building
22 height.

23 ...

24 **Sec 101-2-5 D Definitions**

25 ...

26 **Detached lockout.** ~~See "lockout, detached." In the Ogden Valley Destination and Recreation Resort~~
27 ~~Zone, the term "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot~~
28 ~~with single-, two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments~~
29 ~~(condo tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership~~
30 ~~units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or~~
31 ~~common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which~~
32 ~~may be rented independently of the main unit for nightly rental by locking access. A detached lockout is~~
33 ~~accessory to the main use and shall not be sold independently from the main unit. Unless specifically~~
34 ~~addressed in the development agreement for the specific Ogden Valley Destination and [Recreation]~~
35 ~~Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density on~~
36 ~~a parcel of land.~~

37 **Development.** ~~The term "development" means all structures and other modifications of the natural~~
38 ~~landscape above and below ground or water, on a particular site; the division of land into one or more~~
39 ~~parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any~~
40 ~~structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.~~

41 **Development master plan.** ~~The term "development master plan" means a plan of a development which~~
42 ~~encompasses an entire site under one or more ownerships which is designed to accommodate one or~~
43 ~~more land uses, the development of which may be phased, and which could include planned residential~~
44 ~~unit development, clustered subdivision and planned commercial development.~~

45 **Development right.** ~~The term "development right" means the right to develop property.~~

46 **Development right, residential.** ~~The term "residential development right" means the right to develop one~~
47 ~~residential dwelling unit in accordance with the lot development standards of the zone, development type, or~~
48 ~~definition of "base density" as provided herein.~~

49 **Distillery.** ~~The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound,~~
50 ~~process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to~~
51 ~~others.~~

52 ...

53 **Sec 101-2-5 D Definitions**

54 ...

55 **Detached lockout.** ~~See "lockout, detached."~~

56 **Development.** ~~The term "development" means all structures and other modifications of the natural~~
57 ~~landscape above and below ground or water, on a particular site; the division of land into one or more~~
58 ~~parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any~~
59 ~~structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.~~

60 **Development master plan.** ~~The term "development master plan" means a plan of a development which~~
61 ~~encompasses an entire site under one or more ownerships which is designed to accommodate one or~~

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62 [more land uses, the development of which may be phased, and which could include planned residential](#)
63 [unit development, clustered subdivision and planned commercial development.](#)

64 [Development right.](#) The term "development right" means the right to develop property.

65 [Development right, residential.](#) The term "residential development right" means the right to develop one
66 residential dwelling unit in accordance with the lot development standards of the zone, development type, or
67 definition of "base density" as provided herein.

68 [Distillery.](#) The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound,
69 process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to
70 others.

71 ...

72 **Sec 101-2-13 Loc - Lod Definitions**

73 [Located behind the dwelling.](#) The term "located behind the dwelling" means the setbacks are measured
74 from the farthest rear location of the dwelling and is parallel to the front lot line.

75 [Lockout, detached.](#) ~~The term "detached lockout" means a detached lockout sleeping room on the same lot~~
76 ~~with single-, two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments~~
77 ~~(condo-tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership~~
78 ~~units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or~~
79 ~~common access and toilet facilities but no cooking facilities except for the allowance of a hotplate and/or a~~
80 ~~microwave, which may be rented independently of the main unit for short-term rental. A detached lockout~~
81 ~~is accessory to the main use and shall not be sold independently from the main unit.~~

82 [Lockout sleeping room.](#) The term "lockout sleeping room" means a sleeping room [attached to a dwelling](#)
83 ~~unit in a condominium dwelling unit or condominium rental apartment with which has~~ separate or common
84 access and toilet facilities but no cooking facilities except [for the allowance of a hotplate and/or a](#)
85 microwave, [and](#) which may be rented independently ~~from~~ of the main dwelling unit for ~~short-term~~ nightly
86 rental purposes. ~~Unless specifically addressed otherwise in a development agreement, a detached lockout~~
87 ~~lockout sleeping room shall be considered one-fourth of a dwelling unit when calculating density on a~~
88 ~~parcel of land, by locking interior access. In the Ogden Valle Destination and Recreation Resort Zone, the~~
89 ~~term "lockout sleeping room" means a sleeping room attached to a single family dwelling, condominium~~
90 ~~dwelling unit, or, condominium rental apartment (condo-tel), with separate or common access and toilet~~
91 ~~facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently~~
92 ~~of the main unit for nightly rental by locking access. A lockout sleeping room shall not be sold independently~~
93 ~~from the main dwelling unit, and is not considered a dwelling unit when figuring density on a parcel of land.~~

94 [Lodginghouse Lodging house/boardinghouse.](#) The term "~~lodginghouse~~lodging
95 ~~house/boardinghouse~~" means a building where lodging only is provided for compensation in five or
96 more guest rooms, but not exceeding 15 persons.

97 ...

98 **Sec 101-2-19 R Definitions**

99 [Ridge line area.](#) The term "ridge line area" means the top, ridge or crest of a hill or slope, plus the land
100 located within 100 feet on both sides of the top, ridge, or crest.

101 [Right, development.](#) See "development right."

102 [Right, residential development.](#) See "residential development right."

103 ...

104 **Sec 101-2-21 T Definitions**

105 ...

106 [Transfer company.](#) The term "transfer company" means a company established to provide expert
107 shipping services that include the shipping, receiving, inspection and temporary warehousing of
108 commercial or household goods.

109 [Transfer of development rights.](#) The term "transfer of development rights," means the removal of a

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Commented [E1]: This definition was moved from "detached lockout" and placed here next to "lockout sleeping room" for administrative ease of using the code. The provisions have been updated to do the following:

- To better reflect other provisions of the ordinance
- To better address short-term rentals.
- To reduce redundancies and conflicts with other definitions.

Commented [E2]: Same explanation as above. It should be noted that both changes also affects density as follows:

- Makes both a detached lockout and a lockout sleeping room count against allowed density. Current ordinance seems to only count a detached lockout.
- Changes how much density is affected to make consistent with provisions already found in existing ordinances (see Section 104-11-60).

residential development right from one lot or parcel which is then transferred to a different lot or parcel.

Transferable development right. The term "transferable development right" also known herein as a "TDR," means the transfer of the right to develop property from one Lot or Parcel to another.

Transfer incentive matching unit (TIMU). The term "transfer incentive matching unit (TIMU)" means a discretionary development right, or fraction thereof, that may be granted by the county commission, after a recommendation from the planning commission, when a development right is transferred from an area within the Ogden Valley to a Destination and Recreation Resort Zone.

...

Title 104 Zones

...

Chapter 104-22 Form-Based Zone FB

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.

(e) **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 provide the same as a Vehicle-Oriented Commercial Street, and provide. The primary purpose of the street is preferential areas for the siting of government or public-

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Commented [E3]: This entire section has been moved up to here from 104-22-7 to provide earlier reading of street types prior to reading other sections of code.

service oriented buildings [that](#) **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.

155 (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 [as described for a Mixed-Use Commercial Street](#). Multi-family residential uses are allowed only if located above first-floor street-level commercial space.

156 (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.

157 (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.

158 (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.

170 (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.

171 (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.

172 (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.

173 (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.

174 (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.

175 (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.

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

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

183 **Sec 104-22-3.010 Accessory Uses**

184 An accessory use is prohibited unless located on the same Lot or Parcel as the main use to which it is
 185 accessory.

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

	G	V	M	M	S	M	L	E	E	SPECIAL REGULATIONS
Accessory building. A building that is accessory and incidental to the use of a main building.	P	P	P	P	P	P	P	P	P	
Accessory dwelling unit. A dwelling unit that is accessory to a single-family dwelling residential use.	N	N	N	N	P	P	P	P	N	See Chapter 108-19.
Accessory use. A use that is accessory and incidental to the main use.	P	P	P	P	P	P	P	P	P	
Agricultural hobby farm	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	N	See Section 104-22-4.
Home occupation. A home occupation that is accessory to a residential use.	P	P	P	P	P	P	P	P	N	See Chapter 108-13.
Household pets. Household pets that are accessory to a residential use.	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.

187
188

Sec 104-22-3.020 Agricultural and Open Space Uses, Generally.

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

Agriculture , as a main use of the property	N	N	N	N	N	N	N	P	P	P	
Agricultural experiment station.	P	N	N	N	N	N	N	P	P	P	
Agri-tourism.	N	N	N	N	N	N	N	P	P	P	See Title 108, Chapter 21.
Aquaculture.	N	N	N	N	N	N	N	P	P	P	
Botanical or community garden. Open space land for the purpose of growing plants. This use may be for private use or open to the general public with or without a fee.	P	P	P	P	P	P	P	P	P	P	
Fruit 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- Lot or Parcel area required.
Grain storage elevator.	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot- Lot or Parcel area required.
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	N	N	N	N	N	P	P	P	
Manure spreading, drying and sales.	N	N	N	N	N	N	N	N	P	P	
Wildlife sanctuaries. A wildlife sanctuary.	N	N	N	N	N	N	N	N	P	P	10-acre minimum lot- Lot or Parcel area required.

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Sec 104-22-3.030 Agricultural Uses, Animal-Oriented.

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

Animal grazing. Animal grazing, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	P	P	P	
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	N	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	N	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	N	P	P	P	10-acre minimum lot- Lot or Parcel area required.

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The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the ~~Lot~~ or ~~parcel~~ [Parcel](#).

194

195 **Sec 104-22-3.040 Amusement, Entertainment, and Recreation Uses.**

196 The following are uses oriented toward providing amusement or entertainment for patrons.

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

	G	V	M	M	S	M	L	R	E	
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, limited to no more than 20,000 square feet of floor area.	C	C	C	C	N	N	N	N	N	N
Amusement park. Amusement park.	C	C	N	N	N	N	N	N	N	N
Amusement park, temporary. An amusement park, circus, petting zoo, pony ring, or carnival that is conducted for no 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
Campgrounds or picnic areas, commercial. A commercial campground or picnic area.	N	N	N	N	N	N	C	C	C	C
Dude ranch. A dude ranch, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	P	P	C
Golf course. Golf course.	N	N	N	N	N	N	P	P	P	P
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	N	C	See Section 104-22-4. Five-acre minimum Lot or Parcel 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	P	
Ski lodge and associated services	N	N	P	P	N	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	P	
Trails. Trails for skiing, equestrian uses, hiking, biking, and similar.	P	P	P	P	P	P	P	P	P	P	P	
Zoo.	P	P	N	N	N	N	N	N	N	N	P	10-acre minimum Lot or Parcel lot or parcel area required.

197 **Sec 104-22-3.050 Animal Services and Uses.**

G & I **V & C** **M & C** **M & R** **S & R** **M & R** **L & R** **L & R** **L & R** **R & R** **E & S** **O**

SPECIAL REGULATIONS

Animal groomery, small animal. Grooming for small animals.	P	P	P	P	N	N	N	N	P	N	A small animal generally weighs less than 250 lbs.
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 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 equestrian training facility or horse stable.	N	N	N	N	N	N	N	N	C	C	
Stable for horses, noncommercial. Horses shall be for noncommercial use only.	N	N	N	N	N	N	P	P	P	P	No more than two horses shall be kept for each one-half acre of land used for the horses.
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 lot or parcel , this use is permitted where listed as conditional.

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

Food Preparation and Services:												
Alcoholic beverage production. The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.	P	P	N	N	N	N	N	N	N	N	N	
Bakery, delicatessen, or catering, large. Bakery or other food preparation services primarily intended for offsite consumption.	P	P	N	N	N	N	N	N	N	N	N	
Bakery, delicatessen, or catering, small. Bakery or small-batch food processing and retail sales of goods produced on premises, limited to 5,000 square feet floor area. Offsite catering allowed as an incidental and accessory use.	P	P	P	P	N	N	N	N	N	N	N	
Butcher or other custom meat products, large. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	P	P	N	N	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.
Butcher or other custom meat products, small. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite; limited to 510,000 square feet floor area.	P	P	P	P	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.

Eating and Drinking Establishments, 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	N	
Brewery or distillery in conjunction with a restaurant.	P	P	P	P	N	N	N	N	N	N	N	
Restaurant with drive-up window. Restaurant, all food types, with drive-up windows.	P	P	C	N	N	N	N	N	N	N	N	See drive up (drive-thru) window requirements of Section 104-22-4.
Restaurant. Restaurants, all food types, excluding those with drive-up windows.	P	P	P	P	N	N	N	N	N	N	N	

Retail, Food, and Drug; 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	N	

Drugstore or pharmacy.	P	P	P	P	N	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	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		

200
201

Sec 104-22-3.070 Government and Institutional Uses.

