



WESTERN WEBER PLANNING COMMISSION
MEETING AGENDA

Tuesday August 11, 2015
5:00 P.M.

- *Pledge of Allegiance*
 - *Roll call*
1. **Approval of Minutes.** Approval of the June 09, 2015 and July 14, 2015 meeting minutes
 2. **Legislative Item(s):**
 - 2.1 Discussion on a request to consider allowing detached accessory apartments.
 - 2.2. ZTA 2015-02 Public hearing to consider and take action on a request to amend Title 108 (Standards), Chapter 15 (Standards for Single Family Dwellings), of the Weber County Land Use Code, by eliminating some standards, exempting specific project types from some standards, and improving overall organization.
 - 2.3. ZTA 2015-04 Public hearing to consider and take action on a request to amend Title 108 (Standards), Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County Land Use Code by adding a new section that would all buildings, in certain situations, to encroach into private road rights-of-ways.
 3. **Public Comment for Items not on the Agenda**
 4. **Remarks from Planning Commissioners**
 5. **Planning Director Report**
 6. **Remarks from Legal Counsel**
 7. **Adjourn to a work session.**
- WS1. **Weber County Agri-Tourism Discussion.**
Should agri-tourism operations be allowed in dedicated cluster subdivision open spaces and/or common areas where today it is not allowed, according to the current definition of "Agri-Tourism"?

*The meeting will be held in the Weber County Commission Chambers, Weber Center, 2380 Washington Blvd., Ogden UT
A pre-meeting will be held at 4:30 P.M. in the Weber County Commission Chambers Breakout Room.*

No decisions will be made in this meeting.

Work Sessions will be held in the Weber County Commission Chambers Breakout Room unless otherwise posted.



In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission 24 hours in advance of the meeting at 801-399-8791

Minutes of the Western Weber County Planning Commission held June 09, 2015, in the Weber County Commission Chambers, commencing at 5:00 p.m., 2380 Washington Blvd., 1st Floor, Ogden, UT

Present: Jannette Borklund, Chair; Andrew Favero; Wayne Andreotti; Roger Heslop, Ryan Judkins, John Parke

Excused/Absent: Mark Whaley

Staff Present: Jim Gentry, Principal Planner, Charles Ewert, Principal Planner; Christopher Crockett, Legal Counsel

- *Pledge of Allegiance*
- *Roll Call*

No Exparte Communication was declared.

1. Minute Approval: Approval of the May 12, 2015 meeting minutes

Chair Borklund declared the May 12, 2015 meeting minutes approved as presented.

2. Administrative Item(s):

2.1 Consideration and action on a request for design review approval of a storage building addition to Jensen Auto located at approximately 3192 S Midland Drive, Paul Jensen, Applicant

Sean Wilkinson referred to the staff report and indicated that the applicant is requesting approval of an addition to the auto repair business for a storage building that is approximately 2,400 sq. feet. The property is zoned Manufacturing M-1. A similar addition was approved and constructed in 2007. Three parcels were created over time at this business, one condition of approval is that those parcels be combined into one parcel as parking and storage is being conducted on all three properties. The resulting parcel would then be approximately 2.36 acres with frontage on Midland Drive. Across the middle of the property, Questar Gas has a pipeline and easement. An agreement with the owner of Questar Gas has been made to shift the location of the pipeline further east to allow for the 40 foot wide addition.

The addition will be attached and match the existing structure in color and will be metal sided with panels. The plans show a 30 foot wide future canopy section to be un-walled; however, since there is an easement for the gas line in this location, approval of this canopy is not part of the proposed approval. As this property is adjacent to the boundary of Ogden City and in their annexation declaration areas, staff contacted Ogden City regarding potential annexation. At this time, the property is not required to annex into the city, as the value of the site is less than \$750,000. If desired by the owner, Ogden City would accept an application for annexation of this property and any other surrounding properties.

MOTION: Commissioner Andreotti moved to approve DR 2015-03, a request for design review approval of a storage building addition to Jensen Auto located at approximately 3192 South Midland Drive subject to staff and other agency comments. The motion was seconded by Commissioner Heslop. A vote was taken and Chair Borklund indicated that the motion carried by a unanimous vote of all members present.

Commissioner Andreotti asked a question regarding the holding pond and how it will receive secondary water. Sean Wilkinson indicated that the culinary water company usually requires proof of secondary water. If they applicant has secondary water, then the water company will release the culinary water. Director Wilkinson indicated that if the property where the holding pond is located is not in the subdivision now, that would cause him concern. He will have to do some further research.

3. Public Comment for Items not on the Agenda - None

4. Remarks from Planning Commissioners - None

5. Planning Director Report –

- Director Wilkinson indicated that Charlie Ewert participated today on a panel regarding conditional use permits at the Utah Land Use Institute.

- June 30th is the deadline for two of the Planning Commission terms. So far, other than Andrew Favero submitting an application, we have received one other application.

6. Remarks from Legal Counsel – None

7. Adjourn

Adjourn to a Work Session

WS3. Weber County Land Use Code – Request to consider a land use code amendment to the Home Occupation Chapter

Sean Wilkinson indicated that there is a request to move Work Session Item 3 up to be the first item. Chair Borklund indicated that that would be fine.

Charles Ewert indicated that Mr. and Mrs. Thomassen are requesting an ordinance change to allow certain athletic instruction activities to occur on their residential property in the A-1 zone in Western Weber County. After considering their request staff concluded the best way for the code to be amended to accommodate the request whilst minimizing the potential effects of full scale recreational facilities in residential areas is to address the use as a home occupation. Through regulations of a home occupation, the County can provide regulating provisions to keep the use from turning into a full scale commercial activity.

Currently, home occupations are only allowed to use 400 square feet or less of the home, and may not be conducted outside the home. This proposal, if approved, would allow yard area and accessory buildings to be used for athletic instruction activities related to a home occupation. It is a shift from current policy, but appears to be keeping with the County Commission's desire to support economic development and small business ventures.

The Thomassen's own a five-acre residential property in Western Weber County in the A-1 zone (on 3500 West). There is a swimming pool and a large accessory building with an indoor basketball court and indoor batting cage currently on their property. They would like the opportunity to provide athletic instruction in those facilities. They approached staff several weeks ago to discuss the idea, and then subsequently filed an application to amend the Land Use Code.

The proposal, as written by staff, is to amend the home occupation code to allow athletic instruction to occur outside a residence in yard area or inside accessory structures. There are also other administrative and clarifying changes to the code. The question is can they do athletic instruction outside of the home such as swimming and tennis lessons. The Ogden Valley Planning Commission believed that instruction could occur outside a residence and they wanted to not just limit it to instruction outside of the home. The limitations imposed on the proposed athletic instruction uses will help keep it compatible with the residential nature of the surrounding area. As with any home occupation, if at some point the occupation gets so big that it cannot comply with the standards of the ordinance, the business owner will need to seek an appropriate business site elsewhere.

Mrs. Thomassen's indicated that their home was purchased with a gym. They want to be able to use the gym as a place of athletic instruction, but not charge for that instruction. The County is widening 3500 W which will reduce their lot size from five acres. They want to be able to implement their income with a home business. There is paved parking and the area is separated from their neighbors.

Commissioner Heslop indicated that he had a son that played athletics. He questions how they would handle a home business and the parking required. Mrs. Thomassen indicated that the home occupation would probably be limited to 8-10 youth.

Charles Ewert indicated that the parking will be regulated by the Land Use Code. The Planning Division has a zoning enforcement officer that will investigate complaints when made. Davis County limits the home occupation to the inside of the home. Cache County splits the uses out by a home occupation and a home based business. One use is permitted and the other is conditional. Box Elder, Summit, Wasatch and Morgan allow outside activities outside and in outbuildings provided certain conditions and parameters are met.

Chair Borklund indicated to her a home occupation should still look and feel like a home and not like a commercial business.

Charles Ewert stated that they should ask what the things are that make a residential business a business. Can they mitigate the things of a business in a residential home? Signage is an issue that is to be addressed in the code as well.

Chris Crockett stated that whatever they decide to review or to do, the courts will ask, "is it reasonably debatable?" If it is, the courts will be fine with it. It is a good idea to look at what other counties are doing.

Charles Ewert indicated that if they go the way that the Ogden Valley wants to go, any outdoor personal instruction would be allowed.

The proposed ordinance language was reviewed.