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

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. 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, limited to 10,000 square feet floor area.	P	P	C	N	N	N	N	N	N	N	
Medical facility. A facility, such as a hospital or surgery center, that provides medical services that are typically unavailable from a medical or dental office.	P	C	C	N	N	N	N	N	N	N	
Museum or art gallery. A museum, art gallery, or similar space for historical or educational displays.	P	P	P	P	N	N	N	N	N	N	
Post office. A post office.	P	P	P	P	P	P	P	P	P	N	
Preschool. A preschool operating in compliance with State regulation.	P	P	P	P	P	P	P	P	P	N	
Public library. A library owned and operated by a governmental entity.	P	P	P	P	P	P	P	P	P	N	

Public park. A public park and related recreation grounds and associated buildings and structures.	P	P	P	P	P	P	P	P	P	P	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	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	P	N	
Public storage facilities. Storage facilities used by a governmental entity.	P	C	N	N	N	N	N	N	N	N	N	
Visitors center. A tourism visitor's center or offices.	P	P	P	P	N	N	N	N	N	N	N	
Worship facility. A church, synagogue or similar building used for regular religious worship.	P	P	P	P	P	P	P	P	P	P	N	

202

203

Sec 104-22-3.080 Office uses.

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

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	N	
Bank or financial institution. A bank or other financial institution.	P	P	P	N	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	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	N	

204

Sec 104-22-3.090 Residential Uses.

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

SPECIAL REGULATIONS

	G	V	M	M	S	M	L	E	
Dwelling, single-family. A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	P	P	N
Dwelling, two-family. A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	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
Dwelling, four-family. A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	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
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
Hotel, motel, lodginghouse, condominium rental apartment (condo-tel) or timeshare condominium. A hotel, motel, lodginghouse, condominium rental apartment (condo-tel), or timeshare condominium. This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.	P	P	P	P	N	N	N	N	N
Residential facility for elderly persons.	P	P	P	P	P	P	P	P	N
Residential facility for handicapped persons.	P	P	P	P	P	P	P	P	N
Residential facility for troubled youth.	P	P	P	P	P	P	P	P	N
Short-term rental. A short-term rental.	P	P	P	P	C	N	N	N	N
Short-term rental, owner occupied.	P	P	P	P	P	C	C	C	N
Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	P	P	N

See Section 104-22-4, and TDR requirements of 104-22-11

See requirements of 104-22-4, and TDR requirements of 104-22-11

See requirements of 104-22-4, and TDR requirements of 104-22-11

See requirements of 104-22-4, and TDR requirements of 104-22-11

See requirements of 104-22-4.

Must comply with "dwelling" requirements of Section 104-22-4.

Commented [CE24]: Maybe not in western weber? Not sure there is much of a short term rental market there.

207

208

Sec 104-22-3.090 Sales with Retail Storefront.

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

SPECIAL REGULATIONS

	G	V	M	M	S	M	L	E			
Agricultural implement sales or repair. A facility that sells or repairs agricultural implements.	C	C	N	N	N	N	N	N	N	N	
General retail sales, small items. The sales of small items, as qualified in Section 104-22-4.	P	P	P	P	N	N	N	N	N	N	See Section 104-22-4.
General retail sales, large items. The sales of large items, as qualified in Section 104-22-4.	P	C	C	N	N	N	N	N	N	N	See Section 104-22-4.
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 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	

209

210

Sec 104-22-3.100 Sales typically without retail storefront.

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

SPECIAL REGULATIONS

	G	V	M	M	S	M	L	E			
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.

211

212
213

Sec 104-22-3.110 Services.

Commented [E5]: Western Weber ended review here.

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

SPECIAL REGULATIONS

	G	V	M	M	S	M	L	E		
Dry cleaning, laundry, or linen cleaning establishment. The professional cleaning of laundry and linens.	P	P	P	P	N	N	N	N	N	N
Household item repair, large. The repair or service of devices that the average person cannot carry without aid of a moving device.	P	P	N	N	N	N	N	N	N	N
Household item repair, small. The repair or service of devices that the average person can carry without aid of a moving device.	P	P	P	P	N	N	N	N	N	N
Gathering facility, indoor. An indoor facility for rental to clubs, private groups, parties, and organizational groups for recreational activities, including dancing.	P	P	P	P	N	N	N	N	N	N
Laboratory. A laboratory for the scientific processing, testing, experimenting, etc., of samples in small enough quantities to not be explosive, toxic, or otherwise hazardous.	P	P	P	N	N	N	N	N	N	N
Laundromat. A facility that provides washers and dryers for self-serve laundry service.	P	P	P	P	N	N	N	N	N	N
Mortuary or funeral home. Mortuary or funeral home and related sales and services.	P	P	P	N	N	N	N	N	N	N
Outdoor recreation guide base-operation. A location that provides a base of operations for an outdoor recreation guide service.	P	P	P	P	N	N	N	N	N	N
Parcel drop-off service. A service for the collection and shipment of small parcels, and accessory sales or services.	P	P	P	P	N	N	N	N	N	N
Printing and copying service without retail shop. Printing, lithographing, publishing or reproductions sales and services, 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	N	N	N	N
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214

215 **Sec 104-22-3.120 Storage.**

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

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	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	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	N	N	

216

217 **Sec 104-22-3.130 Utility uses.**

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

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

218

219 **Sec 104-22-3.140 Vehicle-oriented uses.**

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

Airport, private and commercial.	C	N	N	N	N	N	N	N	N	N	N	N	N	
Automobile sales or rentals, indoor. The sale or rental of a passenger automobile.	P	P	C	N	N	N	N	N	N	N	N	N	N	
Automobile sales or rentals, outdoor. The sale or rental of a passenger automobile.	P	C	N	N	N	N	N	N	N	N	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	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	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	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	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	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	N	
Trailer sales or rentals.	C	C	N	N	N	N	N	N	N	N	N	
Transit terminal.	P	P	N	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	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	N	

220

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

222 **Sec 104-22-4.010 Special Regulations, Generally.**

223 (a) **All uses, generally.** All uses listed in the use table are indoor uses, unless specifically stated otherwise.
 224 All indoor uses shall not generate noise, outdoor lighting, vibration, smoke, dust or airborne particulate
 225 matter, refuse, or anything else that is uncommon to the established character of the neighborhood to
 226 such a degree as to be perceptible to constitute a nuisance to the occupants of the immediate area.

227 (b) **Drive up (drive-thru) window.** Any business with a drive up (drive-thru) window shall comply with
 228 the following:

229 (1) The window shall be located on the rear of the building. The rear of the building shall be determined
 230 as the side of the building opposite from the building's facade that faces the public street. If on a
 231 corner along a government or institutional street or vehicle-oriented commercial street, the window
 232 may be located on the side of the building that is visible from the less prominent street.

233 (2) The stacking lanes and drive up (drive-thru) queue, and the parking spaces devoted to the drive
 234 up (drive-thru) window shall be located in an area that is not visible from the more prominent street
 235 right-of-way when the area is fully built-out.

236 (3) One drive up (drive-thru) queue space that is at least 20 feet in length may substitute a parking
 237 space required by this Land Use Code.

238 (c) **Perpetual building maintenance agreement.** When a building is set back less than ten feet from a
 239 property line, a perpetual building maintenance agreement is required between the building owner and
 240 the affected adjacent property owner, which shall allow for construction and maintenance of the side or
 241 rear of a commercial building, and shall:

242 (1) be reviewed for compliance with this section by the Planning Division and County Attorney's Office;

243 (2) place responsibility on the building owner for prompt repairs and maintenance of the side or rear of
 244 the building;

245 (3) require allowances of access to the property for repairs and maintenance purposes;

246 (4) be signed by the owner of the building and the adjacent property owner and be recorded on the title
247 of both properties.

248

249 **Sec 104-22-4.020 Special Regulations For Specific Uses.**

250 (a) **Automobile or other vehicle related uses.** The use of a [Lot or Parcellet](#) for automobile repair of
251 any kind, automobile sales, rental or service, boat sales, rental or service, a tire shop, or any other
252 use governed by this section by reference shall only be conducted within a completely enclosed building
253 that meets the standards of this chapter.

254 (1) No vehicle awaiting service shall be stored outside for more than one day.

255 (2) Sufficient parking for all employee or customer uses, including the temporary parking of vehicles
256 awaiting pickup from owners, shall be provided on the [Lot or Parcellet](#).

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

261 (b) **Automobile repair of any kind.** Refer to paragraph (b) of this section.

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

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

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

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

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

271 (2) There shall not be more than four washing bays for a manual spray car wash.

272 (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet, reserving street
273 frontage for buildings that provide street-facing commercial facades.

274 (4) The off-street vehicle spaces or queues required shall be as follows:

275 a. One bay car wash, four spaces in the approach lane;

276 b. Two bay car wash, three spaces in the approach lane for each wash bay;

277 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

278 (g) **Corral or stable.** This use shall be located no less than 100 feet from a public street and not less than
279 25 feet from any side or rear lot line

280 (h) **Dwelling or dwelling unit.** The regulations for a dwelling unit use listed in the land use table are as
281 follows:

282 (1) **Construction standards.** A dwelling unit on a government and institutional, vehicle-oriented, mixed
283 use commercial, or multi-family residential street shall be constructed to a multifamily residential
284 standard in accordance with the International Building Code.

285 (2) **Dwelling unit location.** A dwelling unit proposed along a government and institutional, vehicle-
286 oriented commercial, or a mixed-use commercial street shall be located on a [Lot or Parcellet](#) as
287 follows:

288 a. Above or behind any street-level commercial space; or

289 b. Behind a building that provides street-level commercial space, or if no such building exists at
290 the time of application, behind the area reserved for street-level commercial space as otherwise
291 required herein. The location shall provide for the existing and future planned street layout of

292 the area, including the future street-level commercial space that will face future streets, and
293 internal block alleyways.

294 (3) **Two, three, four, and multi-family residential:** Unless one of the units is owner occupied, a two,
295 three, four, or multi-family residential building shall be operated and maintained by a professional
296 management company that specializes in multi-family residential property management.

297 (4) **Density allowance and transferable development rights.** No dwelling units in excess of the base
298 density, as defined by Title 101, Chapter 2, and as provided in Section 104-22-11, are allowed in
299 the Form-Based Zone except when in compliance with the transferable development rights
300 requirements of Section 104-22-11.

301 (i) **Family food production.**

302 (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat,
303 and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys,
304 five ducks, five geese, or five pigeons.

305 a. No more than four sets of Group B animals or fowl may be kept on a [Lot or Parcel](#)~~lot or parcel~~
306 that is less than 40,000 square feet.

307 b. No more than six combined sets of Group A animals and Group B animals or fowl may be kept
308 on a [Lot or Parcel](#)~~lot or parcel~~ that is less than two acres. The same applies to a [Lot or Parcel](#)~~lot~~
309 ~~or parcel~~ greater than two acres, except that an additional six combined sets of Group A and
310 Group B animals or fowl may be kept per each additional acre greater than two.

311 (j) **Gas or fuel station.** A gas or fuel canopy shall not be located closer to a public street right-of-way,
312 excluding a mid-block alley, than 60 feet. The canopy shall be located to the rear of the convenience
313 store associated with the canopy.

314 (k) **General retail sales, small items.** This use is any store that primarily retails or rents items to be
315 physically taken by the customer from the store, when those items weigh less than 80 lbs, including
316 product packaging, or that are small enough to fit in a typical passenger vehicle. The use is limited to
317 4,000 square feet of retail floor-area. No sales yard is permitted. No sales of items intended to be
318 explosive or hazardous to human health, safety, or welfare is permitted.

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

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

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

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

341 (p) **Self-storage.** Self-storage is only allowed if located on the same [Lot or Parcel](#)~~lot or parcel~~ with a
342 building that has street-facing commercial space. The use shall comply with the following:

- 343 (1) Storage units shall be located behind or above building area that provides a first-story-floor street-
344 facing commercial façade and related commercial space. The building providing street-facing
345 commercial space shall appear from the exterior as if office or residential space is offered in the
346 area housing the storage units.
- 347 (2) If located in a separate onsite building than the building providing first-story-floor street-facing
348 commercial space specified herein, the separate building shall be located behind the building with
349 first-story-floor street-level commercial space, and shall be no wider than the building providing first-
350 story-floor street-level commercial space.
- 351 (3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property
352 line, and shall be completely obscured from view from any public right-of-way.
- 353 (q) **Ski area.** This use may include ancillary equipment and structures such as snow making equipment,
354 snow grooming equipment, maintenance facilities, trail and wayfinding signage, ski lifts, ski fences, ticket
355 booths, concession stands, restroom facilities, food and beverage sales, ski patrol facilities, emergency
356 response facilities, and similar uses commonly found in ski areas. Outdoor storage and maintenance of
357 ski related equipment is allowed provided that it is screened from view of the general public. Ski area
358 trail wayfinding signage are exempt from other signage requirements of this Land Use Code. Any lighting
359 associated with said signage is subject to the requirements of Section 108-16.
- 360 (r) **Temporary building or use.** The building or use shall be removed upon completion or abandonment
361 of the construction work.
- 362 (s) **Tire shop.** Refer to paragraph (b) of this section.
- 363 (t) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it be
364 stationary for more than four days at a time.
- 365

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

367 The following lot development standards apply to a [Lot or Parcel](#)~~lot or parcel~~ in the Form-Based
 368 Zone, unless specified otherwise in this Land Use Code. The table headers provide the street types, as
 369 described in Section 104-22-7, in abbreviated form. A ~~lot~~[Lot](#) fronting or gaining access from one of these
 370 street types shall be developed in accordance with the corresponding development standard.

371 (a) **Lot area.**

STREET TYPE:	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	3 acres
Open Space (OS)	No minimum

372

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

374 (1) [Unless allowed otherwise by this Land Use Code, each Lot shall have frontage on the type of street](#)
 375 [that corresponds with its governing street type as provided on the street regulating plan map.](#)

STREET TYPE:	MINIMUM LOT WIDTH AND STREET FRONTAGE:
Government and Institutional (G/I)	12 feet
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	30 feet
Medium Lot Residential (SLR)	50 feet
Large Lot Residential (LLR)	100 feet
Rural Residential (RR)	150 feet
Estate Lot Residential	
Open Space (OS)	No minimum

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- (2) Along a MFR, MUC, VOC, and G/I street, the frontage requirement is not applicable for a Lot that is platted as part of a larger planned development, provided that:
- a. The development includes or has included the dedication and construction of all required street and mid-block alley improvements.
 - b. The street improvements required shall be, at a minimum, for the same length as the Lot is wide.
 - c. No parcel shall be configured or developed in a manner that obstructs the ability to develop buildings that contain street-facing first-floor retail operations. A Lot without street frontage shall not have any Lot line closer to the street right-of-way than 40 feet.

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

STREET TYPE:	FIRST-FLOOR STREET-LEVEL COMMERCIAL BUILDING FAÇADE		ALL OTHER BUILDING FAÇADES	
	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)	Not Applicable		5 feet	No maximum
Small Lot Residential (SLR)	Not Applicable		20 feet	30 feet
Medium Lot Residential (SLR)	Not Applicable		30 feet	No maximum
Large Lot Residential (LLR)				
Rural Residential (RR)				
Estate Lot Residential (ELR)	Not Applicable		30 feet	No maximum
Open Space (OS)	Not Applicable			

387 *This maximum front yard setback shall be waived if at least 90 percent of the Lot's street front is already
 388 occupied by a similar building.
 389

390 **Except for a public plaza, this setback distance shall remain clear from permanent building improvements
 391 or significant financial investments until or unless a first-floor street-level commercial building facade is
 392 constructed that meets the five-foot maximum building setback. Any parking provided in this area shall not
 393 be included in the overall parking calculations.
 394

395

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

STREET TYPE:	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)	5 feet	No maximum
Medium Lot Residential (MLR)		
Large Lot Residential (LLR)		
Rural Residential (RR)	10 feet	
Estate Lot Residential (ELR)		
Open Space (OS)		

397

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

STREET TYPE:	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	
Open Space (OS)	

399

400 (f) **Lot coverage.**

STREET TYPE:	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)		

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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	1*
Rural Residential (RR)	20 percent	1*
Estate Lot Residential	10 percent	1*
Open Space (OS)	2.5 percent	Not applicable

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

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

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

408

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

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

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

413

414 (a) **Height.**

STREET TYPE:	MINIMUM BUILDING HEIGHT	MAXIMUM BUILDING HEIGHT
Government and Institutional (G&I)		
Vehicle-Oriented Commercial (VOC)	25 feet	50 feet
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)	One story	

Small Lot Residential (SLR)		35 feet
Medium Lot Residential (MLR)		
Large Lot Residential (LLR)		
Rural Residential (RR)		
Estate Lot Residential		
Open Space (OS)	None	25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use.

415 (b) **Building area.**

STREET TYPE:	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)	None
Medium Lot Residential (MLR)	
Large Lot Residential (LLR)	
Rural Residential (RR)	
Estate Lot Residential	
Open Space (OS)	

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

417

418

419 (c) **First-floor building standards.**

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

420

421 (d) **Transparent fenestration requirements.**

STREET TYPE:	MINIMUM FENESTRATION FOR THE FIRST-FLOOR STORY FLOOR FAÇADE OF A BUILDING		MINIMUM FENESTRATION FOR THE SECOND-FLOOR STORY FLOOR AND ABOVE	
	STREET-FACING:	ALLEY-FACING:	STREET-FACING:	ALLEY-FACING:
Government and Institutional (G&I)	50 percent	30 percent	30 percent	
Vehicle-Oriented Commercial (VOC)	70 percent	40 percent	40 percent	
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)	70 percent for commercial			

	facade, 30 percent for residential facade.		
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
Medium Lot Residential (MLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

422
423 (e) **Main-Entrance requirements.** Each building [with building or Lot frontage](#) along a government and
424 institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family street shall be provided
425 with a main entrance that faces the street. Except when the building is set back from the street right-of-
426 way [or any sidewalk, pathway, or pedestrian way](#) at least four feet, ~~the main~~[each](#) entrance shall be
427 recessed from the building's façade no less than five feet.

428
429 **Sec 104-22-6.2 Building Design Standards By Area**

430 Except for single-family, two-family, three-family and four-family dwellings, the following regulations are
431 applicable to the architecture and design of buildings in each area. Each area, as depicted in the applicable
432 street regulating plan, has a unique architectural theme as provided herein. Each building, except those
433 aforementioned, is required to be designed by a licensed architect. After receiving recommendation from a
434 licensed architect, the planning commission may allow minor modifications to the applicability of the
435 standards in this section as long as it results in a design that better aligns with the intent of the design theme
436 and blends well with the design features of adjacent buildings.

437 **Sec 104-22-6.3 Old Town Eden Area Building Design Standards**

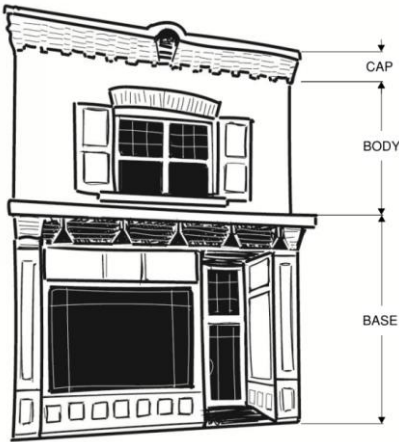
438 In addition to applicable standards in this chapter, the following standards apply to all buildings in the
439 Old Town Eden Area:

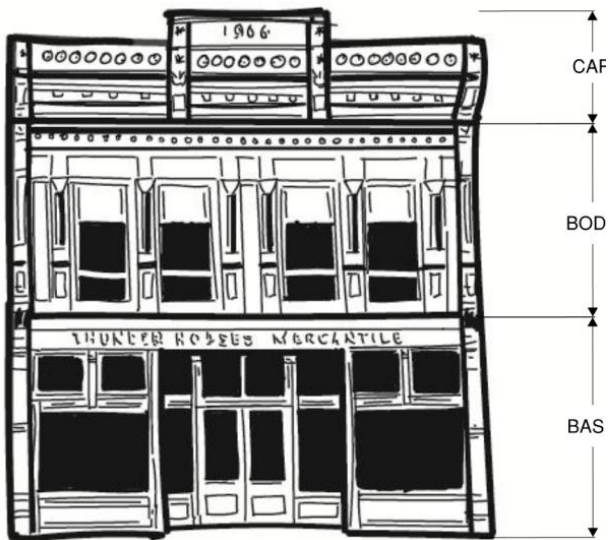
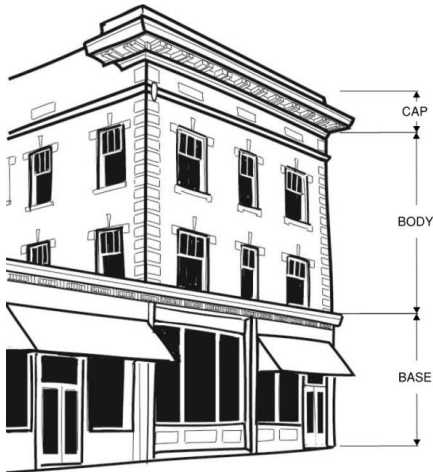
- 440 (a) **Design theme.** All buildings shall have architectural styling and materials that resemble historic
441 commercial main-street buildings in the Western United States that were in existence between 1880 and
442 1910. Each new building shall provide diversity and variety in building design, architectural features,
443 and building material that set each building apart from adjacent buildings.
- 444 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and cap, each
445 of varying design features and building material.
- 446 (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12-inch shift between adjacent
447 rooflines. If the building will have a sloped roof, parapet walls shall be constructed to hide the roof slope.
- 448 (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with
449 no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed
450 and constructed to have a building base, building body, and varying building roofline, each having
451 varying building materials or design techniques.
- 452 (e) **Building material.** Each building facade that faces the street shall consist of brick, or wood, or a faux
453 material that is hard to distinguish from real brick, or wood. Metal may be used for accent material. At
454 least one of the building materials used on the building façade shall also be used on all other sides of

455 the building.

456 (f) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina, are allowed.
457 Other muted earth-tone paints may be used as long as they complement the age period. No more than
458 70 percent of a building's facade shall be white.

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





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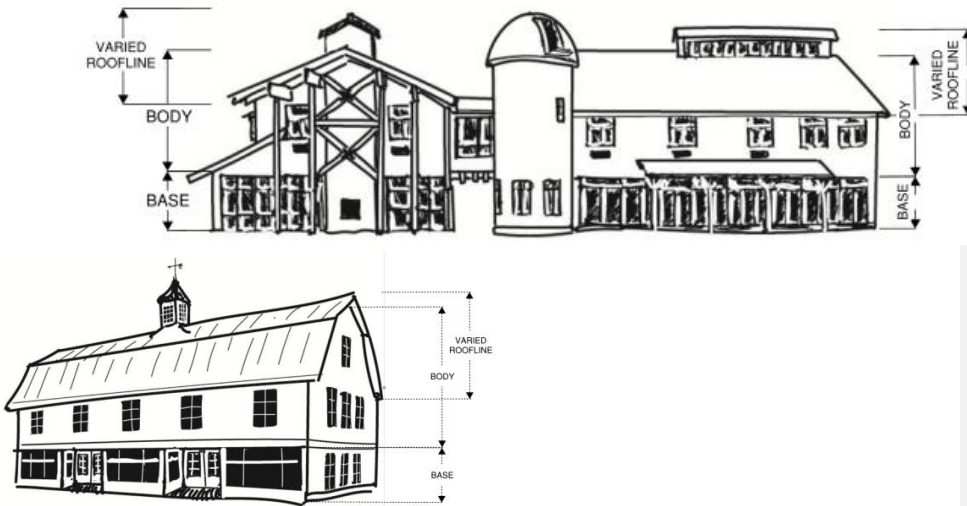
463 **Sec 104-22-6.4 New Town Eden Area and West Weber's 4700 Village Building Design Standards**

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

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

- 468 (1) Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.
- 469 (2) An attached shed-roof at a 4/12 or greater slope that is not attached to the main roof structure.
- 470 (3) A clerestory or cupola.