Commissioner Andreotti asked if equestrian instruction would be allowed, and Mr. Ewert replied yes, if they met with all other requirements of a home occupation.

Commissioner Heslop asked if the child train rides through a petting zoo would qualify, and Mr. Ewert stated that he would argue that unless they had some type of instructional activities as part of that.

Charles Ewert indicated that the Ogden Valley Planning Commission essentially said to remove the words athletic instruction and that would open it up to any instruction being allowed if it wasn't harmful to the neighborhood and the detrimental effects could be mitigated. The Health Department would become involved if the instruction was going to be in a pool or if there would be shower facilities.

Commissioner Heslop asked if they know how many back yard garages they have in Weber County. Home occupation auto repair can become problems in a residential neighborhood. Chair Borklund asked about a vacation rental or a bed and breakfast, would they be considered a home occupation? Charles Ewert indicated that bed and breakfasts and nightly rentals are currently regulated presently in other portions of the code.

Chair Borklund asked the fees for home occupation. Director Wilkinson indicated that a land use permit for a home occupation is \$25 and the home occupation business license is \$35. It is believed that the fees are not enough to recoup the costs of administration.

Chair Borklund indicated that she believes that five days a week for a daycare is sufficient. The word "pupil" is still appropriate. The term senior day care or adult day care was discussed for possible inclusion in the code.

WS1. Weber County Land Use Code Revision Process: Conditional Use Code

Charles Ewert presented a report and presented the proposed changes to the Conditional Use Code. He indicated that the onus to approve that someone is in compliance has shifted a little bit from state code. This amendment is meant to fix that. Design Review is applicable for permitted and conditional uses.

This is a complete rewrite of the Conditional Use chapter. He rewrote the whole section for clarity and to specifically remove one section 102-4-3 Certificate of Occupancy Required. They wanted to make sure that no building could be issued unless in compliance with the land use code.

Chair Borklund asked if under line 44, the use has to be abandoned for a year before the Conditional Use would need to be reapplied for under the current code. Charles Ewert indicated that the burden of proof for to establish abandonment is on the property owner. The regulation is in other portions of the code.

Charles Ewert stated that Ogden Valley was concerned about water feasibility and at what threshold would be start asking about water. They wanted staff to start asking questions of where the water would come from, is it an exchange application, does the water right run with the land, what the water right number is so people can research it, etc. Weber County is not going to verify that there is secondary water; they will only ask that the water company verify that there is a system.

Code enforcement. The writing of this code opens up another administrative procedure for enforcement. He is not sure if it is a good or bad thing at this point.

Decision requirements, in essence, indicate that we shall approve permits unless they cannot be successfully mitigated. There is some flexibility in the last section on Line 382 which is if the applicant can provide something better than what our code states; the Planning Commission has some flexibility to approve the voluntary alternative. The planning commission will look to the experts to determine what standards are applicable to this review.

Revocation procedures should be the last resort on a conditional use. Chair Borklund indicated she believes that a permit should be revoked by the same body that issued the approval. Chris Crockett indicated that there are due process rights.

WS2. Weber County Land Use Code – Title 108, Chapter 15 (Standards for Single Family Dwellings) and Title 108, Chapter 7 (Supplementary and Qualifying Regulations)

Sean Wilkinson indicated that there is not much that is really changing in the code. They are bringing the standard 108-15-3 Exceptions. This section was added. It would allow the Planning Director or his designee to waive any of the architectural or matching standards if the dwelling owner can provide a letter from a professional licensed architect that explains their agreement to the waiver of any particular standard and certifies that in the absence of the subject standards the dwelling will be considered architecturally compatible with the surrounding neighborhood due to the integration and use of compensating materials and or architectural features.

The biggest problem they were having was that people wanted to have flat roofs. The old code required that 60% of the roof had to be at least a 2:12 pitch. The new code will eliminate the 60% and require the roof to be at least a 2:12 pitch unless the above letter is submitted and then they will consider the exception.

Chair Borklund indicated that she was confused with some of the redundant wording. Commissioner Heslop indicated asked how they handle multi-generational families living in one home. Is that still considered a single-family dwelling? Director Wilkinson replied that related individuals yes, but only up to four unrelated individuals can live together in a dwelling as a household unit for the purposes of what the county considers a family. Chair Borklund said on page 3 where it talks about exceptions, she questions why you would allow an exception. Director Wilkinson indicated that there is an architect in the Ogden Valley that designs with flat roof and it looks very nice; however, in some areas, it may not look so nice. Also roofs can be built with materials that may not be listed in the code.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Sherri Sillitoe, Secretary,
Weber County Planning

Minutes of the Western Weber County Planning Commission held on July 14, 2015, in the Weber County Commission Chambers, 2380 Washington Blvd., Ogden UT

Members Present: Jannette Borklund, Chair
Lance Greenwell
Roger Heslop
John Parke
Michael Slater

Member Excused: Mark Whaley
Wayne Andreotti

Staff Present: Sean Wilkinson, Planning Director; Jim Gentry, Principal Planner; Charles Ewert, Principal Planner; Sherri Sillitoe, Secretary

*Pledge of Allegiance

*Roll Call

Commissioner Borklund welcomed the two new Planning Commissioners; Lance Greenwell and Michael Slater.

No Exparte Communication was expressed at this point.

The Opening Meeting Statement was read at this time.

1. Administrative Items

1.1. Consideration and action on a request for preliminary approval of Henry Flats Cluster Subdivision consisting of 12 lots, located at 300 West 400 South – Travis Wallace for PAANCLLC, Applicant

Jim Gentry presented a report and indicated that the applicant is requesting preliminary approval of Henry Flats Cluster Subdivision located at approximately 4300 West 400 South in Western Weber County. The proposed subdivision will occupy 12.34 acres and will consist of 12 lots, with each lot being 20,000 square feet or larger. The parcel is split between the A-1 and A-2 Zones, which both require 40,000 square feet and 150 feet of frontage; however, Henry Flats is being proposed as a cluster subdivision with lots being at least 20,000 square feet with 100 feet of frontage. This cluster subdivision was submitted prior to the recent changes to the cluster subdivision ordinance and falls under the provisions of the previous code.

The proposed roadway will be dedicated as a public road and will extend northerly from 400 South Street where it will provide one access to an adjacent parcel before extending further north. The Cluster Subdivision Ordinance allows a maximum bonus density of 50%, and the applicant is requesting the following:

- Fifteen percent bonus for meeting the intent of the Cluster Subdivision.
- Ten percent bonus for providing a stub road.

There are 10.32 net developable acres and a 25 percent bonus will give the applicant two additional lots. There will be 3.56 acres of open space (30 percent), with the open space left in a natural state. Culinary water will be provided by Taylor West Weber with the developer creating a pond for irrigation water. A water capacity assessment letter needs to be provided prior to final approval. The applicant has Hooper Irrigation water shares. There is still as question as to where the secondary water pond will be located. The information should be presented to the Planning Commission.

Gene Atkinson, 4413 W 400 S, indicated that he has the same concern about the canal easement. He believes that the property line should be the east side of the easement. He has an objection to having the property as open space. He would like the development done right. He is concerned about how the twelve septic tanks would be engineered. There is significant drainage to the northeast and he would not want it to become a slough.

Chair Borklund asked what could happen with the density if they put the property line inside of the canal (let the property along the canal be a walking trail or open space). Jim Gentry indicated that he did not know how far down it would take these lots and because they only have an easement from one point to another. It would be a question for the applicant to address as he represented that he owned the property.

Travis Wallace indicated that he has been talking with Gary Hancock regarding the property on Lot 7 and he indicated that he would work out something about purchasing this property. Gary Hancock is Rex Hancock's brother. They didn't know the proposed density at that point.

Chair Borklund asked Mr. Wallace the question about the open space if they move the property line inside of the canal.

Travis Wallace stated that he owns property that goes over the top of the Wilson Canal. He lets his neighbor have access to it. It can be done. He believes the lots are good size lots, they just happen to own the additional areas. He has to rely on the survey that was done.

Chair Borklund asked what would happen if the piece where the Hooper Canal is because on its own, it could not become a legal subdivision lot. Jim Gentry indicated that under the old ordinance, the overall lot size is three acres. He suggested that they table this issue for a redesign. Chair Borklund said if the road stubs have no purpose, then it would not make sense to give bonus density. Sean Wilkinson indicated that they would like the County Engineer to look at the road stubs and see if they could be needed in the future.