- 471 (4) Gable-style dormer windows.
- 472 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying
473 roofline, each of varying design features and building material.
- 474 (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent
475 rooflines.
- 476 (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with
477 no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed
478 and constructed to have a building base, building body, and varying building roofline, each having
479 varying building materials or design techniques.
- 480 (e) **Building material.** Building façade walls shall be finished with no less than two diverse types of material.
481 The primary building material shall be wood siding or similar appearing siding. At least one of the
482 building materials used on the building façade shall also be used on all other sides of the building.
- 483 a. Brick or stone may be used in place of wood if approved by the Land Use Authority.
- 484 b. Metal siding may be used on the building's body, as long as the building's base is made of brick or
485 stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and
486 is treated to create a natural-appearing aged patina.
- 487 (f) **Colors.** Muted earth-tone colors are required. No more than 70 percent of a building's facade shall be
488 white.
- 489 (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following
490 images. Any conflict between details in the images and regulations in this chapter shall be
491 interpreted in favor of the regulations in the chapter.





492

493 **Sec 104-22-6.5 Nordic Valley Area Building Design Standards**

494 In addition to applicable standards in this chapter, the following standards apply to all buildings in the Nordic
 495 Valley Area:

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

500 (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying
 501 roofline, each of varying design features and building material.

502 (c) **Rooflines.** Buildings shall have varying rooflines of predominantly gabled roofs. Rooflines shall be
 503 broken every 100 feet, with no less than a 12 inch shift between adjacent rooflines that are on the same
 504 plane.

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

508 (e) **Building material.** Building façade walls shall be finished with no less than two primary and one
 509 secondary type of building material. The primary building materials shall be real cut stone, glass, or
 510 wood siding or similar appearing siding with a natural wood finish. The secondary building materials
 511 include metal, wood, large-cut timbers, metal beams and columns, or concrete or other flat-surface
 512 building material which may be colored as allowed herein. At least one of the building materials used on
 513 the building façade shall also be used on all other sides of the building.

- 514 (1) Each building shall have at least 60 percent primary building material.
- 515 (2) The base of the building shall be at least 60 percent stone, except those areas occupied by
 516 transparent fenestration.
- 517 (3) Use of metal shall be limited to trim, balconies, railing, exposed structural components, and roofs.
- 518 (4) No more than ten percent of any building façade shall be exposed concrete.

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

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



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

535 **Sec 104-22-7.010 Street Types And Right-Of-Way Cross Sections**

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

539 (b) ***Drawings required.*** Each application for development shall provide engineered construction drawings
540 of the street improvements required herein.

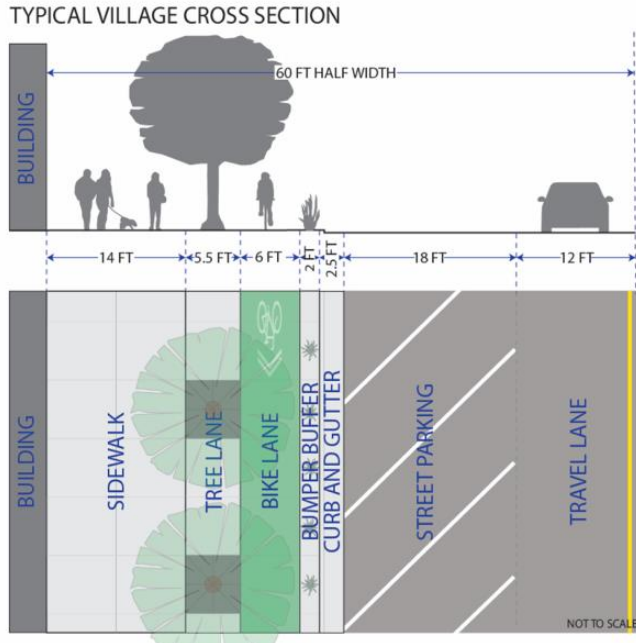
541 (c) ***Street right-of-way design.***

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

545 a. Typical three-lane village cross section. A three-lane village street is required for all minor
546 arterial and major collector streets, as designated by the applicable general plan or master street
547 plan.

548 b. Typical two-lane village cross section. A two-lane village street is required for all minor
549 collector streets or other local street within a village area.

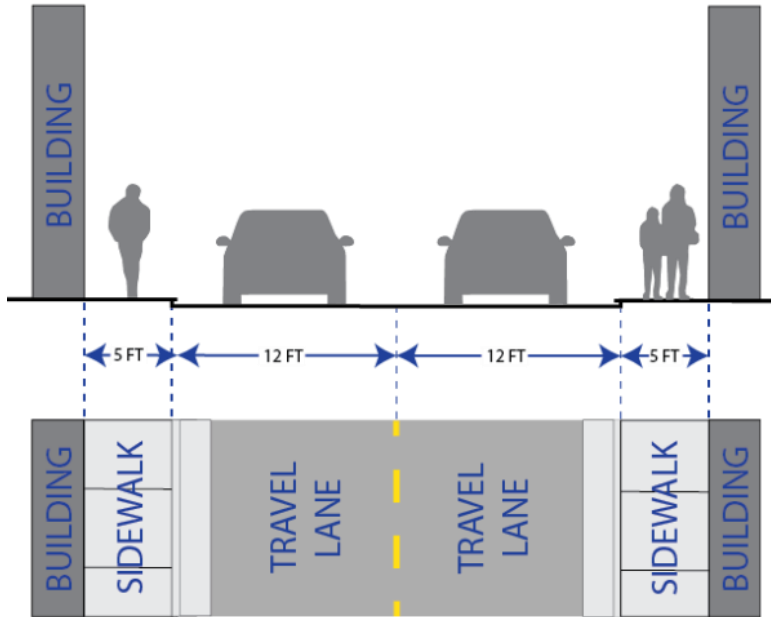
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- (2) **Commercial street design with challenging cross slopes.** Unless otherwise negotiated by development agreement, the design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street and multi-family 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:
- a. 12-foot travel lane with a painted shared bike lane.
 - b. 16-foot 45 degree angled parking.
 - c. 2.5-foot curb and gutter.
 - d. 5.5-foot tree lane.
 - e. 14-foot sidewalk.
- (3) **Commercial Mid-block alley design.** When any side of a street-block contains a G/I, VOC, MUC, or MFR street designation, that side shall have at least one alley designed and constructed. The design for a governmental and institutional alley, vehicle-oriented commercial alley, mixed-use
- a. Regardless of the configuration of a mid-block alley on the street regulating plan map, a mid-block alley shall be located at a distance that is no greater than 330 feet and no less than 200 feet from a street intersection or other mid-block alley intersection.
 - b. The mid-block alley's access to the street shall align with an existing or planned mid-block alley on the opposite side of the street. If there is no existing or planned mid-block alley on the opposite of the street, then the subject mid-block alley's access to the street shall be located in a manner that provides reasonable opportunity for the creation of a future mid-block alley on the opposite of the street.
 - c. The width of the mid-block commercial alley, and multi-family residential alley shall, at a minimum, be designed is as follows:

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 575 (4) **Residential street design.** The design for all non-multi-family residential streets is as follows:
 576 See [provided in](#) Section 106-4-5.
 577

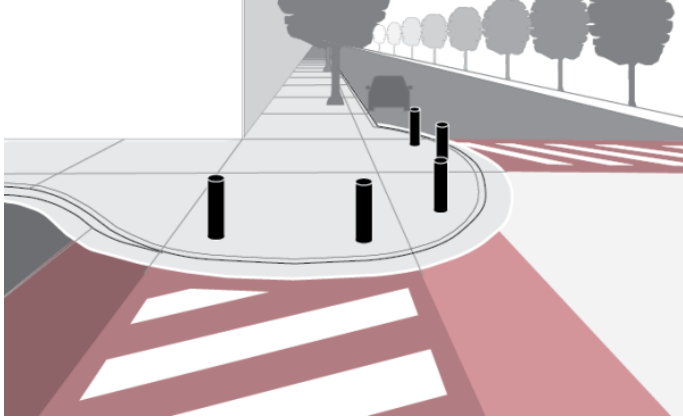
578 **Sec 104-22-7.020 Street Design Standards**

579 For all mixed-use commercial, vehicle-oriented commercial, multi-family residential, and
 580 government/institutional street types, the following provisions shall apply. ~~Other~~ [The following standards do](#)
 581 [not apply to non-multi-family](#) streets [unless explicitly stated herein.](#) [Otherwise, non-multi-family streets](#) shall
 582 follow adopted residential street design standards.

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

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

591 (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety, street
 592 improvements at intersections, pedestrian crossings, and mid-block alleys, if different, shall be
 593 constructed with curb extensions that bulb out directly adjacent to the lane of travel. Bike lane widths
 594 shall not be obstructed or made narrower at any point along a curb extension bulb-out. Bulb-outs
 595 shall be designed to the specifications of this ordinance and the County Engineer, or as otherwise
 596 adopted. Where a bulb-out provides access to a ~~raised~~ pedestrian crosswalk, bollards ~~or other~~
 597 [permanent features](#) shall be installed along the curve of the bulb-out to keep vehicles from entering
 598 the pedestrian-way. ~~Examples of bulb-outs are depicted in the images above~~ [An example of a bulb-](#)
 599 [out is illustrated as follows:](#)



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(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.

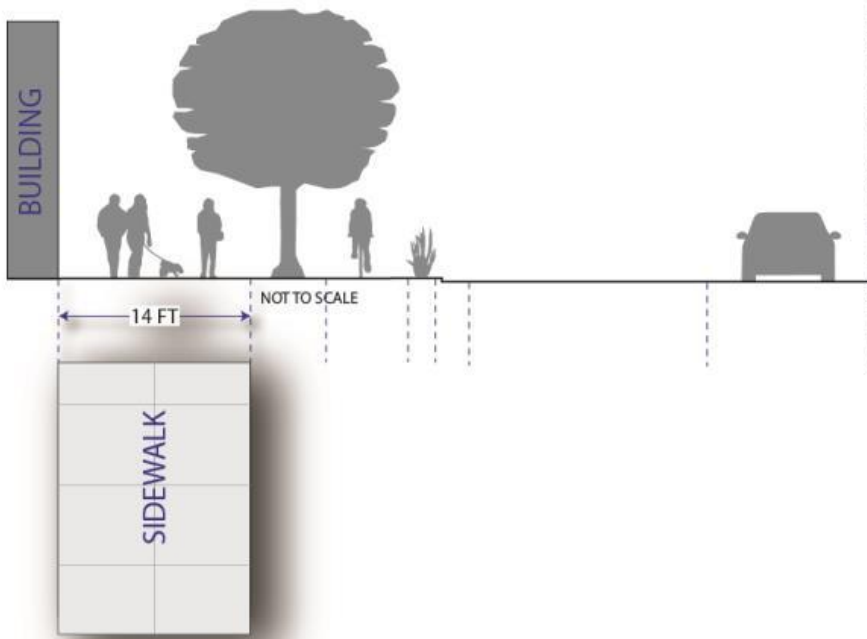
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(4) **Mid-block crosswalk.** A block that has a length that is greater than 330 feet, as measured from the center of each bounding intersection, shall be provided with a mid-block crosswalk. Solar powered user-activated rapid flashing beacons shall be installed on midblock crosswalk signage.



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(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 104-22-7.010 and as illustrated as follows, on the side of the street of the development and for the entire length of the development ~~lot's~~ [Lot's](#) street frontage ~~or width~~.



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- (1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required sidewalk along any street ~~designated as residential except the multi-family residential street~~ [that is very unlikely to have an adjacent building with first-floor street-level commercial space. The pathway shall be designed as provided in Section 104-22-7.030](#)
- (2) **Covered boardwalk alternative.** The County Commission may, but is not obligated to, approve the encroachment of a covered boardwalk, or similar, by legislative approval of an encroachment and maintenance contract. The adjoining landowners shall bear full responsibility for the operations and maintenance of the boardwalk. The covered boardwalk shall comply with the overhead projections standards of this chapter.