Lowell West, 4309 W 400 S, and a property owner across the street, indicated they have lived in the area for over 40 years. His question is where all the sewage will go with this cluster housing. They moved to the area when an acre was required. He is concerned about the increase in traffic and the proposed traffic flow. The section to the northeast, he questions if it will be actually used, because right now it is a swamp.

Travis Wallace indicated that they had an Engineer look at this and reduced their plan from 13 lots to 12. They have worked with Summer Day at the Health Department and to ensure there is enough room for the drain field. This is the reason they have proposed 12 lots instead of 13 lots. Their idea is to have patio homes which hold their value quite well.

Ernie Champagnie, 4435 W 400 S, asked if there was any consideration to having six homes instead of 12 homes. He moved to the area for the quiet. He would be concerned that his property values would be decreased if twelve low cost homes are built there rather than six with open space.

Kent Nielsen, 4463 W 400 S., indicated that he lives across the street and owns other property across the street as well. He indicated that this proposal would also affect his land. He is concerned about the proposed road stubs and the fact that they go nowhere. It would require the property owner at the other side of the road stub to continue the road stub. Chair Borklund indicated that this is why the Planning Director suggested that the County Engineer look at the need for the proposed road stubs. Mr. Nielsen asked that for 12 lots, does there have to be 12 acres? Director Wilkinson indicated that it is complex; it depends on the base number of lots and how much property is there. They have to have at least enough property to meet the 40,000 sq. ft. requirement.

Director Wilkinson indicated that it was a balancing act to determine what standards needed to be added to the ordinance and if any were to be removed. This ordinance will be the starting point where they will review in the future and determine what has worked or what has not and then they can make adjust in the future when needed.

The Planning Commission shall apply reasonable conditions based on applicable standards.

Chair Borklund asked if the ordinance could be overwhelming for the public now that there are a lot of standards. Charles Ewert indicated that a pre-application meeting will be scheduled with the applicant and staff will ask the needed questions and it will be the project manager's responsibility to walk the applicant through the process and to help fill the application out.

Chair Borklund indicated that she believes that everything they have talked about has been addressed. Commissioner Heslop indicated that he believes that Mr. Ewert and other staff have done a good job.

Commissioner Parke moved to open the public hearing.

The public hearing was closed noting that there was no public in attendance to comment. Commissioner Slater seconded the motion and the motion carried by a unanimous vote.

MOTION: Commissioner Heslop moved to recommend approval to the County Commission of ZTA 2014-07 Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Definitions (§ 101-1-7), Land Use Permit, Building Permit, and Certificate of Occupancy (§ 102-4), Conditional Uses (§ 108-4), and Supplementary and Qualifying Regulations (§ 108-7) to update and clarify provisions related to conditional use permitting and procedures for their consideration. Commissioner Greenwell seconded the motion. A vote was taken and Chair Borklund indicated that a vote was taken and the motion carried with a unanimous vote of those members present.

2.2. Consideration and recommendation on a proposal to amend the following sections of the Weber County Land Use Code: Definitions (§ 101-1-7), Land Use Permit, Building Permit, and Certificate of Occupancy (§ 102-4), Conditional Uses (§ 108-4), and Supplementary and Qualifying Regulations (§ 108-7) to update and clarify provisions related to conditional use permitting and procedures.

Charles Ewert presented the background of the proposal. Originally, the request came in to change the A-1 Zone, but after staff's review they recommended changes to what has now been presented. This is primarily an applicant driven code change to the Home Occupation code. While changes to the Home Occupation code are necessary, staff would not have prioritized them over other ordinance work without a request for a specific consideration from an applicant. The applicants, Gregg and Kami Thomassen are requesting that the code is changed so that instructional activities are allowed in yard area and in accessory buildings. Upon review of the request, staff determined that the majority of the Home Occupation code should be re-written to provide consistence and clarity, and to remove un-administrable code provisions.

The applicants have a large accessory building with an indoor basketball court. They would like the opportunity to open a business that provides athletic instruction inside the building. Ogden Valley Planning Commission thought that other types of instruction could be allowed outdoors. Exhibit B Item 13 indicated that this chapter also addresses short term vendors, temporary outdoor sales, and farmers markets.

Commissioner Slater asked where the three acre lot size came from and Charles Ewert indicated that three acres was arbitrary because the minimum lot size for most of the Ogden Valley floor was three acres.

Commissioner Slater indicated that he looks at his neighbors that have a pool on an acre and he believes that it would not be a problem if lighting was addressed. Commissioner Parke indicated that he could agree.

3. Public Comment for Items not on the Agenda
4. Remarks from Planning Commissioners
5. Planning Director Report
 - Director Wilkinson welcomed the two new members. He has done training for Commissioner Greenwell, and Thursday He will have training for Commissioner Slater.
 - Staff is working on research for the new state requirement of listing all of the county's resources and will hopefully it will lead into a General Plan update in the future.
 - The Utah APA Fall Conference will be in October at Thanksgiving Point.
6. Remarks from Legal Counsel:

Chris Crockett welcomed two new members and indicated that he looks forward to working with the board.

There being no further business, the meeting was adjourned at 7:00 p.m.

Respectfully Submitted,

Sherrill Sillitoe, Secretary
Weber County Planning Commission



Weber County Planning Division

To: Western Weber Planning Commission
From: Charles Ewert, AICP
Date: May 14, 2015
Subject: Request to consider allowing detached accessory apartment

Summary. Mr. Johnny Tallon, from the Eden area, is requesting that the Planning Commission consider an amendment to the Land Use Code to allow detached accessory apartments. His request, which can be read in the attached letter, indicates his desire to provide a place on his property for his aging parents to reside.

Background. This discussion was initiated when Mr. Tallon approached staff with questions about allowing small living quarters in a detached building. He has paid a small fee to have this discussion with the Planning Commission in a work session.

Proposal. The request, as can be read in more specificity in the attached letter, is to discuss the possibility of changing the Land Use Code to enable detached accessory apartments. Considering the nature of the request, where Mr. Tallon references restrictions in the building code he is likely meaning restrictions in the Land Use Code.

Planning Commission Consideration. Mr. Tallon would like to know whether the Planning Commission would support such an amendment. He is asking for this discussion prior to submitting a formal application for a code amendment. Until a formal application is submitted for a code amendment there will not be significant staff review on the matter. However, some considerations that the Planning Commission may want to discuss when deliberating on the matter are as follows:

- Is there a need for more housing choices for relatives in the valley, and if so, will this request help provide for it?
- Are there rules that could be implemented to keep the use from evolving into an accessory single family dwelling unit? Small footprint? Recorded covenant with the County? Not allowing it to be leased or rented?
- What happens to the accessory apartment after the relatives no longer live there?
- Attached accessory apartments are already allowed in the valley, how are detached accessory apartments different? What are the differing impacts? Does the separation provide a significant benefit? Are there significant detriments?
- How will enforcement work?

Attachments:

- Letter from resident regarding detached accessory apartments.
- Accessory apartment code.

Dear Ogden Valley Planning Commission,

05/14/2015

I would like to build a detached shop/barn that contains a small (800-1000 sq. ft.) apartment on my property of 2.56 acres in Eden. The building would be located approximately 60 feet from the main residence and would not extend beyond the front of the residence. The apartment would be occupied by my aging parents who are in their early 70's, one of whom is a veteran and experiencing some significant health challenges. The apartment would never be used as a rental.

I fully understand that many residents in Ogden Valley want to maintain a low population density in the area and that the current building code reflects that sentiment. I share it too. The rural population and natural beauty of the area are some of the primary reasons my wife and I decided to settle here and raise our family after I retired from the military. This is not a seasonal home for us. We live here year around and are committed to the idea that the Valley maintain its rural charm that so many Valley residents value.

One of the other factors that drew us to Utah is the long standing culture of family values and the importance that most Utahans place on taking care of their families. I believe that we all have a duty to honor our aging parents and an obligation as a society to ensure our senior citizens can live out their golden years with dignity. Families should not be unreasonably constrained from taken care of their loved ones as they see fit by one-size-fits-all building codes.

Not all properties and homes lend themselves to an attached apartment as per the current building code; such is the case with my home. A detached apartment would fit my property best. It would also allow my parents a higher degree of privacy and independence, while allowing me to take care of their needs. There has to be a way that we as Ogden Valley residents and creative planners can find a way to give families the flexibility to take care of their aging parents and seniors, while maintaining the rural charm and culture of the Valley. Thank you for taking the time to review my request. I pray for my family's sake that something can be done.