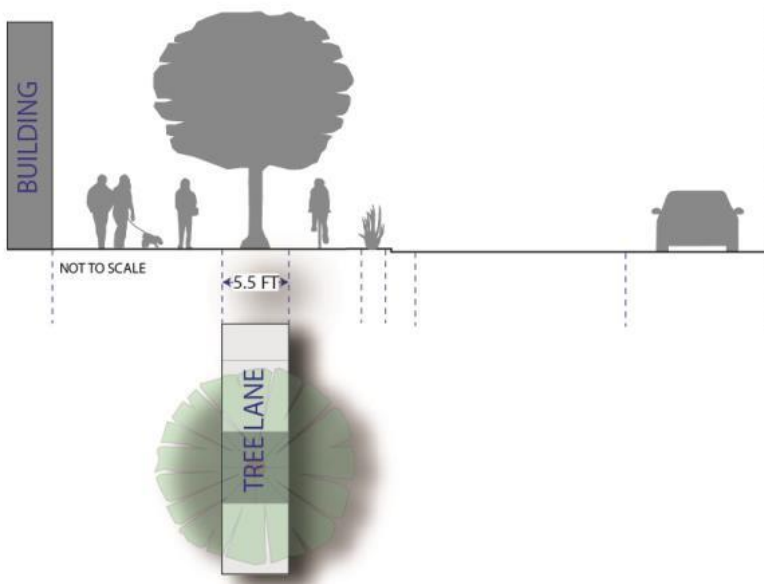


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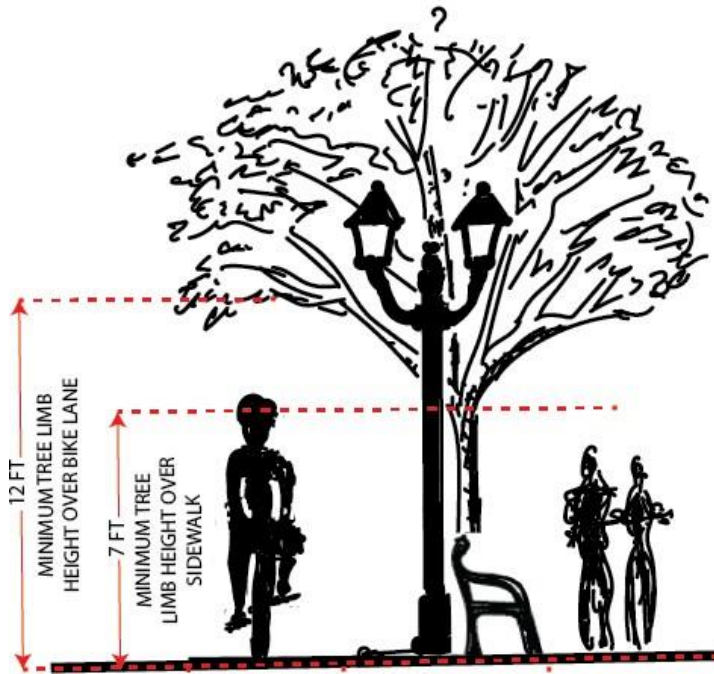
623 (c) **Street trees required.** As part of the required street improvements within this zone, street trees shall
624 be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the
625 street as the development and for the entire length of the development Lot's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

633

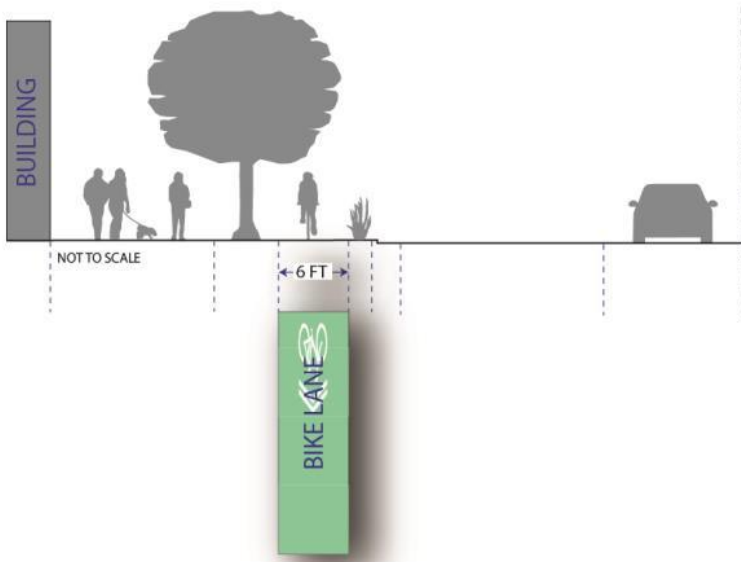
634 (1) **Tree planting.** No street tree shall be planted within the clear view triangle as provided in Section
635 108-7-7, Section 106-4-5, or the American Association of State Highway and Transportation Officials
636 (AASHTO) standards. To provide continuous shade of the pedestrian areas, spacing between tree
637 trunks shall equal the average diameter of the specific tree species' canopy at maturity. However,
638 in the Nordic Valley Area, each block shall have the same number of trees that is equal to one tree
639 per every 50 linear feet of street on both sides of the street, and the trees may be grouped in clusters
640 of no greater than ten trees, rather than equally spaced along the right of way.



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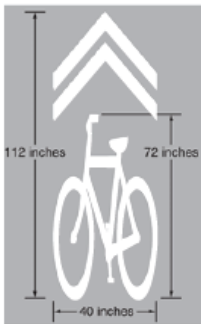


- 649
- 650 (d) **Bike facilities required.**
- 651 (1) **Separated bike lane.** Unless provided otherwise herein, a concrete bike lane that is six feet in width
- 652 shall be installed as part of the required street improvements. The bike lane shall be on the same
- 653 plane as the sidewalk, and shall be separated from the pedestrian walkway by the tree lane.



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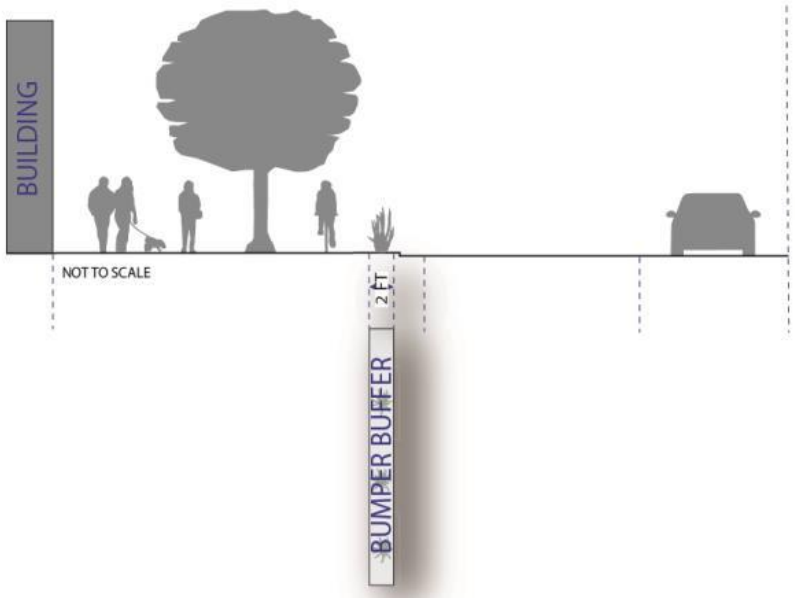
- (2) **Bike lane alternative.** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall be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



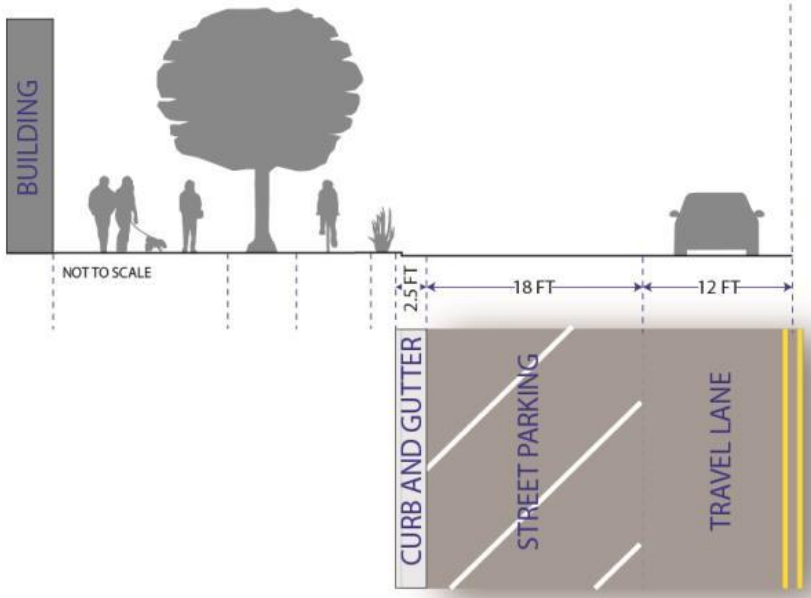
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(e) **Street parking required.**

- (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 bikelane and the curb for vehicle bumper overhang. Vegetation may be in this buffer.



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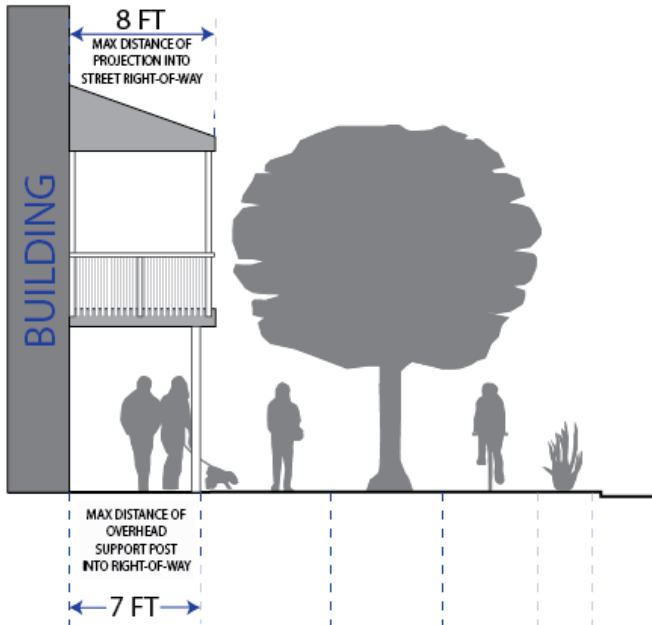
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669 (f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each
 670 street and internal alleyway in accordance with the County's standard curb and gutter cross sections and

671 in a manner that accommodates the street designs herein.

672 (g) **Items in public right-of-way.**

673 (1) **Overhead projections.** Overhead building projections such as but not limited to awnings,
674 canopies, balconies, and cantilevers, are permitted within the public right-of-way, provided that they
675 leave a vertical clearance over the sidewalk or walkway of no less than nine feet, and shall not project
676 more than eight feet into the public right-of-way. Any support post beneath the building projection
677 shall be no greater than seven feet from the building façade, be designed to offer minimal disruption
678 to sidewalk traffic, and meet all ADA clearance requirements.



679 (2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside
680 dining, benches, bike racks, planters, and street sales and displays are permitted between street
681 trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and
682 they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.
683

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

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

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

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

694 The following maps depict the adopted Street Regulating Plans for their respective areas. The plans illustrate
695 the intended street layout of the area and the designated street types. The plan is intended to be a guide for
696 the placement of streets and mid-block alleys, and is not designed to survey-level accuracy. A mid-block
697 alley shall be as close to the middle of the block as is practicable, and the street placement shall be within
698 200 feet of the location depicted on these maps. A land owner proposing development in an area that a
699 street or alley is planned shall be responsible for dedicating the land and constructing the street or alley
700 improvements.

701 **Sec 104-22-7.030 Pathway Location and Design Standards**

702 (a) **Pathways and sidewalks, generally.**

- 703 (1) Each development shall be configured so that the maximum pathway or sidewalk walking-distance
704 between a pathway or sidewalk intersection is 500 feet.
- 705 a. This distance may be increased for a segment of a pathway that travels through permanently
706 preserved open space areas or areas very unlikely to ever develop.
- 707 b. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another
708 pathway, sidewalk, or street.
- 709 (2) Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-
710 motorized modes of transportation.
- 711 (3) Pathways shall connect using shortest distance reasonably possible.
- 712 (4) Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks in
713 the general area, and for future planned pathways, as shown on an adopted pathway plan, general
714 plan, master trails plan, or other applicable adopted planning document.
- 715 (5) A pathway or sidewalk shall connect to any pathway or sidewalk stubbed from adjacent developed
716 property.
- 717 (6) Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a
718 stub to the subdivision boundary.
- 719 (7) Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating
720 convenient and efficient access to nearby parcels that are likely to eventually be developed.