Sincerely,



Johnny Tallon

1817 N. 6250 E.

Eden, UT 84310

801-866-2976

uscg2013@gmail.com

CHAPTER 19. - ACCESSORY APARTMENTS

Sec. 108-19-1. - Purpose and intent.

The purpose of allowing accessory apartments within existing dwellings or by addition thereto, subject to conditions by conditional use permit, is to provide for affordable housing for the citizens of the county.

(Ord. of 1956, § 42-1)

Sec. 108-19-2. - Conditional use.

Accessory apartments may be permitted, by conditional use permit, in any zone in which single-family residential dwelling units are allowed, under the following specifications:

- (1) *Relationship to principal use; appearance.* An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common walls, roof, and/or floors with the principal dwelling. The minimum width shall be 20 feet with the livable floor area of the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and open up into the common living space of the main home can be closed off by a door. The accessory apartment opening into a garage or storage is not considered livable space. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. There shall be no more than one apartment accessory to a permitted dwelling. There shall be no separate address, mailbox or utilities.
- (2) *Floor area.* Living area of an accessory apartment shall contain a minimum of 400 square feet and shall not exceed a maximum of 800 square feet; there shall be no more than two bedrooms in such apartments. In no case shall the floor area exceed 25 percent of the gross livable floor area of the total structure.
- (3) *Location.* An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing (by location) nonconforming dwelling, shall not be subject to such requirements. No apartment shall be located in a basement or cellar unless such basements or cellar constitutes a walk-out basement. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.
- (4) *Access.* An accessory apartment shall have a minimum of one separate external door access from the principal dwelling located on either the side or the rear of the principal dwelling.
- (5) *Amenities.* An accessory apartment shall contain separate amenities from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service.
- (6) *Parking.* In addition to the two parking spaces required for the principal dwelling, two off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking.

(Ord. of 1956, § 42-2)

Sec. 108-19-3. - General provisions.

In addition to the section above, the following general provisions shall apply:

- (1) Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences.
- (2) Nothing shall prevent the owner of the premises from deed restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, state or federal law or regulation.
- (3) There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this section.
- (4) All provisions of the state building code, as amended from time to time, including the securing of requisite building land use permits, building permits, and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment.
- (5) The fire marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety.
- (6) The Morgan-Weber Environmental Health Department or sewer service provider shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements for sewage disposal.

(Ord. of 1956, § 42-3)

Sec. 108-19-4. - Application procedure.

The application for a conditional use permit for an accessory apartment shall follow the guidelines in chapter 4 of this title. The following provisions shall also apply to the establishment of an accessory apartment:

- (1) A person seeking to establish an accessory apartment shall file an application for a conditional use permit and pay the associated filing fee. The application is to be accompanied by complete floor plans, elevations, and interior layout drawn to scale, including alterations to be made to the existing dwelling exterior. Also, photographs of the dwelling exterior are to be submitted with the application. The application shall then be reviewed and either approved or denied by the township planning commission in which jurisdiction the property lies.
- (2) Upon receipt of a conditional use permit and building permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises. The conditional use permit shall be reviewed for renewal every two years.

(Ord. of 1956, § 42-4)

Sec. 108-19-5. - Moderate income housing provision.

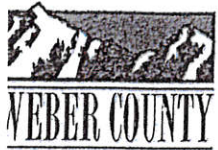
In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that provision for accessory apartments be established meeting the affordability guidelines established by the county moderate income housing plan. Owners are encouraged to establish units in consideration of such guidelines.

- (1)

To determine achievement of affordable housing designation, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit at the time of issuance of the certificate of occupancy.

- (2) The planning division staff, pursuant to its established administrative requirements, shall review rental agreements every two years as part of the conditional use approval in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing.

(Ord. of 1956, § 42-5)



WEBER COUNTY CMS RECEIPTING SYSTEM OFFICIAL RECEIPT

cms314a
Page 1 of 1

*** REPRINT ***

Date: 14-MAY-2015

Receipt Nbr: 4280

ID# 29641

Employee / Department: CRAIG - 4181 - PLANNING

Monies Received From: TALLON

Template: PUBLIC WORKS

Description: PLANING AGENDA

The following amount of money has been received and allocated to the various accounts listed below:

Total Currency	\$	<u> </u>	.00
Total Coin	\$	<u> </u>	.00
Total Debit/Credit Card	\$	<u> </u>	50.00
Pre-deposit	\$	<u> </u>	.00
Total Checks	\$	<u> </u>	.00
Grand Total	\$	<u> </u>	<u> </u>

Account Number	Account Name	Comments	Total
015-08-4181-3419-0550-000	ZONING FEES		50.00
TOTAL \$			<u> </u>
TOTAL \$			50.00

Check Amounts

Total Checks:	Total Check Amounts: \$.00
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*** SAVE THIS RECEIPT FOR YOUR RECORDS ***

Desires May 26th Meeting



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Public hearing to consider and take action on a request (ZTA 2015-02) to amend Title 108 (Standards), Chapter 15 (Standards for Single Family Dwellings), of the Weber County Land Use Code, by eliminating some standards, exempting specific project types from some standards, and improving overall organization.

Agenda Date: Tuesday, August 11, 2015

Applicant: Weber County Planning Division Staff

File Number: ZTA 2015-02

Staff Information

Report Presenter: Scott Mendoza
smendoza@co.weber.ut.us
(801) 399-8769

Report Reviewer: SW

Applicable Codes

- Weber County Land Use Code, Title 108 (Standards) Chapter 15 (Standards for Single Family Dwellings).

Legislative Decisions

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

Background

For many decades, Weber County's land use code restricted manufactured homes to only certain zones. The code, in June of 1991, was amended reclassifying these homes as "single-family dwellings" which meant that they would be permitted in any zone that allowed the construction of a dwelling. The main part of this amendment was in the form of a newly created chapter that established building design standards that applied to all homes including conventional "frame-style" homes. These standards related to permanent foundations, taxation as real property (as opposed to personal property), exterior materials, roof pitch, width, and parking. The chapter, until now, has remained unchanged except for a minor amendment, in 2006, that updated some terms so that they would conform to the International Building Code.

Today's proposed amendment is intended to provide clarity, less repetition, and more organization. It also eliminates some standards and offers exceptions to specific types of development projects and to individuals on a case-by-case basis. The reason for eliminating some of the standards is because they have become outdated and the reason for allowing architecturally related exceptions is due to a desire for allowing some flexibility in design. See Exhibit A for the proposed draft with comments and explanations in the right column (~~stricken~~ text represents proposed deleted language and red underlined text represents proposed new language). See Exhibit B for the proposed draft without comments and explanations (larger, easier to read text). See Exhibit C for the proposed final draft in a new organizational and preferred format.

Summary of Planning Commission Considerations

- Is the proposed amendment consistent with the Ogden Valley General Plan?

Conformance to the General Plan

The Ogden Valley General Plan (pg. 5) states that one of the community's goals is to *"require that development is compatible with the Valley's rural character and natural setting."* It also guides the County to *"determine the types of residential and commercial building materials that are compatible with the Valley's rural character."*

The Recreation Element of the Ogden Valley General Plan (pg. 152) states that *"the future of Ogden Valley's character is dependent on the future development success of its resort areas."* To preserve the Valley's character, the Plan also states that Weber County should adopt a "variety of progressive resort development guidelines."

The proposed amendment is consistent with guidance given in the Ogden Valley General Plan due to its ability to guide exterior material choices and home design in a way that ensures that development is compatible with the Valley's rural character. The amendment also allows design flexibility in resort areas.

Staff Recommendation

Based on the proposal's conformance to the Ogden Valley General Plan, the Planning Division Staff suggests that the Ogden Valley Planning Commission recommend that the Weber County Commission approve and adopt the proposed amendments to Title 108 (Standards), Chapter 15 (Standards for Detached Single Family Dwellings) of the Weber County Land Use Code.

Exhibits

- A. Proposed draft of Chapter 15 (Standards for Single Family Dwellings) with comments and explanations in the right column.
- B. Proposed draft of Chapter 15 (Standards for Single Family Dwellings) **without** comments and explanations to provide larger, easier to read, text.
- C. Proposed final draft of Chapter 15 (Standards for Single Family Dwellings) in a new organizational and preferred format.