721 (b) **Street-adjacent pathway.** Along each arterial, collector, and major neighborhood street, as provided in
722 an adopted general plan, master streets plan, or similar adopted document, a 10-foot wide hard-surfaced
723 pathway shall be installed.

- 724 (1) When determining which side of the street the pathway is required, preference shall be given to the
725 side of the street that has optimal sun exposure during winter months.
- 726 (2) The Planning Director may require a pathway be located on the other side of the street to support
727 pathway connectivity based on other factors such as existing or planned future pathways in the
728 vicinity and potential pedestrian conflicts.
- 729 (3) The pathway shall be located within the street right-of-way unless expressly authorized by the
730 County Engineer. If not located within the street right-of-way, a pathway easement is required.
- 731 (4) Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of at
732 least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with the top
733 of asphalt.
- 734 (5) Example:

735

Example: Street-Adjacent Pathway



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(c) **Non-street-adjacent pathway.** Where generally depicted on a map or in the text of an applicable street regulating plan, general plan, master streets plan, or when otherwise required herein or in a development agreement, a 10-foot wide hard-surfaced pathway shall be installed through the development.

(1) Where a pathway runs between buildings or fenced Lots, a minimum 30-foot pathway public right-of-way is required. The pathway shall run down the center of the 30-foot right-of-way.

(2) If both of the adjoining Lots or parcels are or will be single-family residential, and are deed-restricted to only allow a see through fence that is no greater than four-feet, then the pathway right-of-way may be reduced to 15 feet.

(3) The adjoining land owners are responsible for the maintenance and upkeep of the half of the pathway right-of-way that is adjacent to their Lot or Parcel.

(4) Example:

Commented [E8]: Explore options to reduce the right of way width from 30 feet:

- Prohibit opaque fences taller than four feet?
 - o Deed restriction?
 - o Land use permit to verify compliance?
 - o

748

Example: Non-Street-Adjacent Pathway















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STREET TYPES AND AMENITIES

-  **General Open Space**
TDR sending area.
-  **Estate Lot Residential (ELR)**
As low as 3 acre single-family lot. TDR sending Area.
-  **Rural Residential (RR)**
As low as 40,000 sq. ft. single-family lot. TDR sending area.
-  **Large Lot Residential (LLR)**
As low as 15,000 sq. ft. single-family lot. TDR receiving area.
-  **Medium Lot Residential (MLR)**
As low as 8,000 sq. ft. single-family lot. TDR receiving area.
-  **Small Lot Residential (SLR)**
As low as 3,000 sq. ft. four-family lot. TDR receiving area.
-  **Multi-Family Residential (MFR)**
No lot minimum, height restrictions, multi-family lot. TDR receiving area.
-  **Mixed-Use Commercial (MUC)**
No lot minimum, height restrictions, commercial at street level, multifamily behind and above. TDR receiving area.
-  **Vehicle Oriented Commercial (VOC)**
No lot minimum, height restrictions, commercial at street level, multifamily behind and above, uses oriented toward vehicles. TDR receiving area.
-  **Government/Institutional (G/I)**
No lot minimum, height restrictions, commercial at street level, multifamily behind and above, uses oriented toward vehicles. Flex for govinst. TDR receiving area.
-  **Trails**
Required trails.
-  **Roundabout**
Street roundabout.

COMMUNITY FEATURES

-  Long-Term Open Space
-  Park
-  Trailhead
-  Water Body

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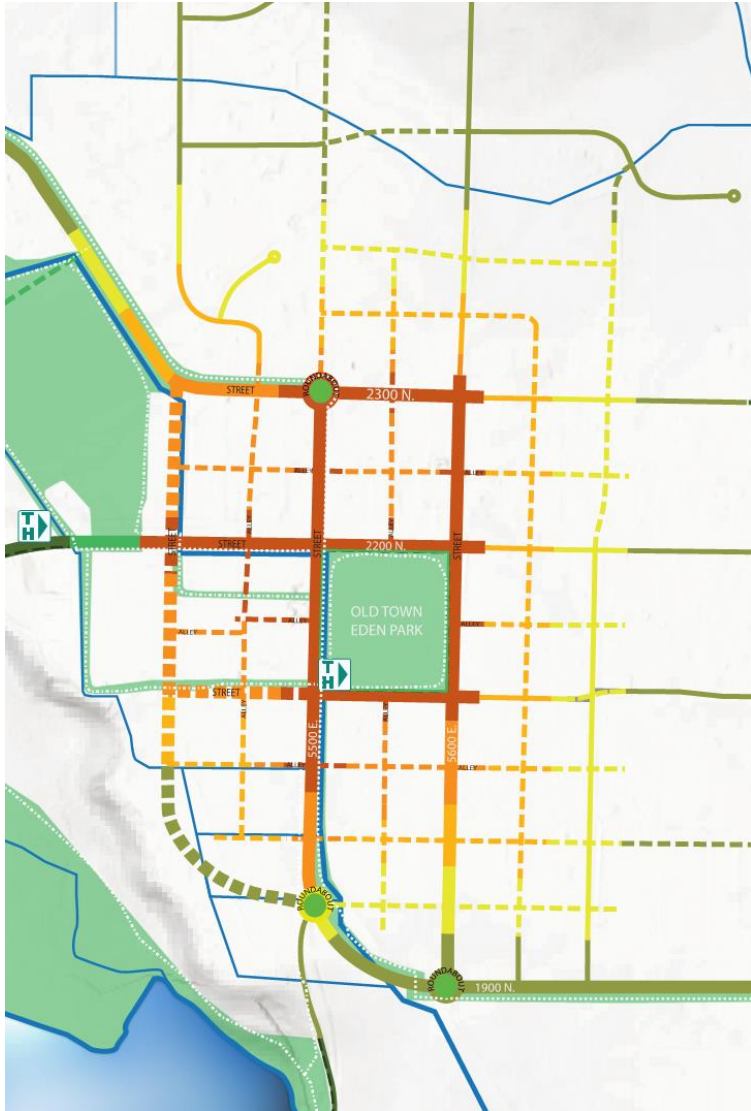
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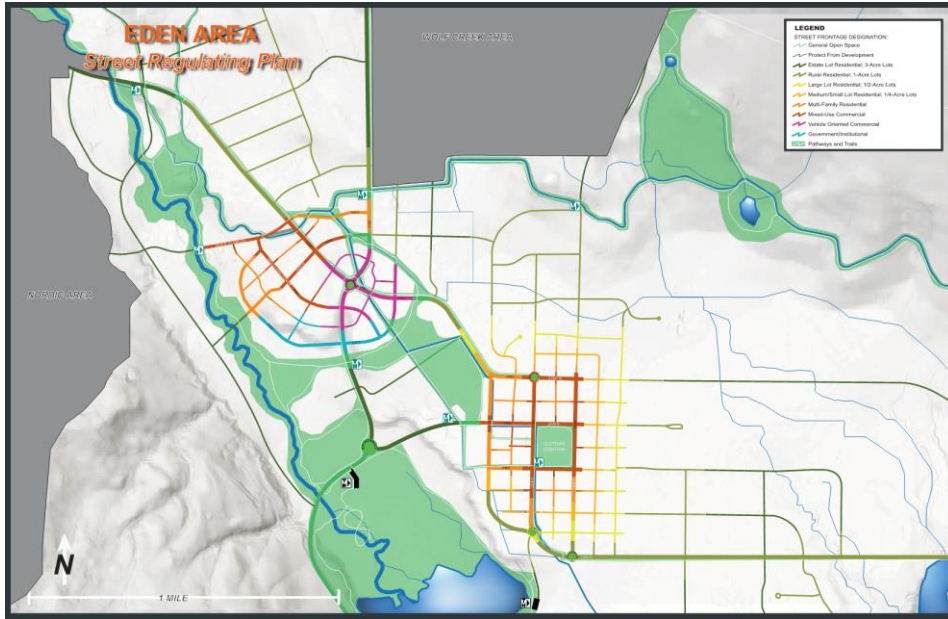
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STREET TYPES AND AMENITIES

- General Open Space
TDR sending area.
- Estate Lot Residential (ELR)
As low as 3 acre single-family lot. TDR sending Area.
- Rural Residential (RR)
As low as 40,000 sq. ft. single-family lot. TDR sending area.
- Large Lot Residential (LLR)
As low as 15,000 sq. ft. single-family lot. TDR receiving area.
- Medium Lot Residential (MLR)
As low as 8,000 sq. ft. single-family lot. TDR receiving area.
- Small Lot Residential (SLR)
As low as 3,000 sq. ft. four-family lot. TDR receiving area.
- Multi-Family Residential (MFR)
No lot minimum, height restrictions, multi-family lot. TDR receiving area.
- Mixed-Use Commercial (MUC)
No lot minimum, height restrictions, commercial at street level, multifamily behind and above. TDR receiving area.
- Vehicle Oriented Commercial (VOC)
No lot minimum, height restrictions, commercial at street level, multifamily behind and above, uses oriented toward vehicles. TDR receiving area.
- Government/Institutional (G/I)
No lot minimum, height restrictions, commercial at street level, multifamily behind and above, uses oriented toward vehicles. Flux for govinst. TDR receiving area.
- Trails
Required trails.
- Roundabout
Street roundabout.

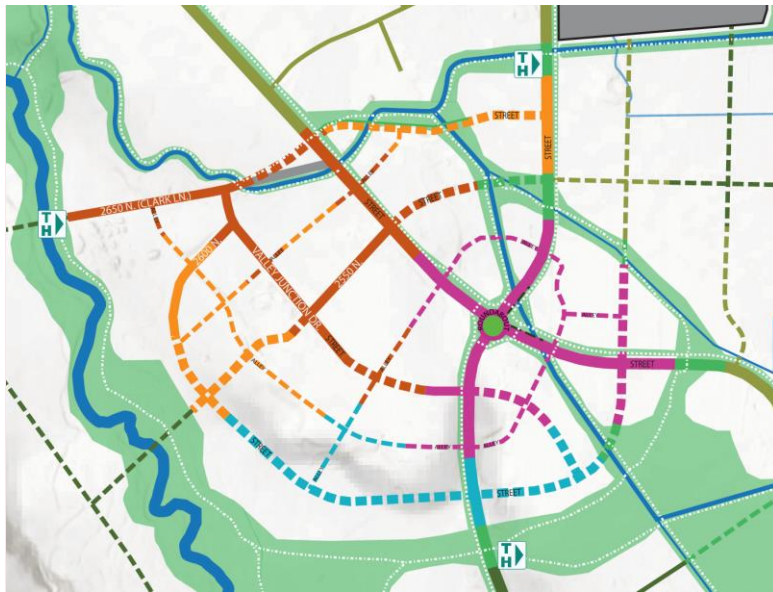
COMMUNITY FEATURES

- Long-Term Open Space
- Park
- Trailhead
- Water Body

Commented [E14]: Ogden Valley: keep 20,000 sqft lots and add new lot size of 15,000 (or maybe 12,500?) for Western Weber.