Exhibit A

1 CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

2 Sec. 108-15-1. - Codes and standards.

3 Any dwelling or other structure which is designed or intended for human habitation, which is to be
4 located in the county outside of a mobile home park, mobile home subdivision or manufactured home
5 subdivision or PRUD, must meet the standards of the uniform building and other codes as adopted by the
6 county, or if it is a manufactured home, it must meet the standards of, and be certified under the National
7 Manufactured Housing and Standards Act of 1974 and must prominently display an insignia approved by
8 the United States Department of Housing and Urban Development and must not have been altered in
9 violation of such codes.

10 Any structure that is designed to be lived in by one family, and is located outside of a mobile or
11 manufactured home park, camp, court, subdivision, or Planned Residential Urban Development (PRUD),
12 shall meet all applicable standards including those listed below and the International Building Codes, as
13 adopted by Weber County. If a structure, designed to be lived in by one family, is constructed as a mobile
14 or manufactured home, it shall also meet all applicable standards and be certified as meeting the U.S
15 Department of Housing and Urban Development's (HUD) Manufactured Home Construction and Safety
16 Standards including the clear display of all necessary signage, insignias, labels, tags and data plates.

17 (Ord. of 1956, § 37-1)

18 Sec. 108-15-2. - ~~Additional~~ Other standards and requirements.

Comment [s1]: Added because "standards" are referred to above.

19 In addition to the above codes and standards, the following requirements standards shall also be
20 met:

21 (1) The Single-family dwellings must shall be permanently connected and attached to a site-built
22 permanent foundation which meets all applicable codes including the International Code
23 Council (ICC) Guidelines for Manufactured Housing Installations if the dwelling is a
24 manufactured home. Installation or transportation components, consisting of but not limited to,
25 lifting shackles or hooks, axles, wheels, brakes, or hitches, shall be removed or hidden from
26 view. Any running gear shall be removed and stored out of sight. Exterior walls or surfaces, that
27 enclose or create a crawlspace area, shall Any enclosure must be anchored secured to the
28 perimeter of the dwelling and be constructed of materials that are weather resistant and
29 aesthetically visually mimic consistent with concrete and masonry foundation materials. These
30 exterior walls may also be constructed of or faced with the same material used on the portion of
31 exterior wall that encloses or creates the habitable space of the dwelling.

32 (2) The Single-family dwellings must shall be permanently connected to and approved for all
33 required utilities.

34 (3) The Single-family dwellings must shall be taxed as real property. If the dwelling is a mobile or
35 manufactured home that has previously been issued a certificate of title, an affidavit the owner
36 must shall follow and meet all applicable Utah State Code titling provisions that result in the
37 mobile or manufactured home being converted to an improvement to real property, be filed with
38 the state tax commission pursuant to U.C.A. 1953, § 59-2-602 and qualified therefor as an
39 improvement to real estate.

40 (4) The dwelling must provide a minimum of 72 square feet of enclosed storage with the minimum
41 height of six feet located in a basement or garage area or in an accessory storage structure.
42 Such structure shall conform to all applicable building codes.

Comment [s2]: Is there a need for this?

43 (5) Porches and landings for ingress and egress to the dwelling must be built in accordance with
44 chapter 3 of the International Residential Code as adopted by the State of Utah.

Comment [s3]: Outdated and addressed in the building code.

Exhibit A

45 (6) At least 60 percent of the roof must be pitched at least 2:12 pitch and shall have a roof surface
46 of wood shakes, asphalt, composition, wood shingles, concrete, metal tiles, slate, built up gravel
47 materials or other materials approved by the International Residential Code.

48 Single-family dwellings, except for those located within a mobile or manufactured home park,
49 camp, court, subdivision, or Planned Residential Urban Development (PRUD), or those located
50 within a non-mobile or manufactured home PRUD, a master planned community, or the
51 Destination and Recreation Resort Zone, shall have a roof pitch of not less than a 2:12 ratio.

52 (7) The dwelling shall have exterior siding consisting of wood, masonry, concrete, stucco, masonite
53 or metal or vinyl lap. The roof overhang, including rain gutters, shall not be less than one foot,
54 measured from the vertical side of the building, but not including bay windows, nooks, morning
55 rooms, etc.

56 Single-family dwellings shall have exterior siding constructed of wood, masonry, concrete,
57 stucco, masonite, metal, or vinyl lap. Roof overhangs, including rain gutters, shall not be less
58 than one foot as measured from the vertical side of the building. Roof overhangs are not
59 required on bay windows, nooks, morning rooms, or other similar accessory wall projections.

60 (8) The width of the dwelling shall be at least 20 feet at the narrowest point of its first story for a
61 depth of at least 20 feet exclusive of any garage area. The width shall be considered the lesser
62 of two primary dimensions. If the width of the dwelling faces a street and is less than one half of
63 the length, the required off-street parking shall be in a two-car garage attached to the length of
64 the dwelling.

65 Single-family dwellings, except for those located within a mobile or manufactured home park,
66 camp, court, subdivision, or Planned Residential Urban Development (PRUD), or those located
67 within a non-mobile or manufactured home PRUD, a master planned community, or the
68 Destination and Recreation Resort Zone, shall have a width, not including garage area, of at
69 least 20 feet or more. The width of the dwelling is determined by indentifying the lesser of two
70 dimensions when comparing a front elevation to a side elevation.

71 (9) Required off-street parking spaces shall be side-by-side. (See section 108-8-2.)

72 (10) The county building inspector, as the zoning enforcement officer in concert with the county
73 planning commission, may approve deviations from one or more of the development or
74 architectural standards provided herein on the basis of a finding that the architectural style
75 proposed provides compensating design features and that the proposed dwelling will be
76 compatible and harmonious with existing structures in the vicinity. Together, they may also
77 require other deviations to achieve the overall goals and purposes of this chapter. These
78 requirements may be appealed to the board of adjustment.

79 Sec. 108-15-3. - Exceptions.

80 The Planning Director, or his/her designee, may waive any of the above architectural and/or massing
81 standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

- 82 1. Explains their agreement to the waiver of any particular standard; and
- 83 2. Certifies that, in the absence of the subject standard(s), the dwelling will be considered
84 architecturally compatible with the surrounding neighborhood due to the integration and use of
85 compensating materials and/or architectural features.

86 (Ord. of 1956, § 37-2; Ord. No. 2008-6)

Comment [s4]: This standard could be eliminated if the Planning Commission chose to do so. This paragraph has been re-written to provide flexibility in some circumstances. Also below, the Planning Director can waive standards for added flexibility. Also, where this standard allows "other materials" that are permitted by the building code, there is no need for it here.

Comment [s5]: This standard prohibits standard shipping containers and "Earth-ships" constructed of exposed rubber tires. The building code does not require eaves or overhangs.

1 CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

2 Sec. 108-15-1. - Codes and standards.

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 5 subdivision or PRUD, must meet the standards of the uniform building and other codes as adopted by the
 6 county, or if it is a manufactured home, it must meet the standards of, and be certified under the National
 7 Manufactured Housing and Standards Act of 1974 and must prominently display an insignia approved by
 8 the United States Department of Housing and Urban Development and must not have been altered in
 9 violation of such codes.

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 11 manufactured home park, camp, court, subdivision, or Planned Residential Urban Development (PRUD),
 12 shall meet all applicable standards including those listed below and the International Building Codes, as
 13 adopted by Weber County. If a structure, designed to be lived in by one family, is constructed as a mobile
 14 or manufactured home, it shall also meet all applicable standards and be certified as meeting the U.S
 15 Department of Housing and Urban Development's (HUD) Manufactured Home Construction and Safety
 16 Standards including the clear display of all necessary signage, insignias, labels, tags and data plates.