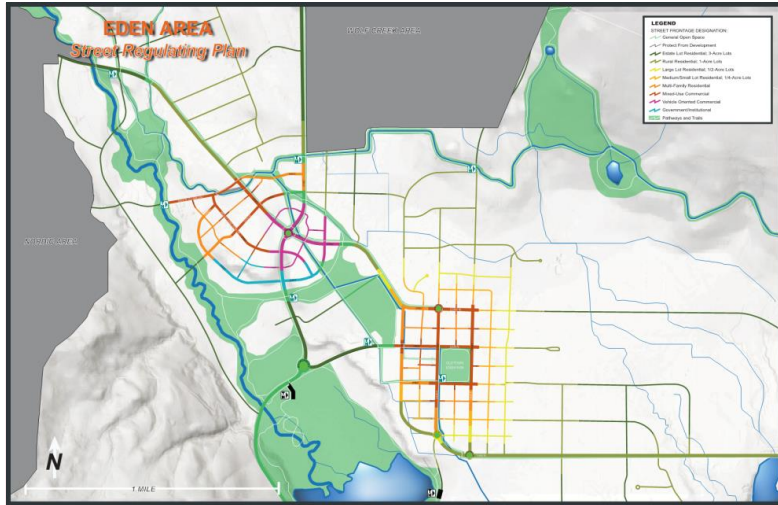
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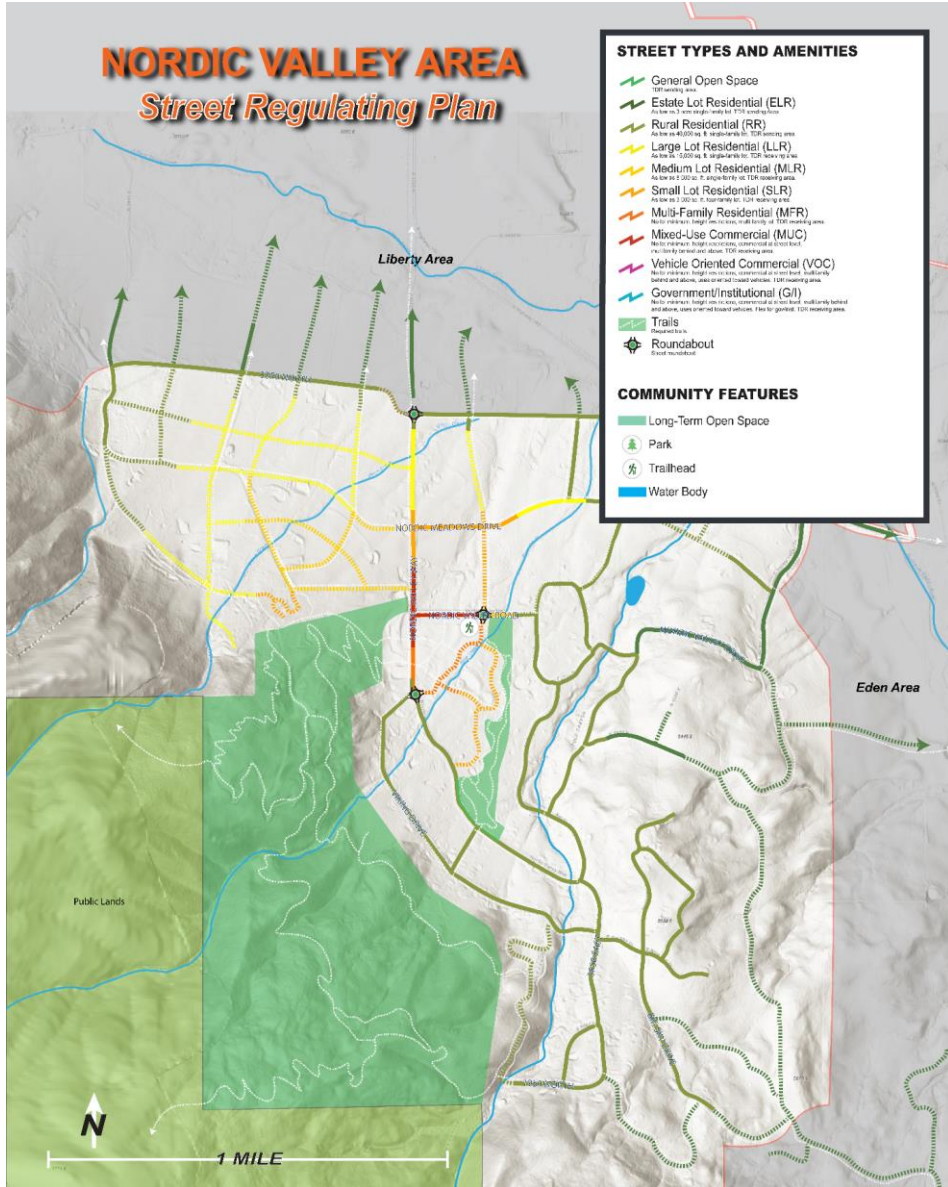
STREET TYPES AND AMENITIES

-  **General Open Space**
TDR sending area.
-  **Estate Lot Residential (ELR)**
As low as 2-acre single-family lot, TDR sending area.
-  **Rural Residential (RR)**
As low as 40,000 sq. ft. single-family lot, TDR sending area.
-  **Large Lot Residential (LLR)**
As low as 15,000 sq. ft. single-family lot, TDR receiving area.
-  **Medium Lot Residential (MLR)**
As low as 8,000 sq. ft. single-family lot, TDR receiving area.
-  **Small Lot Residential (SLR)**
As low as 3,000 sq. ft. four-family lot, TDR receiving area.
-  **Multi-Family Residential (MFR)**
No lot minimum, height restrictions, multi-family lot, TDR receiving area.
-  **Mixed-Use Commercial (MUC)**
No lot minimum, height restrictions, commercial at street level, multifamily behind and above, TDR receiving area.
-  **Vehicle Oriented Commercial (VOC)**
No lot minimum, height restrictions, commercial at street level, multifamily behind and above, uses oriented toward vehicles, TDR receiving area.
-  **Government/Institutional (G/I)**
No lot minimum, height restrictions, commercial at street level, multifamily behind and above, uses oriented toward vehicles, Flex for gov/instit, TDR receiving area.
-  **Trails**
Rugged trails.
-  **Roundabout**
Street roundabout.

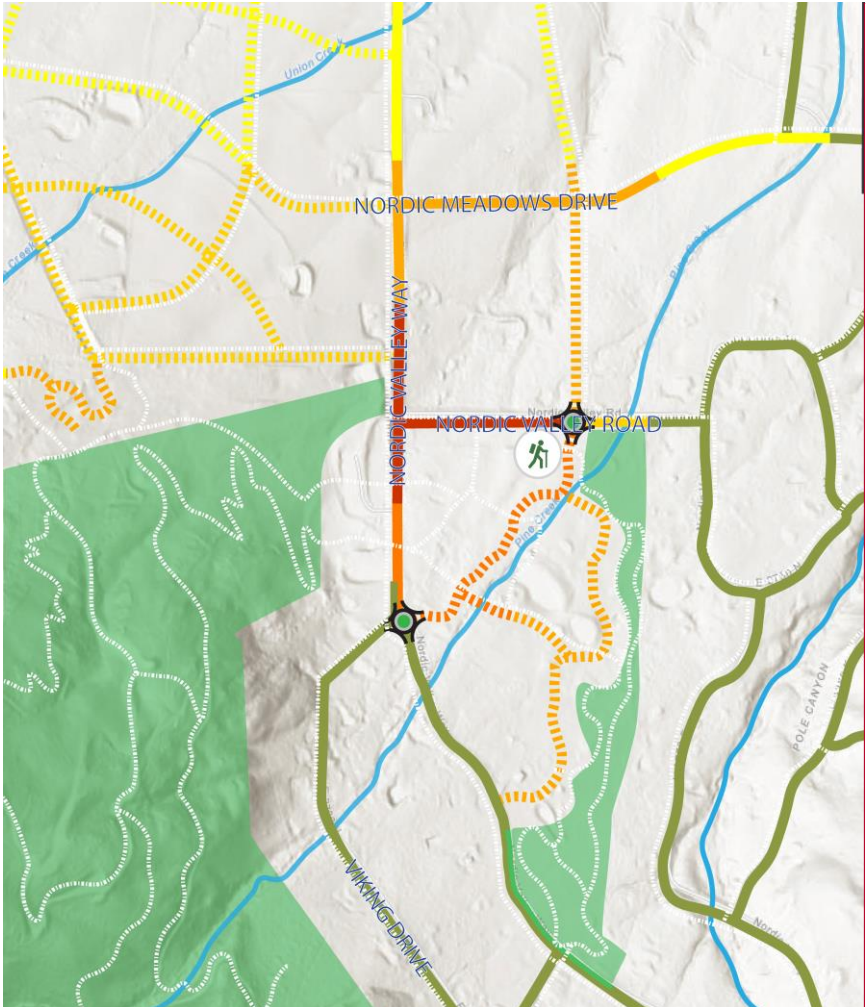
COMMUNITY FEATURES

-  Long-Term Open Space
-  Park
-  Trailhead
-  Water Body

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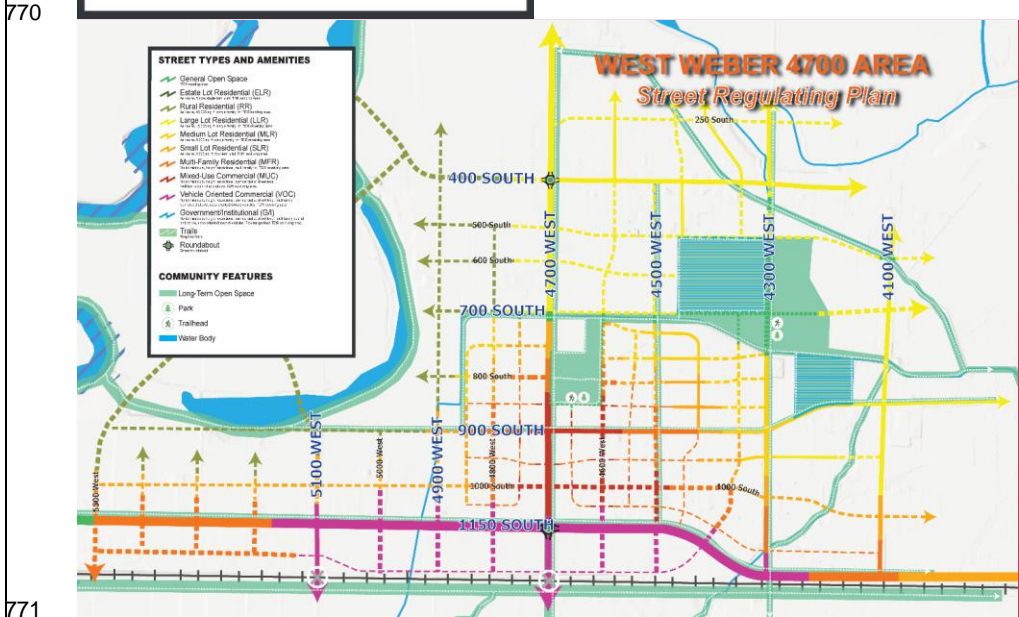
STREET TYPES AND AMENITIES

- General Open Space
TDR sending area.
- Estate Lot Residential (ELR)
As low as 2-acre single-family lot, TDR sending area.
- Rural Residential (RR)
As low as 40,000 sq. ft. single-family lot, TDR sending area.
- Large Lot Residential (LLR)
As low as 15,000 sq. ft. single-family lot, TDR receiving area.
- Medium Lot Residential (MLR)
As low as 8,000 sq. ft. single-family lot, TDR receiving area.
- Small Lot Residential (SLR)
As low as 3,000 sq. ft. four-family lot, TDR receiving area.
- Multi-Family Residential (MFR)
No lot minimum, height restrictions, multi-family lot, TDR receiving area.
- Mixed-Use Commercial (MUC)
No lot minimum, height restrictions, commercial at street level, multifamily behind and above, TDR receiving area.
- Vehicle Oriented Commercial (VOC)
No lot minimum, height restrictions, commercial at street level, multifamily behind and above, uses oriented toward vehicles, TDR receiving area.
- Government/Institutional (G/I)
No lot minimum, height restrictions, commercial at street level, multifamily behind and above, uses oriented toward vehicles, Flex for govt/inst, TDR receiving area.
- Trails
Required trails.
- Roundabout
Street roundabout.