17 (Ord. of 1956, § 37-1)

18 Sec. 108-15-2. - ~~Additional~~ Other standards and requirements.

19 In addition to the above codes and standards, the following requirements standards shall also be
 20 met:

- 21 (1) The Single-family dwellings must shall be permanently connected and attached to a site-built
 22 permanent foundation which meets all applicable codes including the International Code
 23 Council (ICC) Guidelines for Manufactured Housing Installations if the dwelling is a
 24 manufactured home. Installation or transportation components, consisting of but not limited to,
 25 lifting shackles or hooks, axles, wheels, brakes, or hitches, shall be removed or hidden from
 26 view. Any running gear shall be removed and stored out of sight. Exterior walls or surfaces, that
 27 enclose or create a crawlspace area, shall Any enclosure must be anchored secured to the
 28 perimeter of the dwelling and be constructed of materials that are weather resistant and
 29 aesthetically visually mimic consistent with concrete and masonry foundation materials. These
 30 exterior walls may also be constructed of or faced with the same material used on the portion of
 31 exterior wall that encloses or creates the habitable space of the dwelling.
- 32 (2) The Single-family dwellings must shall be permanently connected to and approved for all
 33 required utilities.
- 34 (3) The Single-family dwellings must shall be taxed as real property. If the dwelling is a mobile or
 35 manufactured home that has previously been issued a certificate of title, an affidavit the owner
 36 must shall follow and meet all applicable Utah State Code titling provisions that result in the
 37 mobile or manufactured home being converted to an improvement to real property. be filed with
 38 the state tax commission pursuant to U.C.A. 1953, § 59-2-602 and qualified therefor as an
 39 improvement to real estate.
- 40 (4) The dwelling must provide a minimum of 72 square feet of enclosed storage with the minimum
 41 height of six feet located in a basement or garage area or in an accessory storage structure.
 42 Such structure shall conform to all applicable building codes.
- 43 (5) Porches and landings for ingress and egress to the dwelling must be built in accordance with
 44 chapter 3 of the International Residential Code as adopted by the State of Utah.

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46 of wood shakes, asphalt, composition, wood shingles, concrete, metal tiles, slate, built up gravel
47 materials or other materials approved by the International Residential Code.

48 Single-family dwellings, except for those located within a mobile or manufactured home park,
49 camp, court, subdivision, or Planned Residential Urban Development (PRUD), or those located
50 within a non-mobile or manufactured home PRUD, a master planned community, or the
51 Destination and Recreation Resort Zone, shall have a roof pitch of not less than a 2:12 ratio.

52 (7) The dwelling shall have exterior siding consisting of wood, masonry, concrete, stucco, masonite
53 or metal or vinyl lap. The roof overhang, including rain gutters, shall not be less than one foot,
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61 depth of at least 20 feet exclusive of any garage area. The width shall be considered the lesser
62 of two primary dimensions. If the width of the dwelling faces a street and is less than one-half of
63 the length, the required off-street parking shall be in a two-car garage attached to the length of
64 the dwelling.

65 Single-family dwellings, except for those located within a mobile or manufactured home park,
66 camp, court, subdivision, or Planned Residential Urban Development (PRUD), or those located
67 within a non-mobile or manufactured home PRUD, a master planned community, or the
68 Destination and Recreation Resort Zone, shall have a width, not including garage area, of at
69 least 20 feet or more. The width of the dwelling is determined by indentifying the lesser of two
70 dimensions when comparing a front elevation to a side elevation.

71 (9) Required off-street parking spaces shall be side-by-side. (See section 108-8-2.)

72 (10) The county building inspector, as the zoning enforcement officer in concert with the county
73 planning commission, may approve deviations from one or more of the development or
74 architectural standards provided herein on the basis of a finding that the architectural style
75 proposed provides compensating design features and that the proposed dwelling will be
76 compatible and harmonious with existing structures in the vicinity. Together, they may also
77 require other deviations to achieve the overall goals and purposes of this chapter. These
78 requirements may be appealed to the board of adjustment.

79 **Sec. 108-15-3. - Exceptions.**

80 The Planning Director, or his/her designee, may waive any of the above architectural and/or massing
81 standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

- 82 1. Explains their agreement to the waiver of any particular standard; and
83 2. Certifies that, in the absence of the subject standard(s), the dwelling will be considered
84 architecturally compatible with the surrounding neighborhood due to the integration and use of
85 compensating materials and/or architectural features.

86 (Ord. of 1956, § 37-2; Ord. No. 2008-6)

1 **CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS**

2 **Sec. 108-15-1. – Codes and standards.**

3 Any structure that is designed to be lived in by one family, and is located outside of a mobile or
4 manufactured home park, camp, court, subdivision, or Planned Residential Unit Development (PRUD),
5 shall meet all applicable standards and requirements including the International Building Code and
6 those others listed below. If a structure, designed to be lived in by one family, is constructed as a
7 mobile or manufactured home, it shall also meet all applicable standards and, if appropriate, be certified
8 as meeting the U.S. Department of Housing and Urban Development's (HUD) Manufactured Home
9 Construction and Safety Standards including the clear display of all necessary signage, insignias, labels,
10 tags, and data plates.

11 (Ord. of 1956, § 37-1)

12 **Sec. 108-15-2. – Other standards and requirements.**

13 In addition to the above, the following standards and requirements shall also be met:

14 (1) Single-family dwellings shall:

- 15 a. Be attached to a site-built permanent foundation which meets all applicable codes; and
- 16 b. Have all installation and transportation components, consisting of but not limited to, lifting
17 shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
- 18 c. Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement,
19 stucco, masonite, metal, or vinyl; and
- 20 d. Be permanently connected to all required utilities; and
- 21 e. Be taxed as real property. If the dwelling is a mobile or manufactured home that has previously
22 been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code
23 titling provisions that result in the mobile or manufactured home being converted to an
24 improvement to real property.

25 (2) Single-family dwellings, except for those located within a mobile or manufactured home park, camp,
26 court, subdivision, or PRUD or those located within a non-mobile or non-manufactured home PRUD,
27 a County approved master planned community, or the Ogden Valley Destination and Recreation
28 Resort Zone, that have exterior walls or surfaces, that enclose or create a crawlspace area shall have
29 those walls anchored to the perimeter of the dwelling. The walls shall be constructed of or faced
30 with the following:

- 31 a. Concrete or masonry materials; or
- 32 b. Weather resistant materials that aesthetically imitate concrete or masonry foundation
33 materials; or
- 34 c. Materials that are the same as those used on the portion of the dwelling's exterior walls that
35 enclose and create the habitable space of the dwelling.

36 (3) Single-family dwellings, except for those located within a mobile or manufactured home park, camp,
37 court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home

38 PRUD, a County approved master planned community, or the Ogden Valley Destination and
39 Recreation Resort Zone, shall have:

- 40 a. A roof pitch of not less than a 2:12 ratio; and
- 41 b. Eaves that project a distance of not less than one foot as measured from the vertical side of the
42 building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other
43 similar architectural cantilevers; and
- 44 c. A width, not including garage area, of at least 20 feet or more. The width of the dwelling is
45 determined by identifying the lesser of two dimensions when comparing a front elevation to a
46 side elevation.

47 **Sec. 108-15-3. – Exceptions**

48 The Planning Director, or his/her designee, may waive any of the above architectural and/or massing
49 standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

- 50 (1) Explains his/her agreement to the waiver of any particular standard; and
- 51 (2) Certifies that, in the absence of the subject standard(s), the dwelling will be considered
52 architecturally compatible with the surrounding neighborhood due to the integration and use of
53 compensating materials and/or architectural features.

54 (Ord. of 1956, § 37-2; Ord. No. 2008-6)



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to consider and take action on a request (ZTA 2015-04) to amend Title 108 (Standards), Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County Land Use Code by adding a new section that would allow buildings, in certain situations, to encroach into private road rights-of-ways.
Agenda Date:	Tuesday, August 11, 2015
Applicant:	Weber County Planning Division Staff
File Number:	ZTA 2015-04

Staff Information

Report Presenter:	Scott Mendoza smendoza@co.weber.ut.us (801) 399-8769
Report Reviewer:	SW

Applicable Codes

- Weber County Land Use Code, Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations).

Legislative Decisions

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

Background

Where Weber County has reviewed and approved a resort master plan in an Ogden Valley Destination and Recreation Resort (DRR1) Zone or where the County is reviewing a commercial development in a Commercial Valley (CV1 or CV2) Zone, the preference is to allow, in certain situations, the flexibility necessary to design and create recreational destinations and commercial projects with interesting building form and character. Because neighborhood or "urban" design can significantly influence a development's physical scale, ambience, and economic success, the Planning Division is initiating an amendment to Title 108 (Standards), Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County Land Use Code.

The proposal is to amend the County's Supplementary and Qualifying Regulations Chapter by adding a new section (§108-7-3) that allows a building (or some of its architectural elements) to project into a private street right-of-way. This new section includes a list of specific limitations, requirements, and standards that have to be met prior to a projection being approved. See pages 1 and 2 of Exhibit A for proposed language.