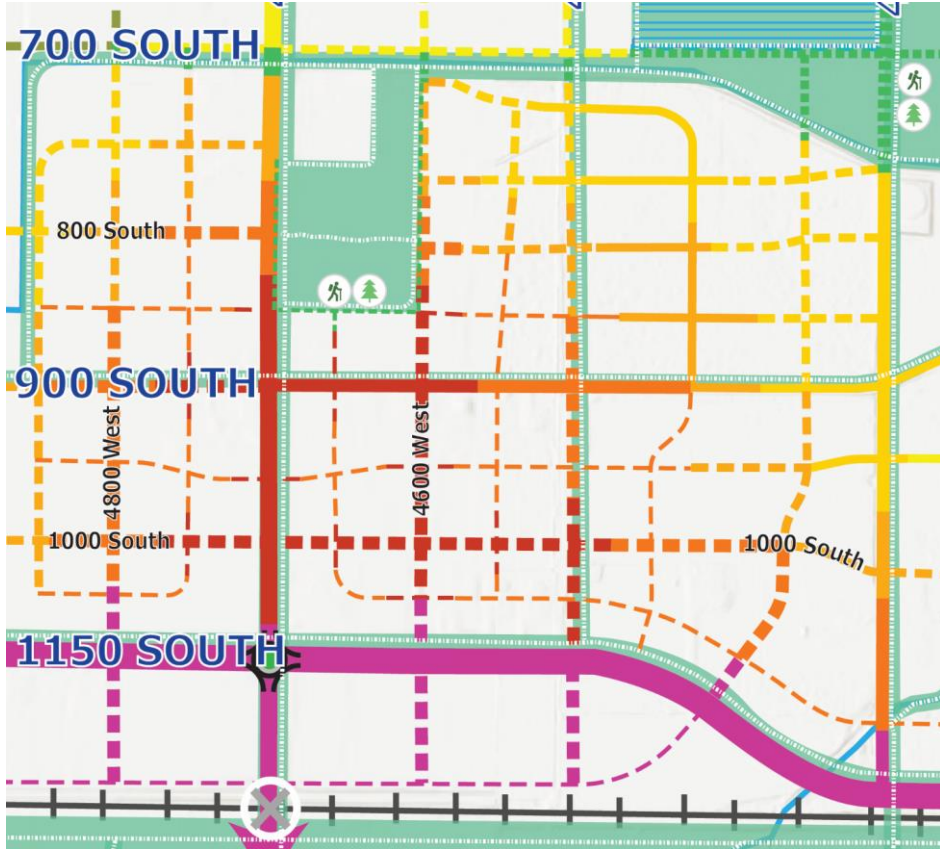
COMMUNITY FEATURES

- Long-Term Open Space
- Park
- Trailhead
- Water Body

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

- 775 (a) **Parking required.** Each application for development shall include a parking plan that demonstrates
 776 that sufficient parking will be provided by the street parking adjacent to the building or an off-street
 777 parking lot within 1000 feet of the building. All parking lots shall be hard-surface asphalt or concrete, or
 778 other improved surface otherwise approved by the County Engineer and local fire authority. Street
 779 parking not adjacent to the lot's Lot's street-frontage shall not be counted in determining that sufficient
 780 parking has been provided.
- 781 (b) **Parking flexibility.** Except for residential uses, the Land Use Authority may reduce the minimum
 782 parking spaces required if sufficient evidence suggests that the required number of spaces is excessive
 783 for the building and proposed use or uses therein.
- 784 (c) **Parking related to a change of use.** If a change of use occurs, more parking may be required if the
 785 new use merits it, as determined by the Land Use Authority. The applicant proposing to change the use
 786 shall be required to provide the additional off-street parking within 1000 feet of the use.
- 787 (d) **Residential parking.** The minimum required parking for a residential use shall be located off-street
 788 within the same block as the residential use.
- 789 (e) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces, and a five-
 790 foot wide landscape planting area that runs the depth of the parking row shall be located at each end
 791 of a parking row.

792 (f) **Parking structure design standards.** When located adjacent to a vehicle-oriented commercial, mixed
793 use commercial, or multi-family residential street, a parking structure shall have first-floor street-level
794 commercial space along the street's frontage. However, for a corner ~~lot~~Lot, this requirement applies to
795 the façade that is adjacent to the more prominent street, as determined by the land use authority; the
796 other façade shall have the same for no less than fifty percent of that façade's street frontage. The
797 other fifty percent, and the area of the parking structure above the street level commercial space, shall
798 have a street-facing facade that disguises the parking structure to generally look like other buildings in
799 the area.

800 (g) **Cross-access and cross-access easement.** For all ~~parcels or lots~~Lots or Parcels along a
801 governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family
802 residential street, providing access to adjacent existing or future development without the need to
803 access the public right-of-way is required. This access shall be provided by a mid-block alley, where
804 shown on a street regulating plan, or other alley or shared driveway as may be deemed necessary by
805 the land use authority. When no new alley access is deemed necessary because an alley access or
806 street access is already provided to the Lot or Parcel~~lot or parcel~~ through another Lot or Parcel~~lot or~~
807 ~~parcel~~, then a cross-access easement shall be provided along adjoining lot lines, as follows:

808 a. A cross access easement shall provide an easement to all landowners in the block that develop
809 along a governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-
810 family residential street that is framing the block. The easement shall allow ingress and egress to
811 these other ~~lots~~Lots or ~~P~~Parcels, including ingress and egress infrastructure.

812 b. At a minimum, each developed Lot or Parcel~~lot or parcel~~ shall have two points of ingress and
813 egress, at least one of which shall be stubbed to adjacent property where practicable. Except that
814 a parking area is allowed to only provide a single access as long as it does not block the
815 accessibility to other areas within the block that are or could be used for public parking.

816 c. Each parking area that is located within the block and that will be open to the public for public
817 parking shall be designed to extend to the parcel boundary and shall provide a cross access
818 easement along all sides of the parking area abutting the adjacent ~~lot~~Lot(s) or ~~parcel~~Parcel(s) in a
819 manner that allows the adjoining Lot or Parcel~~lot or parcel~~ owner to extend that public parking area
820 seamlessly into their parcel.

821 d. When locating a cross-access easement or designing the cross-access infrastructure, good faith
822 efforts shall be made to coordinate the location and design with the adjoining land owner.

823 e. The Planning Director may require the cross-access to be located in a manner that optimizes
824 internal block traffic circulation.

825 f. Construction of the cross-access infrastructure shall be completed prior to the issuance of a
826 certificate of occupancy for any structure on the Lot or Parcel~~lot or parcel~~, or a completion bond
827 may substitute for completion if allowed by the County Engineer.

828 g. When a Lot or Parcel~~lot or parcel~~ is being developed that abuts an existing cross-access easement
829 or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on
830 the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access
831 infrastructure shall be constructed to the same standard as, or better than, the existing cross-
832 access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the
833 title of all affected properties, along with a perpetual operation and maintenance agreement
834 between the property owners that specifies, at a minimum, that the infrastructure will be operated
835 and maintained by the property owners in a manner that is safe and usable for two-way vehicle
836 traffic.

837 h. If property owners fail to operate or maintain cross-access infrastructure that was required by the
838 County under this section, the County may pursue enforcement measures as provided in this Land
839 Use Code.

840
841 **Sec 104-22-10 Signage**

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

844

845

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

846

~~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:~~

851

~~(a) Transfers, generally. To establish the ~~Residential dwelling~~ Development ~~unit~~ Rights that exist on a Lot or Parcel ~~lot or parcel~~ in the FB Zone, or to increase or decrease ~~Residential dwelling unit~~ Development Rights on a Lot or Parcel ~~lot or parcel~~ in the FB Zone, the following apply:~~

854

~~(1) Base density. For a Lot or Parcel rezoned to the Form-Based Zone from a zone that allow(s) ~~residential~~ dwelling units, including transfers within the Form-Based Zone, the ~~base~~ Base density 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 ~~lot or parcel~~ that provides a calculation of the ~~base~~ Base density Density. The covenant shall run with land, and be between the owner and the County.~~

860

~~(2) Transferred density. Additional ~~residential~~ Residential dwelling Development units Rights 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, ~~a general~~ General open Open space Space street, and, in the Western Weber Planning Area, a Rural Residential street. However, no additional ~~density~~ Residential Development Right is allowed unless the landowner has successfully negotiated the reallocation of an equal number of Residential dwelling unit Development Rights from another Lot or Parcel that has an available Residential dwelling unit Development Rights, as determined by the Lot or Parcel's Base Density and adjusted for any previous Residential Development dwelling unit right Right reduction or addition.~~

869

~~a. The reallocation shall be made by recording a covenant to each affected Lot or Parcel ~~lot or parcel~~.~~

871

~~b. Each covenant shall run with the land and be between the owner and the County.~~

872

~~a-c. Each covenant shall document the applicable lot Lot or Parcel's calculated ~~base~~ Base density Density; the number of ~~dwelling~~ Dwelling units Units already developed on the lot Lot or Parcel; the number of Residential Development dwelling unit Rights subtracted from, or added to, the ~~base~~ Base density Density by any means; and the number of ~~dwelling unit~~ Residential Development Rights remaining for the Lot or Parcel.~~

877

~~(a)(b) Ogden Valley Planning Area Form-Based Zone transfers.~~

878

~~(1) Transfer allowances and limitations. Residential Development 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.~~

881

~~(2) Transfer ratio. The transfer ratio shall be one to one. This means for every one Residential Development Right transferred from a Lot or Parcel in the Ogden Valley Planning Area, one is allowed to be transferred to a Lot or Parcel within the FB Zone.~~

884

~~(c) Western Weber Planning Area Form-Based Zone transfers.~~

885

~~(1) Transfer allowances and limitations. A Residential Development Right may be transferred to a Lot or Parcel in a FB Zone from any Lot or Parcel in the following zones within the West-Central Weber area: A-1, A-2, and A-3. Unless negotiated otherwise in a development agreement, a transfer from any Lot or Parcel is prohibited if the Lot or Parcel received a rezone after January 1, 2023 that increased the Base Density.~~

890

~~(2) Transfer ratio. The transfer ratio shall be one to three. This means for every one Residential Development Right transferred from a Lot or Parcel in the Western Weber Planning area, three are allowed to be transferred to a Lot or Parcel within the FB Zone.~~

893

~~(d) Banking of Residential Development Rights. A Lot or Parcel within the Form-Based Zone may be~~

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894 [used to bank Residential Development Rights. These rights may be held on the Lot or Parcel until they](#)
895 [are either constructed on the Lot or Parcel, or transferred to another eligible Lot or Parcel. There is no](#)
896 [limit to the number of Residential Development Rights that can be transferred to a Lot or Parcel in the](#)
897 [Form-Based Zone. However, the number of Residential Development Rights actually constructed on](#)
898 [the parcel shall be limited by what can be constructed given compliance with the requirements and](#)
899 [standards of this chapter, as well as any other applicable provision of this Land Use Code.](#)

900 **Sec 104-22-12 Workforce Housing**

901 Participation in creating workforce housing is required.

902 (a) **No transfer required.** Workforce housing will not be deducted from the ~~Lot or parcel's~~ Parcel's
903 development rights and is not required to be established through transferable development rights.

904 (1) **Lot development standard reduced.**

905 a. Unless the applicable lot development standards are more permissive, a structure that is
906 exclusively devoted to, and deed restricted for, workforce housing may have a front yard setback
907 of 20 feet, and a side and rear yard setback of five feet, and has no minimum area requirement.

908 b. In the event the provision for the required workforce housing results in the inability to realize the
909 number of dwelling units that would otherwise be allowed if workforce housing was not required,
910 then the applicable minimum lot development standards in the development may be reduced to
911 no less than half of the applicable minimum lot development standard.

912 (b) **Workforce housing requirements.** Unless otherwise negotiated by development agreement, one or
913 more of the following workforce housing requirements shall be provided by the developer.

914 (1) **Building and reservation of dwelling units.** Dwelling units, in an amount that is equal to or
915 greater than five percent of the non-workforce housing units being developed, shall be constructed
916 and deed restricted for workforce housing;

917 (2) **Fee in lieu.** In lieu of building affordable housing units, a fee equaling up to two percent of the
918 dwelling unit's market value, shall be paid for each dwelling unit constructed. This shall be
919 implemented by a covenant recorded on title of each dwelling unit, and shall be paid at the time a
920 building permit is issued, or prior to the transfer of the property's title after the dwelling unit has
921 been completed;

922 (3) **Buildable lot in lieu.** In lieu of building affordable housing units, a lawfully subdivided ~~lot~~ Lot or
923 Lots in a size and configuration that is capable of supporting dwelling units in an amount that is
924 equal to or greater than 10 percent of the non-workforce housing units being developed, shall be
925 donated, with stubbed utilities, to the Weber Housing Authority for the purpose of meeting this
926 requirement; or

927 (4) **Floor area in lieu.** Along G&I, VOC, MUC, MFR and SLR streets, floor area, in a size and
928 configuration that is capable of supporting dwelling units in an amount that is equal to or greater
929 than five percent of the non-workforce housing units being developed, shall be donated, with
930 stubbed utilities, to the Weber Housing Authority for the purpose of meeting this requirement.

931 (c) **Workforce housing location.** The required housing units, Lots, or floor area provided for workforce
932 housing may be located outside of the proposed development but no greater than one mile from a G&I,
933 VOC, or MUC street designation [in the same planning area](#), or within one mile of a [commercial or](#)
934 [manufacturing CV-1, CV-2, or CVR-1](#) zone [in the same planning area](#).

935 (d) **Weber housing authority.** Eligibility and long-term monitoring of qualification for workforce housing is
936 the responsibility of the Weber Housing Authority.