The amendment, if approved, will only apply to development in the Ogden Valley Destination and Recreation Resort (DRR-1) Zone and possibly the Commercial Valley (CV-1 or CV-2) Zone. Projections will be limited to buildings that front on privately dedicated streets and will have to meet, in addition to other requirements and standards, Chapter 32 (Encroachments into the Public Right-of-Way) of the International Building Code (IBC). See Exhibit B for Chapter 32 of the IBC.

Summary of Planning Commission Considerations

- Is the proposed amendment consistent with the Ogden Valley General Plan?

Conformance to the General Plan

The Recreation Element of the Ogden Valley General Plan (pg. 152) states that *“the future of Ogden Valley’s character is dependent on the future development success of its resort areas.”* To preserve the Valley’s character, the Plan also states that Weber County should adopt a “variety of progressive resort development guidelines.”

The proposed amendment can be thought of as “progressive” and is consistent with guidance given in the Ogden Valley General Plan due to its ability to encourage creative building design that can replicate authentic and historic main streets. Also, flexibility in design guidelines can act as an incentive for a developer to acquire a relatively large amount of property and develop it according to the requirements and standards provided in Ogden Valley Destination and Recreation Resort Zone.

Staff Recommendation

Based on the proposal’s conformance to the Ogden Valley General Plan, the Planning Division Staff suggests that the Ogden Valley Planning Commission recommend that the Weber County Commission approve and adopt the proposed amendment to Title 108 (Standards), Chapter 7 (Supplementary and Qualifying Regulations) of the Weber County Land Use Code.

Exhibits

- A. Proposed Section 108-7-3 (Projections permitted into private street rights-of-way) within Chapter 7.
- B. Existing Chapter 32 (Encroachments into the public right-of-way) of the International Building Code.

1 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

2

3 Sec. 108-7-1. - Purpose and intent.

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

6 (Ord. of 1956, § 23-1; Ord. No. 2009-14)

7 Sec. 108-7-2. - Projections permitted into required yard setbacks.

8 Every part of a required yard setback shall be open to the sky, unobstructed except for accessory
9 buildings meeting the required setbacks of the zone in which the building is located. Setbacks for all
10 buildings are measured from the property line to the outermost surface of a building's foundation wall.
11 However, the following projections into the required yard setbacks are permitted for single-family
12 dwellings (including attached garages) only:

- 13 (1) Belt courses, sills, and lintels may project 18 inches into required front, rear and side yard
14 setbacks.
- 15 (2) Cornices, eaves and gutters may project three feet into a required front yard setback, five feet
16 into a required rear yard setback, and two feet into a required side yard setback.
- 17 (3) Outside stairways, fire escapes, flues, chimneys and fireplace structures not wider than eight
18 feet measured along the wall of a building, may project not more than five feet into a required
19 front yard setback, ten feet into a required rear yard setback, and three feet into a required side
20 yard setback.
- 21 (4) Unwalled porches including roof-covered patios, terraces, and balconies may project five feet
22 into a required front yard setback. Where the required rear yard setback is 30 feet or greater, a
23 projection of ten feet into the rear yard setback is allowed. Where the required rear yard setback
24 is less than 30 feet, a five-foot projection into the rear yard setback is allowed.
- 25 (5) Cantilevers may project no more than two feet into the required front and rear yard setback.
26 Cantilevers are not allowed in the required side yard setback.

27 (Ord. of 1956, § 23-2; Ord. No. 1-2008; Ord. No. 2009-14)

28 Sec. 108-7-3. – Projections permitted into private street rights-of-way.

29 When a two-family dwelling, three-family dwelling, four-family dwelling, multi-family dwelling,
30 condominium, or commercial structure is proposed to be built, and where the County’s development
31 standards allow a zero front yard setback, projections into private street rights-of-way may be
32 permitted when the following limitations, requirements and standards are met:

- 33 (1) Projections shall be defined as and limited to architraves, awnings, balconies, bay
34 windows, belt courses, canopies, columns, cornices, eaves, footings, gutters, lintels,
35 marquees, pedestrian walkways, pediments, pilasters, railings, signs, sills, steps, and
36 terraces.

- 37 (2) As determined by Weber County review agencies, the appropriate codes shall be
- 38 applied and all projections shall be demonstrated as compliant with those codes.
- 39 (3) The Weber County Building Official shall apply International Building Code standards
- 40 related to encroachments into public rights-of-ways.
- 41 (4) Where a public utility easement does not strictly prohibit the location of a structure
- 42 immediately adjacent to or within a private road right-of-way, a letter approving the
- 43 projection(s), whether above grade or below, shall be provided by all utility service
- 44 providers that have located utilities on the related side of the right-of way or have plans,
- 45 within two years, to locate utilities on the related side of the right-of-way.
- 46 (5) A letter approving the projection(s), whether above grade or below, shall be provided by
- 47 the owner of the right-of-way.
- 48 (6) In addition to all required street improvements, high-back curb or other barrier,
- 49 determined appropriate by the Weber County Engineer, shall be installed to separate
- 50 and sufficiently protect pedestrian areas or sidewalks from dangers associated with
- 51 street travel lanes.
- 52 (7) Pedestrian areas or sidewalks shall not be less than 4.5 feet in width.

53 Sec. 108-7-~~34~~ - Fencing requirements.

- 54 (a) A wall, fence or hedge not exceeding four feet in height may be located and maintained anywhere on
- 55 a lot except as required by section 108-7-7. A wall, fence, or hedge not more than six feet in height
- 56 may be located anywhere on an interior lot except within the area comprising the required front yard
- 57 setback. A wall, fence, or hedge not more than six feet in height may be located anywhere on a
- 58 corner lot except within the areas comprising the required front yard setback and the required side
- 59 yard setback which faces the street. A wall, fence, or hedge on a corner lot shall comply with the
- 60 requirements of section 108-7-7
- 61 (b) Notwithstanding the requirements of subsection (a) of this section, residential subdivisions and
- 62 projects may be encompassed in whole or in part by a perimeter fence of not more than six feet in
- 63 height, subject to design review and provided that access to lots is allowed only from approved
- 64 interior public or private streets that are part of the approved subdivision or project. In addition, a
- 65 permanent means of landscaping and maintaining the parking strip between the fence and the street
- 66 curb shall be provided.
- 67 (c) Where a retaining wall protects a cut below the natural grade, such retaining wall may be topped by
- 68 a fence, wall or hedge of the same height that would otherwise be permitted at the location if no
- 69 retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to
- 70 retain the fill shall be considered as contributing to the permissible height of a fence, solid wall, or
- 71 hedge, provided that in any event a protective fence or wall not more than four feet in height may be
- 72 erected at the top of the retaining wall. These provisions shall comply with the requirements of
- 73 section 108-7-7
- 74 (d) Fences for uses such as tennis or sport courts may be a maximum of 12 feet high, provided the
- 75 fence meets all of the required setbacks for an accessory building in the zone in which it is located
- 76 and a land use and building permit are obtained.
- 77 (e) The provisions of this section shall not apply to fences required by state law to surround and enclose
- 78 public utility subdivisions and public schools.

79 (Ord. of 1956, § 23-3; Ord. No. 18-90; Ord. No. 2009-14)

80 Sec. 108-7-4. - Area of accessory building.

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

83 (Ord. of 1956, § 23-4; Ord. No. 2009-14)

84 Sec. 108-7-~~56~~. - Exceptions to height limitations.

85 (a) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar
86 equipment required to operate and maintain the building, and fire or parapet walls, skylights,
87 cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or
88 television masts, theater lofts, silos or similar structures may be erected above the height limit of the
89 zone in which they are located, but no space above the height limit shall be allowed for the purpose
90 of providing additional floor space, and if in proximity to an airport, no heights exceptions are
91 permitted above the maximum allowed under airport height regulations.

92 (b) All exceptions to height shall be subject to design review and all mechanical equipment shall be
93 screened by materials consistent with those used on the exterior of the building.

94 (Ord. of 1956, § 23-5; Ord. No. 2009-14)

95 Sec. 108-7-~~67~~. - Minimum height of dwelling.

96 No dwelling shall be erected to a height less than one story above natural grade.

97 (Ord. of 1956, § 23-6; Ord. No. 2009-14)

98 Sec. 108-7-~~78~~. - Clear view of intersecting streets.

99 In all zones which require a front yard setback, no obstruction to view in excess of three feet in
100 height shall be placed on any corner lot within the area designated as the clear view triangle, except
101 those noted below. The clear view triangle is a triangular area formed by the front and side (street facing)
102 property lines and a line connecting them at points 40 feet from their intersection.

103 (Ord. of 1956, § 23-7; Ord. No. 2009-14)

104 Sec. 108-7-~~89~~. - Setbacks for animals and fowl.

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

109 (Ord. of 1956, § 23-8; Ord. No. 2009-14)

110 Sec. 108-7-~~910~~. - Water and sewage requirements.

111 (a) In all cases, where a proposed building or use will involve the use of sewage facilities, and a public
112 sewer is not available, and in all cases where a proposed supply of piped culinary water is not
113 available, the sewage disposal and the domestic culinary water supply shall comply with
114 requirements of the county board of health and/or state board of health and the application for a

115 building and land use permit shall be accompanied by a certificate of approval from the board of
 116 health.

117 (b) Building permits shall not be issued by the building inspector or county official unless private water
 118 supply and private sewage disposal is approved in accordance with the requirements of subsection
 119 (a) of this section.

120 (Ord. of 1956, § 23-9; Ord. No. 4-83; Ord. No. 2009-14)

121 Sec. 108-7-~~10~~11. - Required building setback from designated collector or arterial streets.

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

128 (Ord. of 1956, § 23-10; Ord. No. 15-72; Ord. No. 2-89; Ord. No. 2009-14)

129 Sec. 108-7-~~11~~12. - Group dwellings.

130 (a) Yard regulations. Group dwellings shall be considered as one building for the purpose of front, side,
 131 and rear yard requirements, the entire group as a unit requiring one front, one rear, and two side
 132 yards as specified for dwelling structures. The minimum distance between structures shall be ten
 133 feet for single-story buildings, 15 feet for two-story buildings and 20 feet for three- or more story
 134 buildings.

135 (b) Group dwelling PRUD. A group dwelling complex shall be developed as a PRUD if the area of the
 136 complex is equal to or exceeds the minimum number of units or area required for a PRUD for the
 137 zone in which the complex is located. (See section 108-5-5(a))

138 (Ord. of 1956, § 23-11; Ord. No. 7-78; Ord. No. 2009-14)

139 Sec. 108-7-~~12~~13. - Towers.

140 (a) No commercial tower installation shall exceed a height equal to the distance from the base of the
 141 tower to the nearest overhead power line by less than five feet.

142 (b) A tower that exceeds the height limitation of the zone in which it is to be located as permitted by
 143 section 108-7-5, shall be considered a conditional use.

144 (c) In all zones, except in commercial and manufacturing zones, towers shall not be located within the
 145 minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a
 146 corner lot, nor on the roof of a residential structure.

147 (d) A building permit shall be required for a tower. An application for a permit shall include construction
 148 drawings showing the method of installation and a site plan depicting structures on the property and
 149 on any affected adjacent property and a structural engineering certification by a registered structural
 150 engineer from the state.

151 (Ord. of 1956, § 23-12; Ord. No. 2008-8; Ord. No. 2009-14)

152 Sec. 108-7-~~13~~14. - Residential facility for persons with a disability facility requirements.

CHAPTER 32

ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

SECTION 3201
GENERAL

3201.1 Scope. The provisions of this chapter shall govern the encroachment of structures into the public right-of-way.

3201.2 Measurement. The projection of any structure or portion thereof shall be the distance measured horizontally from the *lot line* to the outermost point of the projection.

3201.3 Other laws. The provisions of this chapter shall not be construed to permit the violation of other laws or ordinances regulating the use and occupancy of public property.

3201.4 Drainage. Drainage water collected from a roof, *awning*, canopy or marquee, and condensate from mechanical equipment shall not flow over a public walking surface.

SECTION 3202
ENCROACHMENTS

3202.1 Encroachments below grade. Encroachments below grade shall comply with Sections 3202.1.1 through 3202.1.3.

3202.1.1 Structural support. A part of a building erected below grade that is necessary for structural support of the building or structure shall not project beyond the *lot lines*, except that the footings of street walls or their supports which are located not less than 8 feet (2438 mm) below grade shall not project more than 12 inches (305 mm) beyond the street *lot line*.

3202.1.2 Vaults and other enclosed spaces. The construction and utilization of vaults and other enclosed spaces below grade shall be subject to the terms and conditions of the applicable governing authority.

3202.1.3 Areaways. Areaways shall be protected by grates, *guards* or other *approved* means.

3202.2 Encroachments above grade and below 8 feet in height. Encroachments into the public right-of-way above grade and below 8 feet (2438 mm) in height shall be prohibited except as provided for in Sections 3202.2.1 through 3202.2.3. Doors and windows shall not open or project into the public right-of-way.

3202.2.1 Steps. Steps shall not project more than 12 inches (305 mm) and shall be guarded by *approved* devices not less than 3 feet (914 mm) in height, or shall be located between columns or pilasters.

3202.2.2 Architectural features. Columns or pilasters, including bases and moldings shall not project more than 12 inches (305 mm). Belt courses, lintels, sills, architraves, pediments and similar architectural features shall not project more than 4 inches (102 mm).

3202.2.3 Awnings. The vertical clearance from the public right-of-way to the lowest part of any *awning*, including valances, shall be not less than 7 feet (2134 mm).

3202.3 Encroachments 8 feet or more above grade. Encroachments 8 feet (2438 mm) or more above grade shall comply with Sections 3202.3.1 through 3202.3.4.

3202.3.1 Awnings, canopies, marquees and signs. *Awnings*, canopies, marquees and signs shall be constructed so as to support applicable loads as specified in Chapter 16. *Awnings*, canopies, marquees and signs with less than 15 feet (4572 mm) clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. Stanchions or columns that support *awnings*, canopies, marquees and signs shall be located not less than 2 feet (610 mm) in from the curb line.

3202.3.2 Windows, balconies, architectural features and mechanical equipment. Where the vertical clearance above grade to projecting windows, balconies, architectural features or mechanical equipment is more than 8 feet (2438 mm), 1 inch (25 mm) of encroachment is permitted for each additional 1 inch (25 mm) of clearance above 8 feet (2438 mm), but the maximum encroachment shall be 4 feet (1219 mm).

3202.3.3 Encroachments 15 feet or more above grade. Encroachments 15 feet (4572 mm) or more above grade shall not be limited.

3202.3.4 Pedestrian walkways. The installation of a pedestrian walkway over a public right-of-way shall be subject to the approval of the applicable governing authority. The vertical clearance from the public right-of-way to the lowest part of a *pedestrian walkway* shall be not less than 15 feet (4572 mm).

3202.4 Temporary encroachments. Where allowed by the applicable governing authority, vestibules and storm enclosures shall not be erected for a period of time exceeding seven months in any one year and shall not encroach more than 3 feet (914 mm) nor more than one-fourth of the width of the sidewalk beyond the street *lot line*. Temporary entrance *awnings* shall be erected with a clearance of not less than 7 feet (2134 mm) to the lowest portion of the hood or *awning* where supported on removable steel or other *approved* non-combustible support.

Work Session
Weber County Agri-Tourism Discussion

WS1.

Discussion/Question:

Should agri-tourism operations be allowed in dedicated cluster subdivision open spaces and/or common areas where today it is not allowed, according to the current definition of "Agri-tourism?"

Agri-tourism Definition:

Agri-tourism. The term "agri-tourism" means an agricultural accessory use that can provide a means of diversifying a farm's income through broadening its offerings and adding value to its products. Agri-tourism businesses are permitted conditionally in designated zones, excepting those areas within residential subdivisions that are dedicated for the purpose of open space or common area. They operate during more than six (consecutive or non-consecutive) days per year and provide agriculturally related, and in some instances, non-agriculturally related products and activities that attract members of the public to the farm for retail, educational, recreational, and/or general tourism purposes. Educational and recreational agri-tourism activities/uses may include, but not be limited to, educational activities, nightly accommodations, entertainment opportunities, and/or outdoor recreation (e.g., farm tours, farm/cooking/ecological classes, farm-stays, corn mazes, and special occasions including weddings and family reunions, special events including harvest festivals and musical events, U-pick operations, agriculturally related competitions, and other similar events). Consumer-direct sales of farm products may include, but not be limited to, open-air or farmers markets, on-farm produce stands, and value added product processing and packaging and retail sales facilities (e.g., process pumpkins grown on-premises, into pumpkin pies).

Pros:

Cons:
