

Editors note: Ord 2021-16, adopted May 25, 2021, merged the MV-1, M-1, M-2, and M-3 zones into a single chapter, removing them from Chapter 22, 23, 24, and 25, and placing them into Chapter 21. Ord 2022-04, adopted January 18, 2022, created the "Form-Based Village Zone" and Ord 2022-20 renamed the zone to "Form-Based Zone," and refined the provides as set forth herein.

HISTORY

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

Amended by Ord. [2022-20](#) on 8/16/2022

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.

Editors note: Ord 2022-20 misnumbered the list in this section.

HISTORY

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

Amended by Ord. [2022-20](#) on 8/16/2022

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.

Editors note: Ord 2022-20 misnumbered the list in this section.

HISTORY

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

Amended by Ord. [2022-20](#) on 8/16/2022

Sec 104-22-3 Land Use Table

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

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

Accessory building. A building that is accessory and incidental to the use of a main building.

Accessory dwelling unit. A dwelling unit that is accessory to a single-family dwelling residential use.

Accessory use. A use that is accessory and incidental to the main use.

Agricultural hobby farm.

Family food production. Family food production as an accessory use to a single-family dwelling residential use.

Home occupation. A home occupation that is accessory to a residential use.

Household pets. Household pets that are accessory to a residential use.

Main building. A main building that is designed or used to be accessory to an outdoor main use allowed in the zone.

Parking lot. A parking lot that is accessory to a main use allowed in the zone.

Produce stand. For produce grown on the premises only.

Temporary building or use. A temporary building or use that is accessory and incidental to onsite construction work.

	G & I	V	M	M	S	M	L	R	E	O	SPECIAL REGULATIONS
	C	C	R	R	R	R	R	R	L	S	
Accessory building.	P	P	P	P	P	P	P	P	P	P	
Accessory dwelling unit.	N	N	N	N	P	P	P	P	P	N	See Title 108 Chapter 19.
Accessory use.	P	P	P	P	P	P	P	P	P	P	
Agricultural hobby farm.	P	P	P	P	P	P	P	P	P	P	
Family food production.	N	N	N	N	N	N	P	P	P	N	See Section 104-22-4.
Home occupation.	P	P	P	P	P	P	P	P	P	N	See Title 108 Chapter 13.
Household pets.	P	P	P	P	P	P	P	P	P	N	
Main building.	P	P	P	P	P	P	P	P	P	P	
Parking lot.	P	P	P	P	P	P	P	P	P	P	See Section 104-22-9.
Produce stand.	P	P	P	P	P	P	P	P	P	P	
Temporary building or use.	P	P	P	P	P	P	P	P	P	P	See Section 104-22-4.

(b) Agricultural and open space uses, generally.

Agriculture. Agriculture as a main use of the property.

Agricultural experiment station. An agricultural experiment station.

Agri-tourism. An agri-tourism use.

Aquaculture. An aquaculture use.

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.

Fruit and vegetable storage and packing plant. For produce grown on premises.

Grain storage elevator. A grain storage elevator.

Greenhouse and nursery. Sales limited to plants produced on the premises.

Manure spreading, drying and sales. The spreading, drying, and sales of manure.

Wildlife sanctuary. A wildlife sanctuary.

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

SPECIAL REGULATIONS

N N N N N N P P P P
 P N N N N N N P P P
 N N N N N N N P P P
 N N N N N N N P P P
 P P P P P P P P P P
 N N N N N N N P P P
 N N N N N N N P P
 P P N N N N P P P P
 N N N N N N N P P
 N N N N N N N P P

See Title 108, Chapter 21.

10-acre minimum lot area required.

10-acre minimum lot area required.

10-acre minimum lot area required.

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

Animal grazing. Animal grazing, as defined in Title 101 Chapter 2.

Apiary. The keeping of bees.

Aquaculture, animal related. The raising and potential harvesting of water animals or water plants.

Aviary. The raising of birds.

Corral or stable. A corral, stable, or building for the keeping of agricultural animals or fowl.

Dairy farm. Including milk processing and sale, when at least 50 percent of milk is produced on the farm.

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

SPECIAL REGULATIONS

N N N N N N N P P P
 N N N N C P P P P P
 N N N N N N P P P P
 N N N N N P P P P P
 N N N N N N P P P P
 N N N N N N P P P P

No onsite slaughtering permitted.

See Section 104-22-4.

10-acre minimum lot area required.

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

Amphitheater. An outdoor open-air amphitheater with raising rows of spectator seating used for entertainment and performances.

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.

Entertainment facility, outdoor. An outdoor entertainment facility, as defined in Title 101, Chapter 2.

Entertainment facility, small indoor. An indoor entertainment facility, as defined in Title 101, Chapter 2.

Amusement park. Amusement park.

Amusement park, temporary. An amusement park, circus, petting zoo, pony ring, or carnival that is conducted or no longer than one month.

Botanical or zoological garden. A botanical or zoological garden, including petting zoo and pony ring.

Campgrounds or picnic areas, commercial. A commercial campground or picnic area.

Dude ranch. A dude ranch, as defined in Title 101 Chapter 2.

Golf course. Golf course.

Private park, playground or recreation area, noncommercial. A private park charging no fee or remuneration for use.

Public park, recreation grounds. Recreation grounds that are owned and operated by a public entity.

Recreation lodge. A recreation lodge, as defined in Title 101, Chapter 2.

Recreational resort. A recreational resort, as defined in Title 101, Chapter 2.

Shooting range or training course. A shooting range.

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

**SPECIAL
REGULATIONS**

C C N N N N N N N C

C C N N N N N N N N

C C N N N N N N N N

C C C C N N N N N N

Limited to no more than 20,000 square feet of floor area.

C C N N N N N N N N

P P P C N N N N C C

P P P P P P P P P P

2-acre minimum lot or parcel area required

N N N N N N C C C C

See Section 104-22-4. 2-Acre minimum lot or parcel area required.

N N N N N N N P P C

10-acre minimum lot or parcel area required.

N N N N N N P P P P

This shall not include miniature golf.

P P P P P P P P P P

P P P P P P P P P P

P P P P P N N N C N

P P P N N N N N N N

C C N N N N N N N C

See Section 104-22-4. Five-acre minimum lot

Ski area. A ski area and associated skiing facilities such as lifts, lift towers, and ski runs and trails.

P P P P P P P P P P

Ski lodge. A ski lodge and associated services

N N P P N N N N N P

When accessory to an allowed ski area.

Swimming pools, private. A private swimming pool.

P P P P P P P P P P

Trails. Trails for skiing, equestrian uses, hiking, biking, and similar.

P P P P P P P P P P

Zoo. A Zoo.

P P N N N N N N N P

10-acre minimum lot or parcel area required.

(e) Animal services and uses.

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

SPECIAL REGULATIONS

Animal grooming, small animal. Grooming for small animals.

P P P P N N N N P N

A small animal generally weighs less than 250 lbs.

Dog or cat facility. Dog or cat breeding, kennels, lodging, or training school.

P C N N N N N C C N

If located completely indoors, and inaudible from an adjoining lot or parcel, this use is permitted where listed as conditional.

Horse or equestrian event center. A horse or equestrian event center, including indoor concessions as an accessory use.

P N N N N N N N N C

Horse or equestrian training facility and stabling, commercial. A commercial 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, this use is permitted where listed as conditional.

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

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

SPECIAL REGULATIONS

FOOD PREPARATION SERVICES

Alcoholic beverage production. The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.

P P N N N N N N N N

Bakery, delicatessen, or catering, large. Bakery or other food preparation services primarily intended for offsite consumption.

P P N N N N N N N N

Bakery, delicatessen, or catering, small. Bakery or small-batch food processing and retail sales of goods produced on premises. Offsite catering allowed as an incidental and accessory use.

P P P P N N N N N N

Limited to 5,000 square feet floor area.

Butcher or other custom meat products, large. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.

P P N N N N N N N N

This use shall not include onsite slaughtering.

Butcher or other custom meat products, small. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.

P P P P N N N N N N

Limited to 5,000 square feet floor area. This use shall not include onsite slaughtering.

EATING AND DRINKING ESTABLISHMENTS FOR PRODUCTS PRIMARILY FOR ONSITE CONSUMPTION

Bar. A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.

P P P P N N N N N N

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

P P P P N N N N N N

Restaurant with drive-up window. Restaurant, all food types, with drive-up windows.

P P C N N N N N N N

See drive up (drive-thru) window requirements of Section 104-22-4.

Restaurant. Restaurants, all food types, excluding those with drive-up windows.

P P P P N N N N N N

RETAIL FOOD AND DRUG SALES OF PRODUCTS PRIMARILY FOR OFFSITE CONSUMPTION

Candy or confectionary store. The sales of candy, sweets, snacks, and small batch bakery goods and desserts.

P P P P N N N N N N

Drugstore or pharmacy. A drugstore or pharmacy.

P P P P N N N N N N

If applicable, see drive up (drive-thru) window requirements of Section 104-22-4.

Grocery store. A grocery store, including a store that specializes in the sales of any type of food normally found in a grocery store.

P P P P N N N N N N

Produce stand, commercial. A commercial produce stand intended for the sales of agricultural products.

P P P P N N N P P P

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

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

SPECIAL REGULATIONS

Cemetery. A cemetery.

P N N N N N N P P P

Convalescent, rest home, or sanitarium. An establishment for long-term medical treatment of people.

P P P P P N N N N N

Child daycare. A daycare center operating in compliance with State regulation.

P P P P P N N N N N

Fire station. A fire and emergency medical service station.

P P P P P P P P P P

Governmental offices. The offices of a governmental entity.

P P P N N N N N N N

Instructional facility, large. A facility in which instructional lessons are taught, such as a school or education center, and that does not qualify as a small instructional facility.

P C C N N N N N N N

Instructional facility, small. An indoor facility in which instructional lessons are taught, such as a school or education center.

P P C N N N N N N N

Limited to 10,000 square feet floor area.

Medical facility. A facility, such as a hospital or surgery center, that provides medical services that are typically unavailable from a medical or dental office.

P C C N N N N N N N

Museum or art gallery. A museum, art gallery, or similar space for historical or educational displays.

P P P P N N N N N N

Post office. A post office.

P P P P P P P P P N

Preschool. A preschool operating in compliance with State regulation.

P P P P P P P P P N

Public library. A library owned and operated by a governmental entity.

P P P P P P P P P N

Public park. A public park and related recreation grounds and associated buildings and structures.

P P P P P P P P P P

Public recreation or community center. A recreation or community center owned and operated by a public entity.

P P C C N N N N N N

Public schools. A public school or a private educational facility having a curriculum similar to that ordinarily given in public schools.

P P P P P P P P P N

Public storage facilities. Storage facilities used by a governmental entity.

P C N N N N N N N N

Visitor's center. A tourism visitor's center or offices.

P P P P N N N N N N

Worship facility. A church, synagogue or similar building used for regular religious worship.

P P P P P P P P P N

(h) **Office uses.**

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

SPECIAL REGULATIONS

Agency. An agency for real estate, travel, property rental or management, insurance, detective, employment, or similar based on frequency of visiting clientele.

P P P N N N N N N N

Bank or financial institution. A bank or other financial institution.

P P P N N N N N N N

This use shall not include payday loan services.

Medical or dental office. A medical or dental office for routine out-patient care.

P P P N N N N N N N

Office, generally. Office or studio space for office or studio uses not otherwise listed herein, in which goods or merchandise are not commercially created, exchanged or sold, and that operates with typical office equipment in a relatively quiet and nonintrusive manner.

P P P N N N N N N N

(i) **Residential uses.**

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

SPECIAL REGULATIONS

Dwelling, single-family. A single-family dwelling, as defined by Title 101, Chapter 2.

N N N N P P P P P N

Dwelling, two-family. A two-family dwelling, as defined by Title 101, Chapter 2.

N N N P P N N N N N

Dwelling, three-family. A three-family dwelling, as defined by Title 101, Chapter 2.

N N N P P N N N N N

Dwelling, four-family. A four-family dwelling, as defined by Title 101, Chapter 2.

N N N P P N N N N N

Dwelling, multi-family. A multi-family dwelling, as defined by Title 101, Chapter 2.

P P P P N N N N N N

Dwelling unit. A dwelling unit or condominium dwelling unit, as defined by Title 101, Chapter 2 that is part of a commercial or multifamily dwelling building.

P P P P N N N N N N

See Section 104-22-4, and TDR requirements of 104-22-11

Residential facility for elderly persons.

P P P P P P P P P N

Residential facility for handicapped persons.

P P P P P P P P P N

Residential facility for troubled youth.

P P P P P P P P P N

Short-term rental. A short-term (nightly) rental.

P P P P C N N N N N

Short-term rental, owner occupied. An owner occupied short-term rental.

P P P P P C C C C N

Transient lodging. A hotel, motel, lodginghouse, condominium rental apartment (condo-tel), or timeshare condominium.

P P P P N N N N N N

This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.

Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.

P P P P P P P P P N

See Section 104-22-4 and Section 104-22-12.

(j) **Sales with retail storefront.**

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

SPECIAL REGULATIONS

Agricultural implement sales or repair. A facility that sells or repairs agricultural implements.

C C N N N N N N N N

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

P C N N N N N N N P

See Section 104-22-5 for maximum lot

plants and accessory products.

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

(k) **Sales typically without retail storefront.**

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

SPECIAL REGULATIONS

Christmas tree sales. The temporary siting of an outdoor Christmas tree sales establishment.

P P C N N N N N N P

Fireworks sales. The siting of a temporary fireworks booth or tent.

P P C N N N N N N N

Vendor, short term. The siting of a temporary vendor booth or vehicle for the sales of food or other hand-held items.

P P P P N N N N N C

See Section 108-13-3 and Section 104-22-4.

(l) **Services.**

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

SPECIAL REGULATIONS

Dry cleaning, laundry, or linen cleaning establishment. The professional cleaning of laundry and linens.

P P P P N N N N N N

Household item repair, large. The repair or service of devices that the average person cannot carry without aid of a moving device.

P P N N N N N N N N

Household item repair, small. The repair or service of devices that the average person can carry without aid of a moving device.

P P P P N N N N N N

Gathering facility, indoor. An indoor facility for rental to clubs, private groups, parties, and organizational groups for recreational activities, including dancing.

P P P P N N N N N N

Laboratory. A laboratory for the scientific processing, testing, experimenting, etc., of samples in small enough quantities to not be explosive, toxic, or otherwise hazardous.

P P P N N N N N N N

Laundromat. A facility that provides washers and dryers for self-serve laundry service.

P P P P N N N N N N

Mortuary or funeral home. Mortuary or funeral home and related sales and services.

P P P N N N N N N N

Outdoor recreation guide base-operation. A location that provides a base of operations for

P P P P N N N N N N

an outdoor recreation guide service.

Parcel drop-off service. A service for the collection and shipment of small parcels, and accessory sales or services.

P P P P N N N N N N

Printing and copying service without retail shop. Printing, lithographing, publishing or reproductions sales and services, including engraving and photo engraving.

P P N N N N N N N N

Tailor services. The altering, pressing, or repairing of articles of clothing. Creation of new articles of clothing is permitted as long as the clothing is sold in an onsite retail establishment:

P P P P N N N N N N

Taxidermist. Taxidermy services.

P C N N N N N N N N

(m) **Storage.**

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

**SPECIAL
REGULATIONS**

Outdoor storage. The storage of anything that meets the definition of "outdoor storage" pursuant to Title 101 Chapter 2

N N N N N N N N N N

Self-storage. Indoor storage units for personal or household items or vehicles.

P P N N N N N N N N See Section 104-22-4.

Warehouse storage. The storage of products or goods that are or will be for sale.

C N N N N N N N N N

(n) **Utility uses.**

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

**SPECIAL
REGULATIONS**

Public utility substations.

See Title 108, Chapter 10.

Wastewater treatment or disposal facilities.

Water treatment or storage facility.

Small wind energy system.

See Section 108-7-24

Solar energy system.

See Section 108-7-27

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

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

**SPECIAL
REGULATIONS**

Airport. A private or commercial airport.

C N N N N N N N N N

Automobile sales or rentals, indoor. The sale or rental of a passenger automobile.

P P C N N N N N N N

Automobile sales or rentals, outdoor. The sale or rental of a passenger automobile.	P C N N N N N N N N 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	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	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. Sale or rental of trailers.	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	

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

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

Sec 104-22-4 Special Regulations**Sec 104-22-4.1 Special Regulations, Generally****Sec 104-22-4.2 Special Regulations For Specific Uses**

HISTORY

Adopted by Ord. 2022-04 on 1/18/2022Amended by Ord. 2022-20 on 8/16/2022**Sec 104-22-4.1 Special Regulations, Generally**

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

HISTORY

Adopted by Ord. 2022-04 on 1/18/2022Amended by Ord. 2022-20 on 8/16/2022

Sec 104-22-4.2 Special Regulations For Specific Uses

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

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

barriers. Approval shall be subject to the requirements and conditions of the local fire authority. The range operator shall be onsite at all times shooting is occurring.

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

HISTORY

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

Amended by Ord. [2022-20](#) on 8/16/2022

Sec 104-22-5 Lot Development Standards

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

- (a) **Lot area.**

STREET TYPES

MINIMUM LOT AREA

Government and Institutional (G/I)	
Vehicle-Oriented Commercial (VOC)	No minimum
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	3,000 square feet
Medium Lot Residential (MLR)	8,000 square feet
Large Lot Residential (LLR)	20,000 square feet
Rural Residential (RR)	40,000 square feet
Estate Lot Residential (ELR)	3 acres
Open Space (OS)	No minimum

(b) Lot width and frontage.

STREET TYPES

MINIMUM LOT WIDTH AND STREET FRONTAGE:

Government and Institutional (G/I)	
Vehicle-Oriented Commercial (VOC)	12 feet
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	30 feet
Medium Lot Residential (MLR)	50 feet
Large Lot Residential (LLR)	100 feet
Rural Residential (RR)	150 feet
Estate Lot Residential (ELR)	
Open Space (OS)	No minimum

(c) Front lot-line setback.

**FIRST-FLOOR STREET-
LEVEL COMMERCIAL
BUILDING FAÇADE**

**ALL OTHER BUILDING
FAÇADES**

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

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

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

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

STREET TYPES	MINIMUM SIDE LOT-LINE SETBACK	MAXIMUM SIDE LOT-LINE SETBACK
Government and Institutional (G/I)	No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1	No maximum. Any space between buildings shall be open for pedestrian passage to internal block areas, unless designed, constructed, and actively used (when weather permits) for outdoor dining, shopping, or other street activities that are open to the public.
Vehicle-Oriented Commercial (VOC)	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.
Mixed-Use Commercial (MUC)	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.
Multi-Family Residential (MFR)	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.

Small Lot Residential (SLR)		
Medium Lot Residential (MLR)	5 feet	
Large Lot Residential (LLR)		No maximum
Rural Residential (RR)	10 feet	
Estate Lot Residential (ELR)		
Open Space (OS)		

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

STREET TYPES

MINIMUM REAR LOT-LINE SETBACK

Government and Institutional (G/I)		
Vehicle-Oriented Commercial (VOC)	No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1	
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	5 feet	
Medium Lot Residential (MLR)	20 feet	
Large Lot Residential (LLR)		
Rural Residential (RR)	30 feet	
Estate Lot Residential (ELR)		
Open Space (OS)		

(f) **Lot coverage.**

STREET TYPES	MAXIMUM PERCENT OF LOT COVERAGE BY BUILDINGS	MAXIMUM NUMBER OF DWELLING UNITS ALLOWED PER LOT
Government and Institutional (G/I)		
Vehicle-Oriented Commercial (VOC)	No maximum, provided compliance with all other requirements.	No maximum
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	85 percent	4

Medium Lot Residential (MLR)	50 percent	
Large Lot Residential (LLR)	30 percent	1*
Rural Residential (RR)	20 percent	
Estate Lot Residential (ELR)	10 percent	
Open Space (OS)	2.5 percent	Not applicable

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

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

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

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

	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
RED	25	176	204	255	255	255	255	138	83	75
GREEN	151	33	51	120	170	220	255	153	128	191
BLUE	156	157	0	0	0	0	0	66	69	96
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HISTORY

Adopted by Ord. [2022-04](#) on 1/18/2022
Amended by Ord. [2022-20](#) on 8/16/2022

Sec 104-22-6 Building Design Standards

[Sec 104-22-6.1 Building Design Standards Per Street Type](#)

[Sec 104-22-6.2 Building Design Standards By Village Area](#)

[Sec 104-22-6.3 Old Town Eden Area Building Design Standards](#)

[Sec 104-22-6.4 New Town Eden Area Building Design Standards](#)

[Sec 104-22-6.5 Nordic Valley Area Building Design Standards](#)

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

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

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

(a) **Height.**

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

(b) **Building area.**

STREET TYPES	MAXIMUM BUILDING FOOTPRINT
Government and Institutional (G/I)	
Vehicle-Oriented Commercial (VOC)	No single commercial use shall occupy a footprint of more than 30,000 square feet*
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	No single commercial use shall occupy a footprint of more than 10,000 square feet

Small Lot Residential (SLR)
Medium Lot Residential (MLR)
Large Lot Residential (LLR)
Rural Residential (RR)
Estate Lot Residential (ELR)
Open Space (OS)

No maximum

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

(c) First-floor building standards.

STREET TYPES	VERTICAL DISTANCE OF FIRST-FLOOR SURFACE ELEVATION FROM THE STREET SIDEWALK'S SURFACE ELEVATION	MINIMUM FIRST-FLOOR STORY HEIGHT	FIRST-FLOOR LOAD-BEARING SUPPORTS
Government and Institutional (G/I)	30 inches maximum.	12 feet	Columns and beams, no interior load bearing walls. A column shall be at least 10 feet away from another column or exterior load-bearing wall.
Vehicle-Oriented Commercial (VOC)	30 inches maximum.	15 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.
Mixed-Use Commercial (MUC)	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)			
Medium Lot Residential (MLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential (ELR)			
Open Space (OS)			
		Not applicable	

(d) **Transparent fenestration requirements.**

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

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

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

	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
RED	25	176	204	255	255	255	255	138	83	75
GREEN	151	33	51	120	170	220	255	153	128	191

BLUE 156 157 0 0 0 0 0 66 69 96

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HISTORY

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

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

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

Except for single-family, two-family, three-family and four-family dwellings, the following regulations (Sections 104-22-6.3 through 104-22-6.5) are applicable to the architecture and design of buildings in each area. Each area, as depicted in the applicable street regulating plan, has a unique architectural theme as provided herein. Each building, except those aforementioned, is required to be designed by a licensed architect. After receiving recommendation from a licensed architect, the planning commission may allow minor modifications to the applicability of the standards in this section as long as it results in a design that better aligns with the intent of the design theme and blends well with the design features of adjacent buildings.

Editor's note: This Section 104-22-6.2 was a part of Section 104-22-6.2, as provided in Ord #2022-20. Due to data size, 104-22-6.2 was pulled into four separate sections within Section 104-22-6. Those sections are 104-22-6.2, 104-22-6.3, 104-22-6.4, and 104-22-6.5.

HISTORY

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

Amended by Ord. [2022-20](#) on 8/16/2022

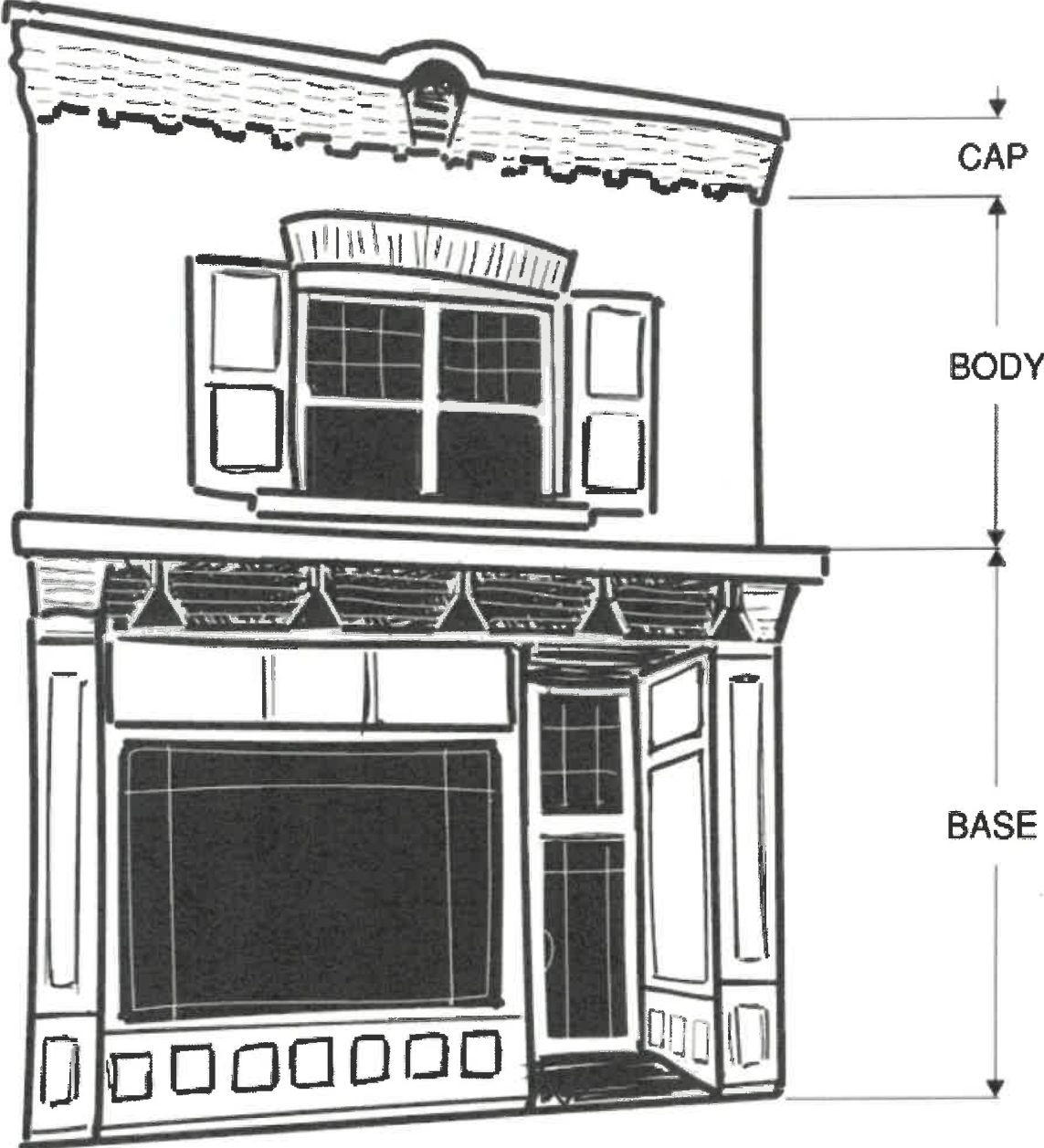
Sec 104-22-6.3 Old Town Eden Area Building Design Standards

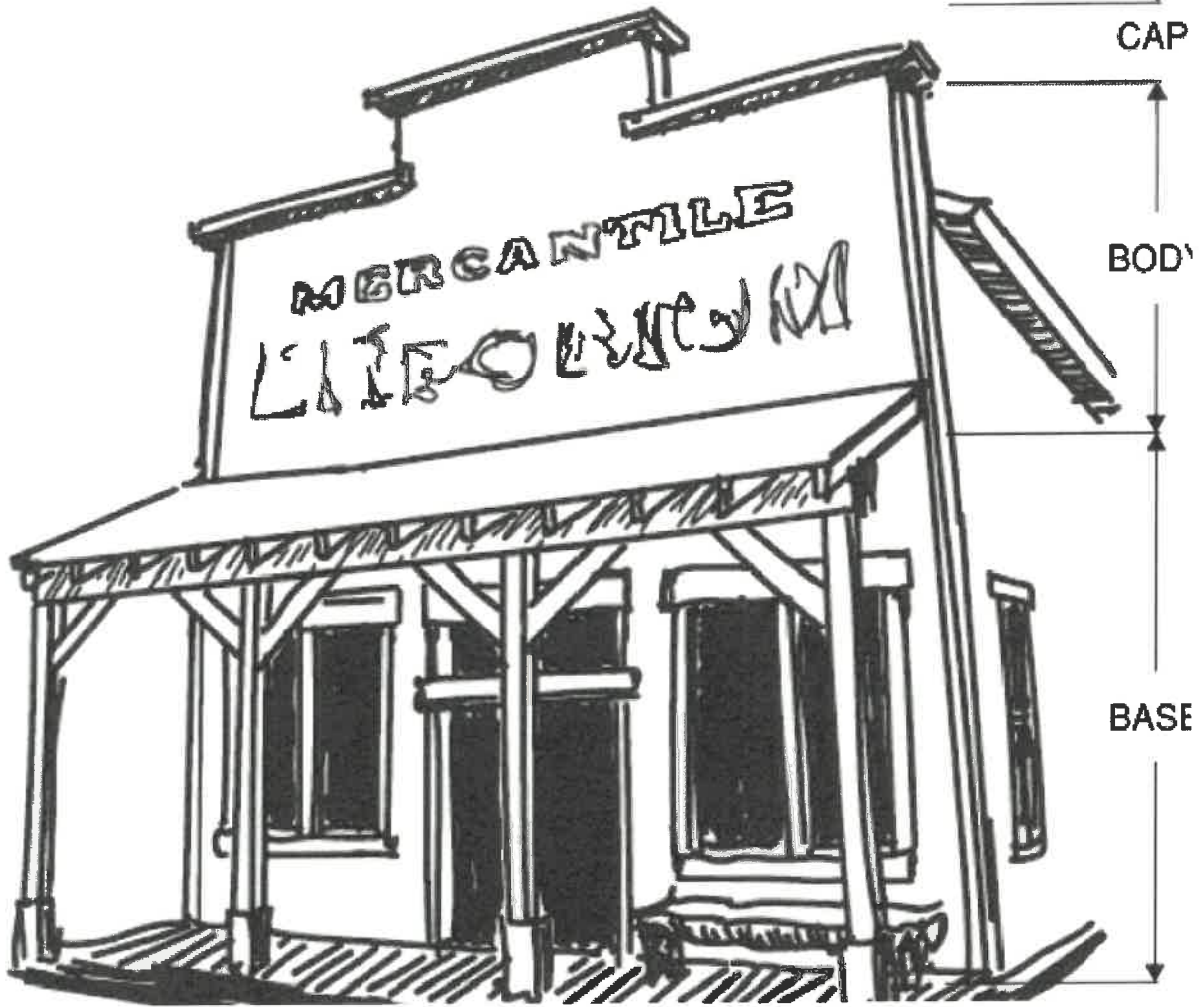
In addition to applicable standards in this chapter, the following standards apply to all buildings in the Old Town Eden Area:

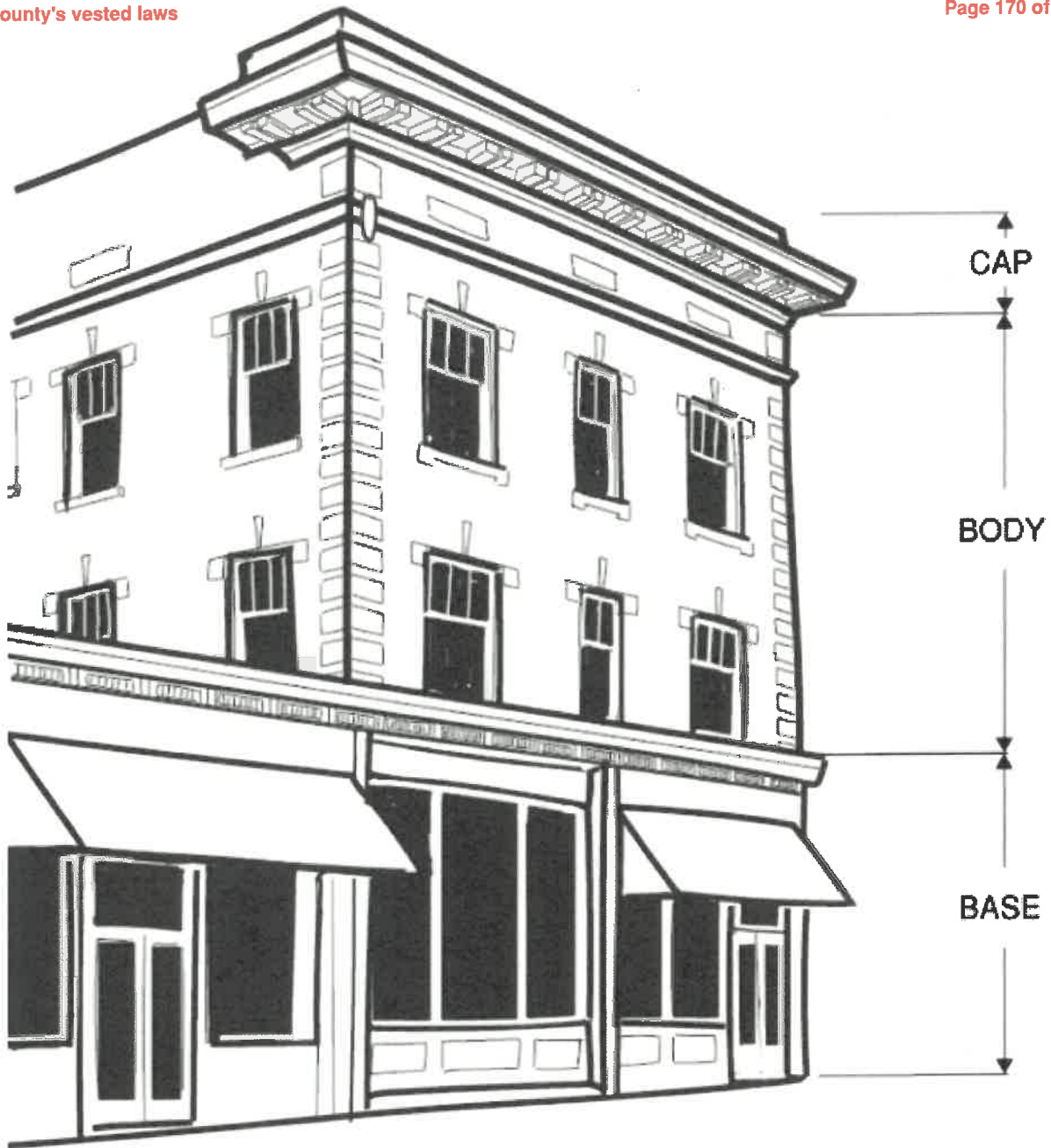
- (a) **Design theme.** All buildings shall have architectural styling and materials that resemble historic commercial main-street buildings in the Western United States that were in existence between 1880 and 1910. Each new building shall provide diversity and variety in building design, architectural features, and building material that set each building apart from adjacent buildings.
- (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and cap, each of varying design features and building material.
- (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12-inch shift between adjacent rooflines. If the building will have a sloped roof, parapet walls shall be constructed to hide the roof slope.
- (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six-inch shift in the plain of adjacent walls. Each street-facing façade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.
- (e) **Building material.** Each building facade that faces the street shall consist of brick, or wood, or a faux material that is hard to distinguish from real brick, or wood. Metal may be used for accent material. At least one of the building materials used on the building façade shall also be used on all other sides of the building.

- (f) **Colors.** Natural colors of wood and brick, as well as natural metals with an aged patina, are allowed. Other muted earth-tone paints may be used as long as they complement the age period. No more than 70 percent of a building's facade shall be white.
- (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.

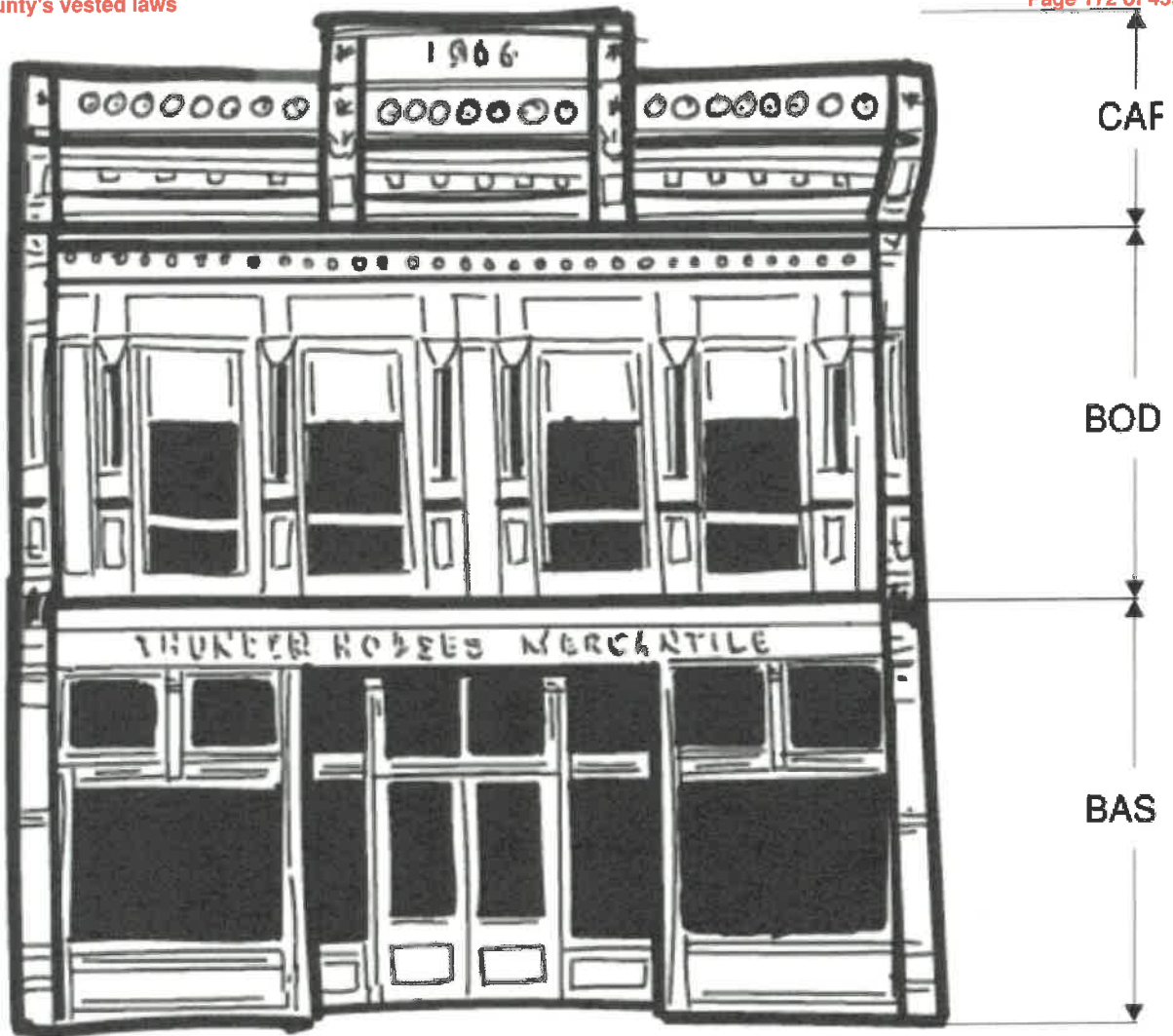












Editor's note: This Section 104-22-6.3 was a part of Section 104-22-6.2, as provided in Ord #2022-20. Due to data size, 104-22-6.2 was pulled into four separate sections within Section 104-22-6. Those sections are 104-22-6.2, 104-22-6.3, 104-22-6.4, and 104-22-6.5.

HISTORY

Adopted by Ord. [2022-04](#) on 1/18/2022
Amended by Ord. [2022-20](#) on 8/16/2022

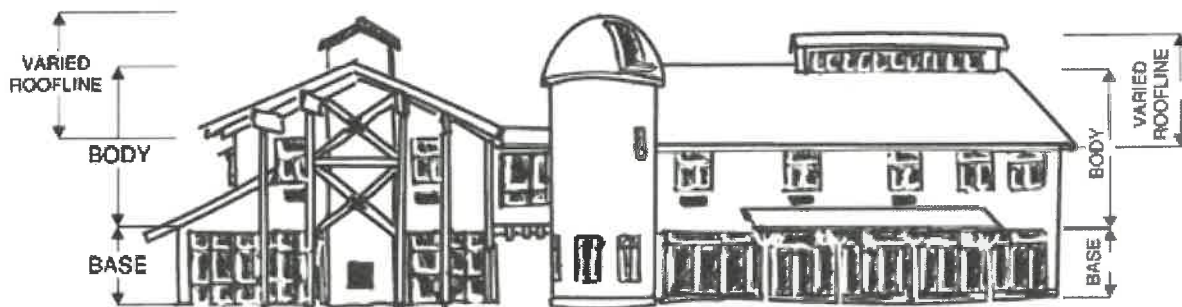
Sec 104-22-6.4 New Town Eden Area Building Design Standards

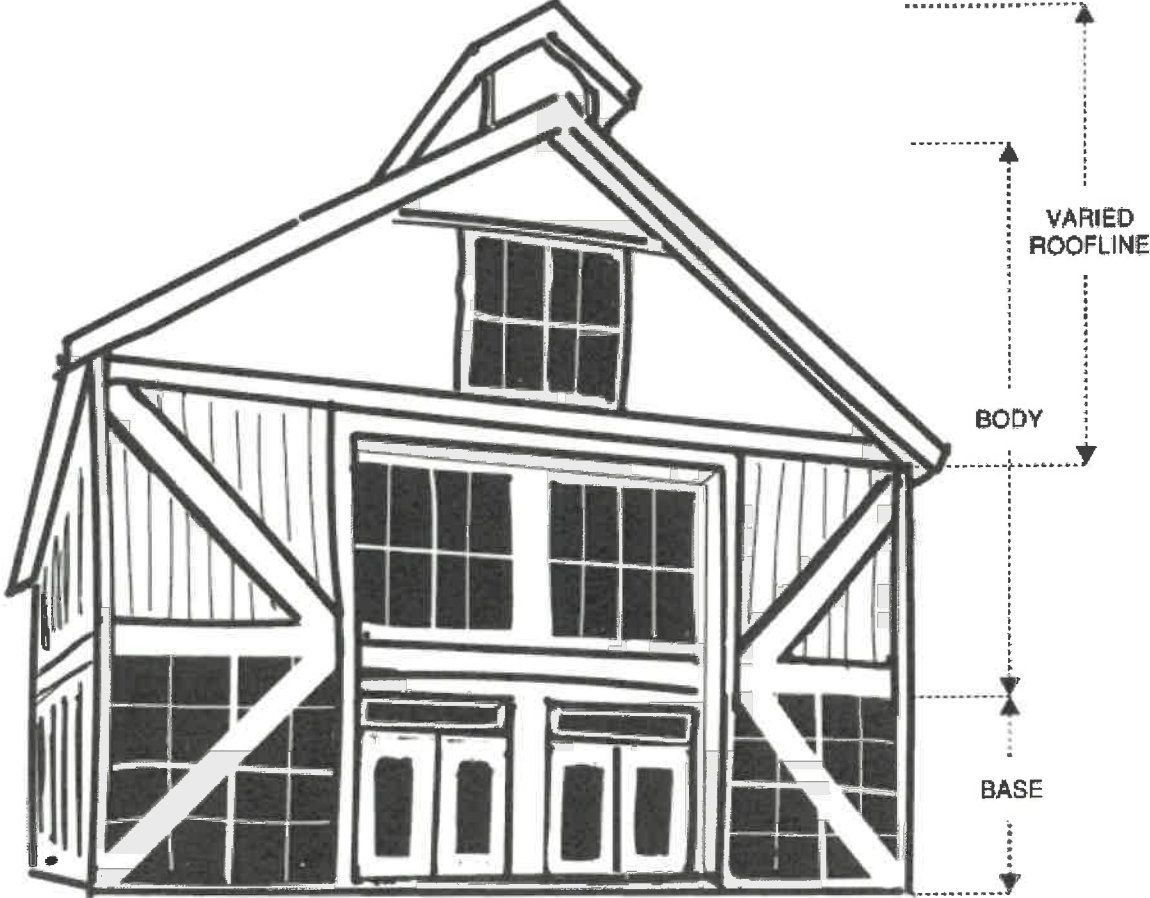
In addition to applicable standards in this chapter, the following standards apply to all buildings in the New Town Eden Area:

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

following four options:

- (1) Either a gable roof at a 6/12 or greater slope, a gambrel roof, or a monitor roof.
 - (2) An attached shed-roof at a 4/12 or greater slope that is not attached to the main roof structure.
 - (3) A clerestory or cupola.
 - (4) Gable-style dormer windows.
- (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying roofline, each of varying design features and building material.
- (c) **Rooflines.** Rooflines shall be broken every 50 feet, with no less than a 12 inch shift between adjacent rooflines.
- (d) **Building massing.** The wall massing of building facades shall be broken at least every 40 feet with no less than a six inch shift in the plain of adjacent walls. Each street-facing façade shall be designed and constructed to have a building base, building body, and varying building roofline, each having varying building materials or design techniques.
- (e) **Building material.** Building façade walls shall be finished with no less than two diverse types of material. The primary building material shall be wood siding or similar appearing siding. At least one of the building materials used on the building façade shall also be used on all other sides of the building.
- (1) Brick or stone may be used in place of wood if approved by the Land Use Authority.
 - (2) Metal siding may be used on the building's body, as long as the building's base is made of brick or stone, and as long as the metal siding is broken horizontally by brick or stone every twenty feet, and is treated to create a natural-appearing aged patina.
- (f) **Colors.** Muted earth-tone colors are required. No more than 70 percent of a building's facade shall be white.
- (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.







Editor's note: This Section 104-22-6.3 was a part of Section 104-22-6.2, as provided in Ord #2022-20. Due to data size, 104-22-6.2 was pulled into four separate sections within Section 104-22-6. Those sections are 104-22-6.2, 104-22-6.3, 104-22-6.4, and 104-22-6.5.

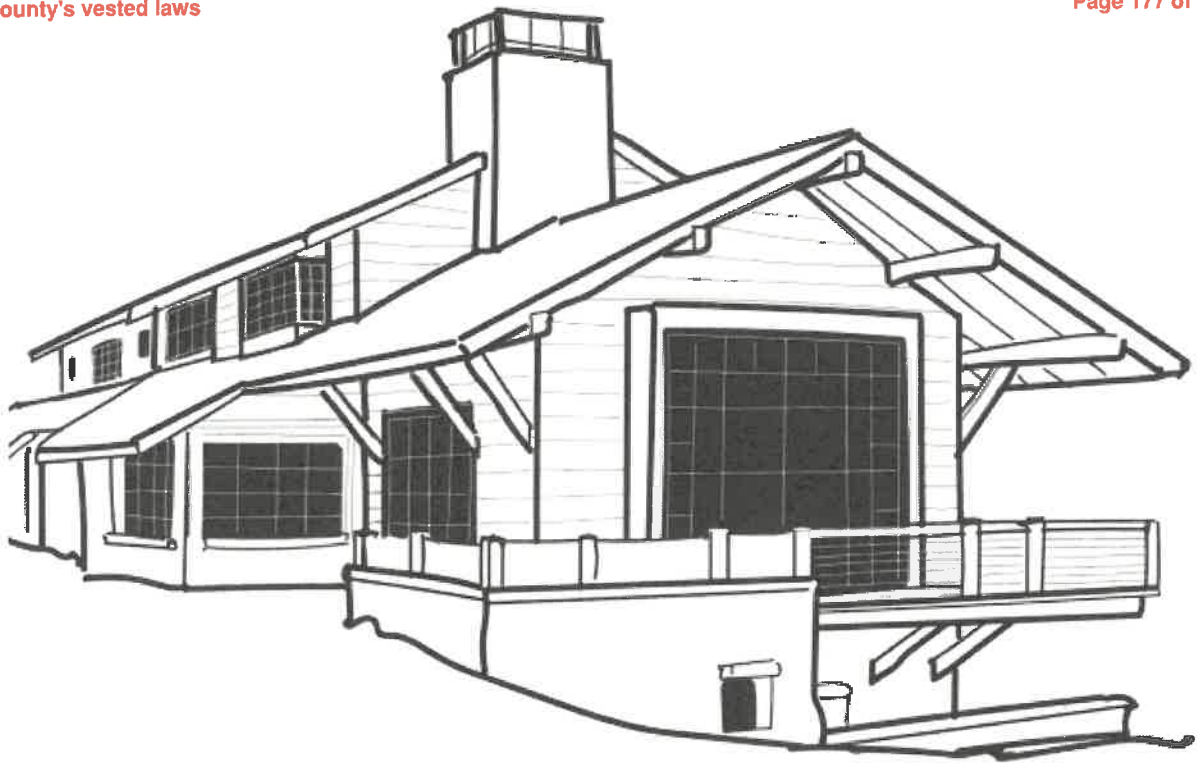
HISTORY

Adopted by Ord. [2022-04](#) on 1/18/2022
Amended by Ord. [2022-20](#) on 8/16/2022

Sec 104-22-6.5 Nordic Valley Area Building Design Standards

In addition to applicable standards in this chapter, the following standards apply to all buildings in the Nordic Valley Area:

- (a) **Design theme.** All buildings shall have architectural styling and materials that implement a modern interpretation of alpine design. A modern interpretation of alpine design includes a balance between modern alpine and classical alpine design features. The following design features are intended to provide minimum stylistic requirements to implement this design theme.
- (b) **Building form.** A building's street-facing façade shall be designed to have a base, body, and varying roofline, each of varying design features and building material.
- (c) **Rooflines.** Buildings shall have varying rooflines of predominantly gabled roofs. Rooflines shall be broken every 100 feet, with no less than a 12 inch shift between adjacent rooflines that are on the same plane.
- (d) **Building massing.** The wall massing of building facades shall be broken at least every 50 feet with no less than a six-inch shift in the plane of adjacent walls. Each street-facing façade shall be designed and constructed to have a building base, building body, and a varying building roofline.
- (e) **Building material.** Building façade walls shall be finished with no less than two primary and one secondary type of building material. The primary building materials shall be real cut stone, glass, or wood siding or similar appearing siding with a natural wood finish. The secondary building materials include metal, wood, large-cut timbers, metal beams and columns, or concrete or other flat-surface building material which may be colored as allowed herein. At least one of the building materials used on the building façade shall also be used on all other sides of the building.
 - (1) Each building shall have at least 60 percent primary building material.
 - (2) The base of the building shall be at least 60 percent stone, except those areas occupied by transparent fenestration.
 - (3) Use of metal shall be limited to trim, balconies, railing, exposed structural components, and roofs.
 - (4) No more than ten percent of any building façade shall be exposed concrete.
- (f) **Colors.** Muted earth-tone colors are required. No more than 30 percent of a building's facade shall be white.
- (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.









Sec 104-22-7 Street Types And Street Design

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

Sec 104-22-7.2 Street Design Standards

HISTORY

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

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

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

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

(2) ***Vehicle-oriented commercial street.***

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

(3) ***Mixed-use commercial street.***

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

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

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

(5) ***Mid-block alley.***

Each street type may have an associated mid-block alley, where shown on the applicable street regulating plan. As development occurs, sufficient area shall be preserved and constructed to provide the mid-block alley to provide access to parking areas, garages, and other uses or buildings that are located in the middle of the block. The location of an alley shall be in the locations depicted by the applicable street regulating plan, and designed at a minimum in accordance with the standards herein, and at a maximum to the standards applicable for a public street. Some mid-block alleys connect to adjoining residential streets. Where they connect, the applicable standards shall change to residential street standards.

Snow removal for an alley is the responsibility of all landowners, collectively, or an HOA, that have a parking area that has an access from the alley.

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

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

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

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

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

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

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

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

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

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

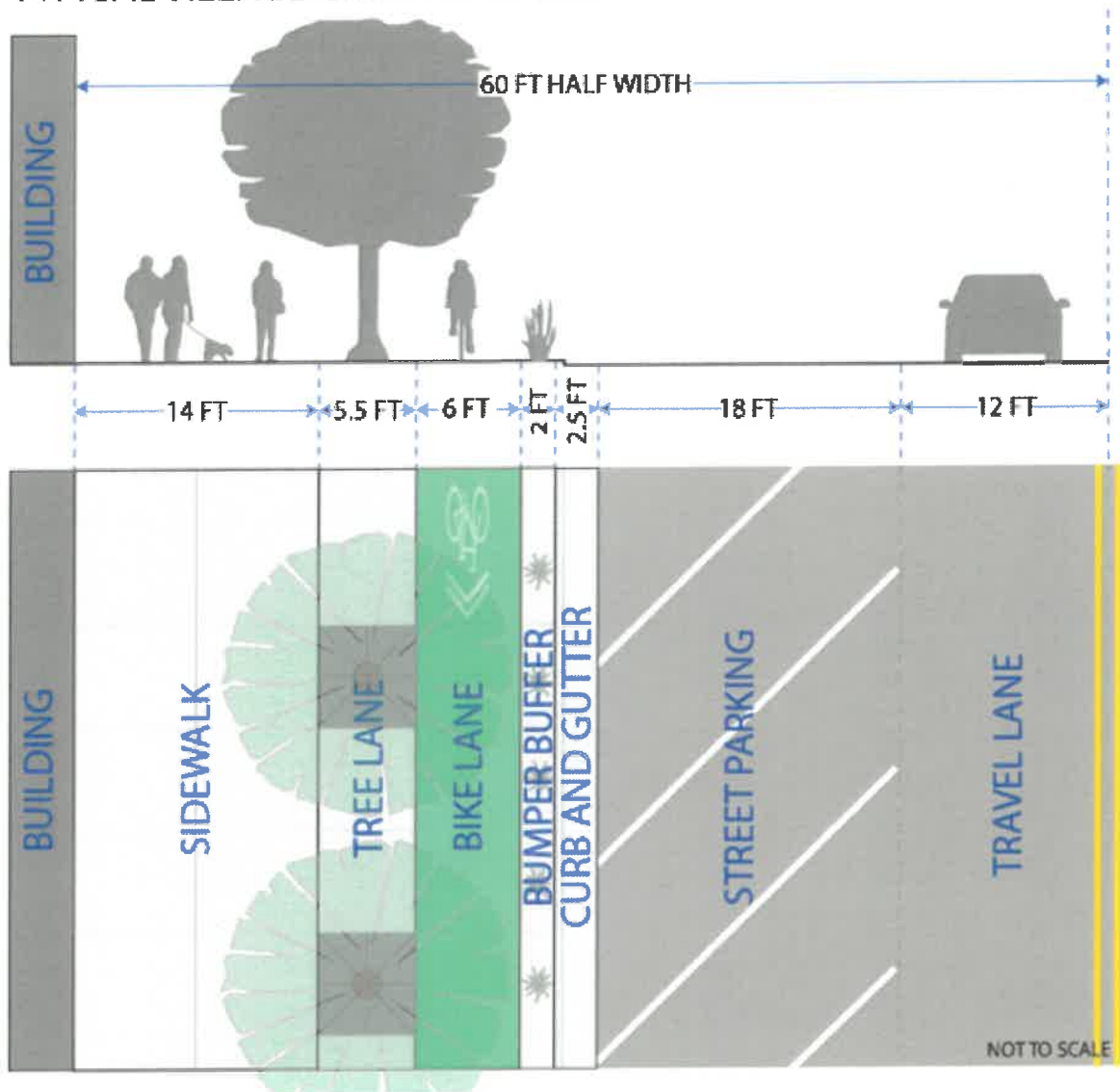
(11) ***General open space street.***

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

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

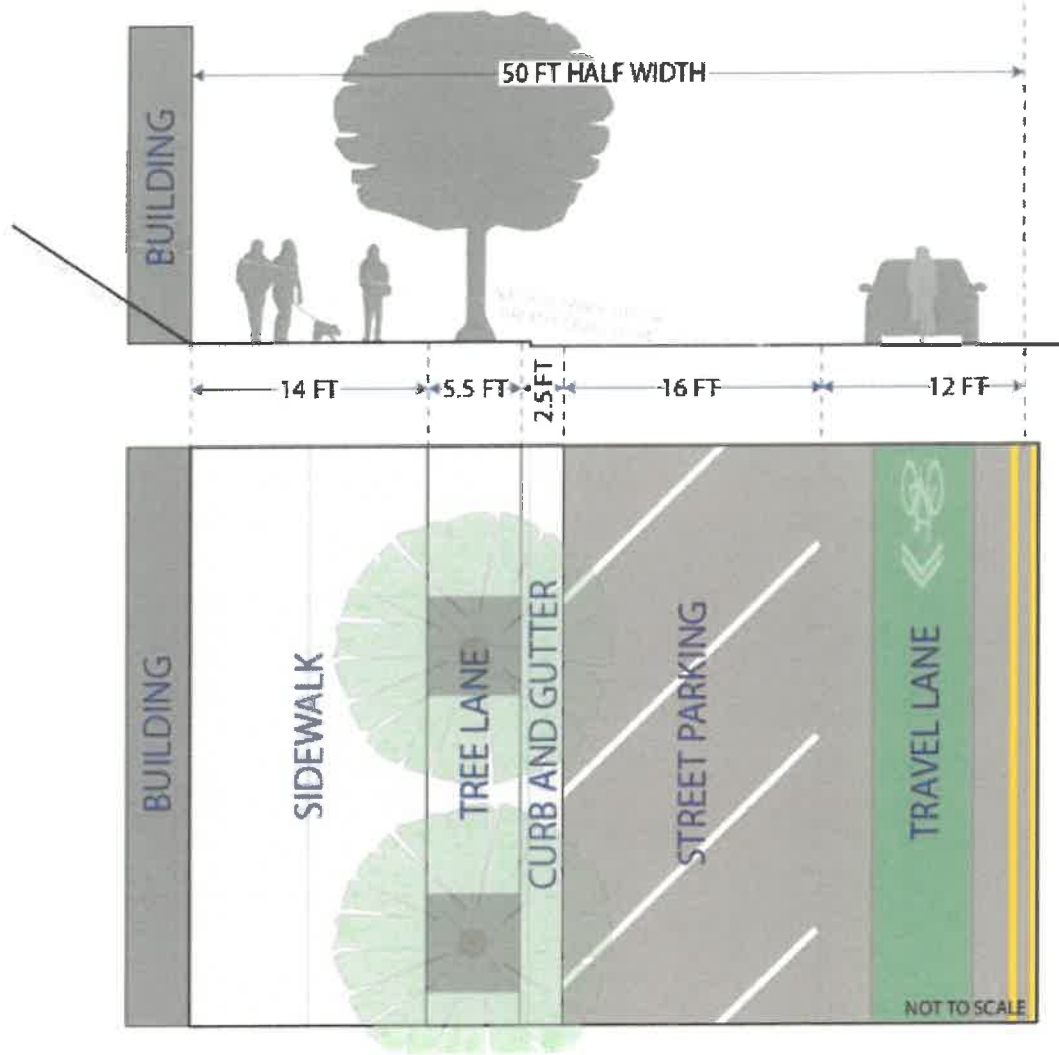
- (1) ***Commercial street design.*** The dimensions and general design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street, and multi-family residential street is as follows:

TYPICAL VILLAGE CROSS SECTION

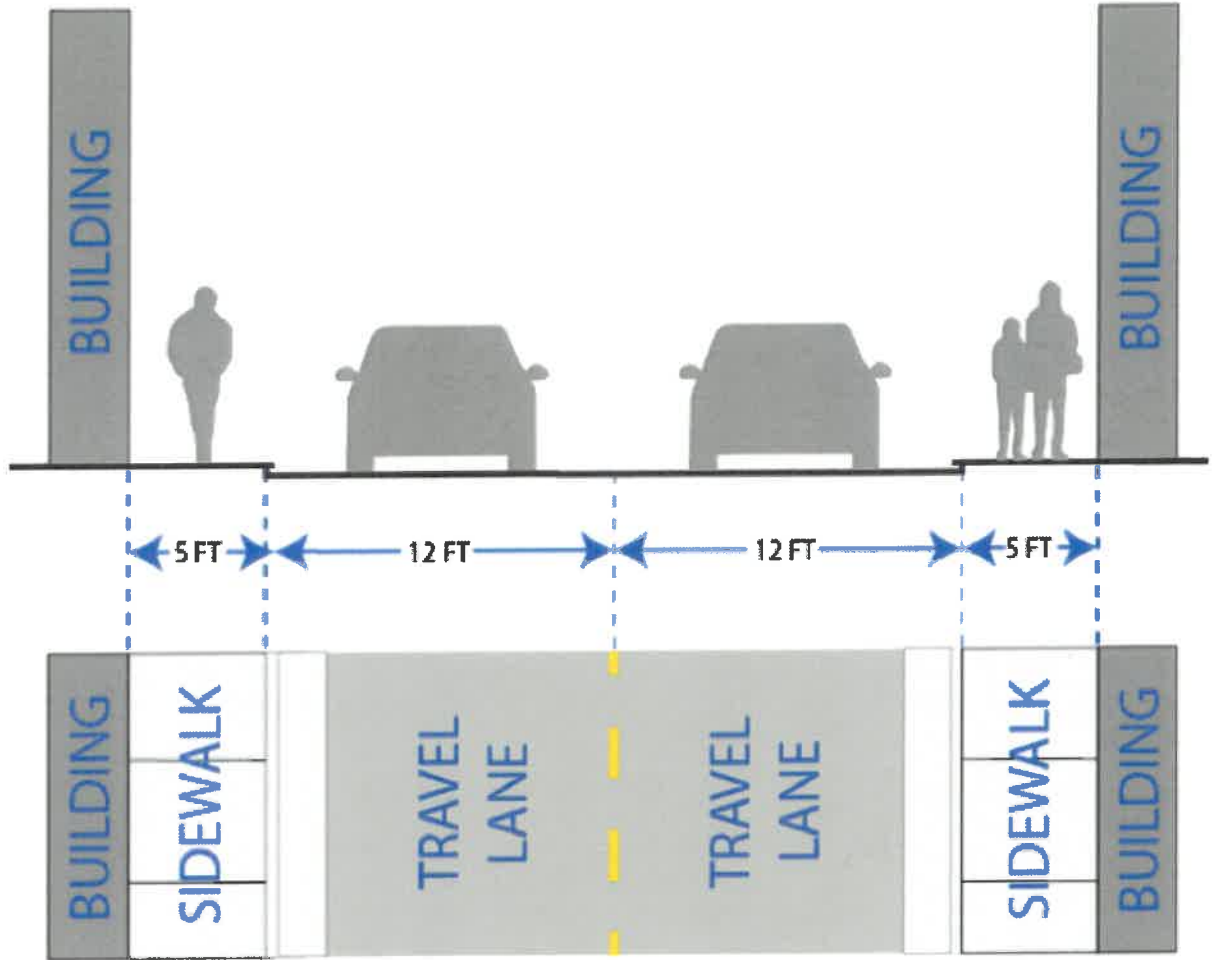


- (2) **Commercial street design with challenging cross slopes.** Unless otherwise negotiated by development agreement, the design for a governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street and multi-family residential street with a cross slope that is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

VILLAGE CROSS SECTION - WITH CROSS SLOPE



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



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

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

	G&I	VOC	MUC	MFR	SLR	MLR	LLR	RR	ELR	OS
RED	25	176	204	255	255	255	255	138	83	75
GREEN	151	33	51	120	170	220	255	153	128	191
BLUE	156	157	0	0	0	0	0	66	69	96

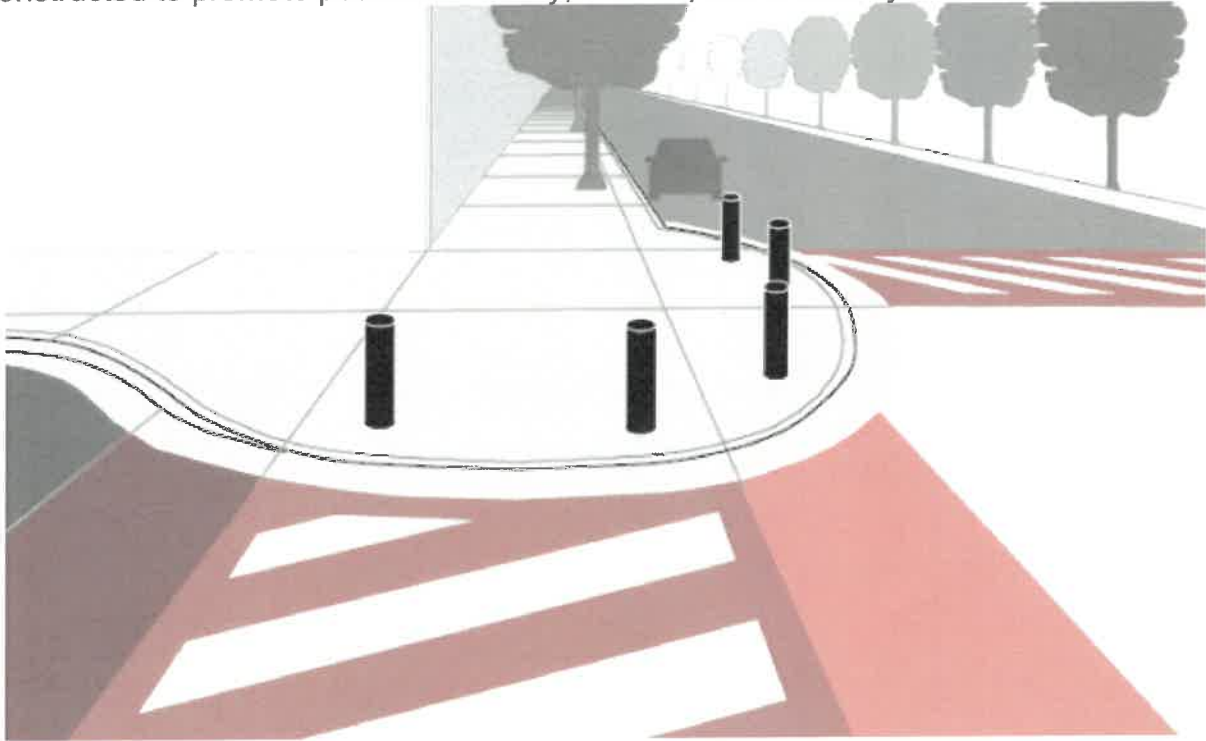
HTML CODE	HEX	#19979c	#b0219d	#cc3300	#ff7800	#ffaa00	#ffdc00	#ffff00	#8a9942	#538045	#4bbf60
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HISTORY
Adopted by Ord. [2022-04](#) on 1/18/2022
Amended by Ord. [2022-20](#) on 8/16/2022

Sec 104-22-7.2 Street Design Standards

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

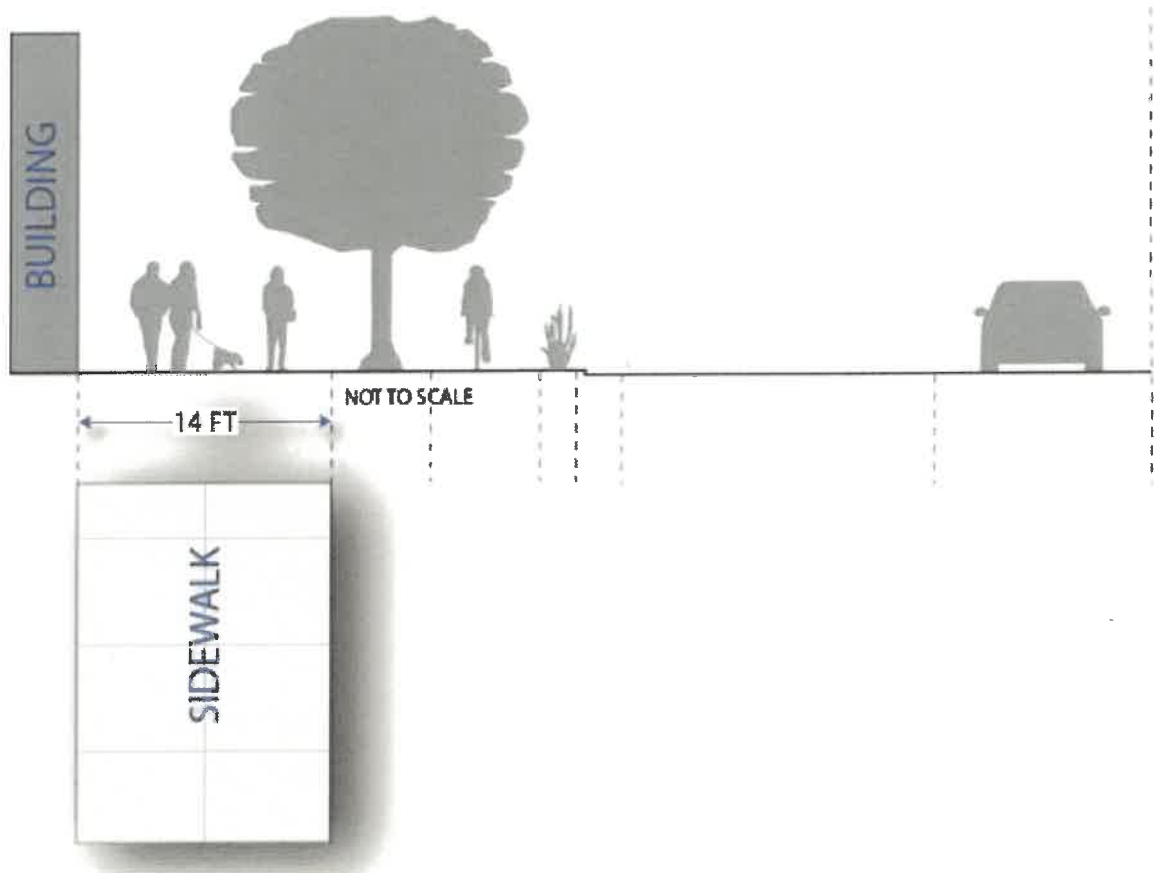
- (a) **Pedestrian priority design.** The street shall be designed to prioritize pedestrian use. At primary points of conflict between pedestrian uses and vehicle uses, the street facility shall be designed and constructed to promote pedestrian safety, comfort, and efficiency.



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



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

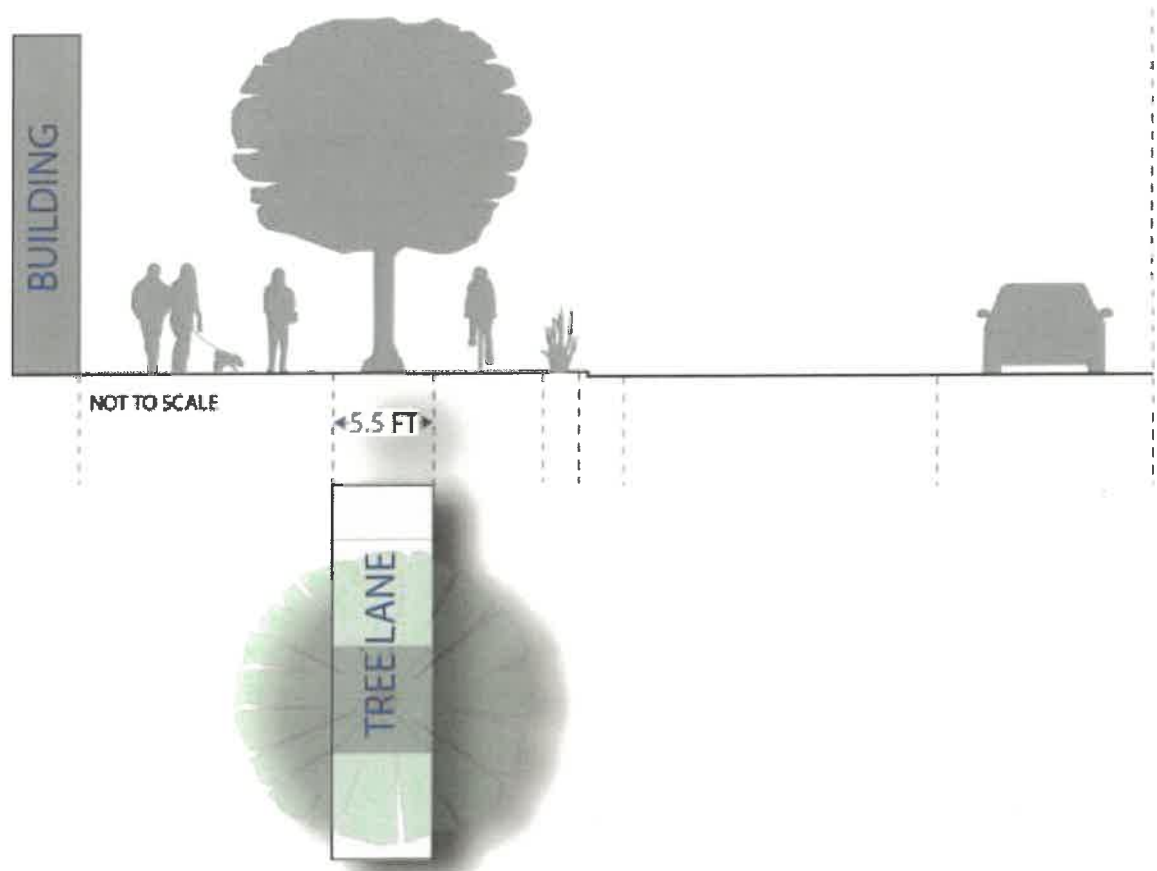


- (1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required sidewalk along any street designated as residential except the multi-family residential street
- (2) **Covered boardwalk alternative.** The County Commission may, but is not obligated to, approve the encroachment of a covered boardwalk, or similar, by legislative approval of an encroachment and maintenance contract. The adjoining landowners shall bear full responsibility for the operations and maintenance of the boardwalk. The covered boardwalk shall comply with the overhead projections standards of this chapter.

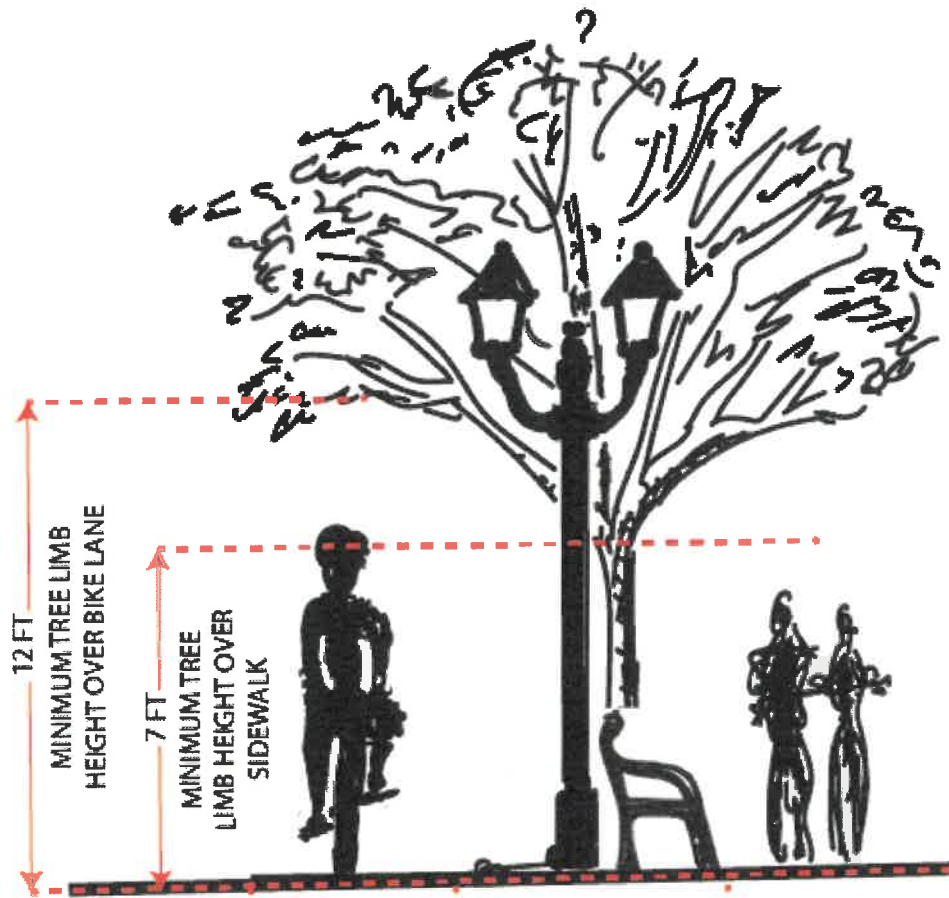


(c) **Street trees required.** As part of the required street improvements within this zone, street trees shall be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the street as the development and for the entire length of the development lot's street frontage.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

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

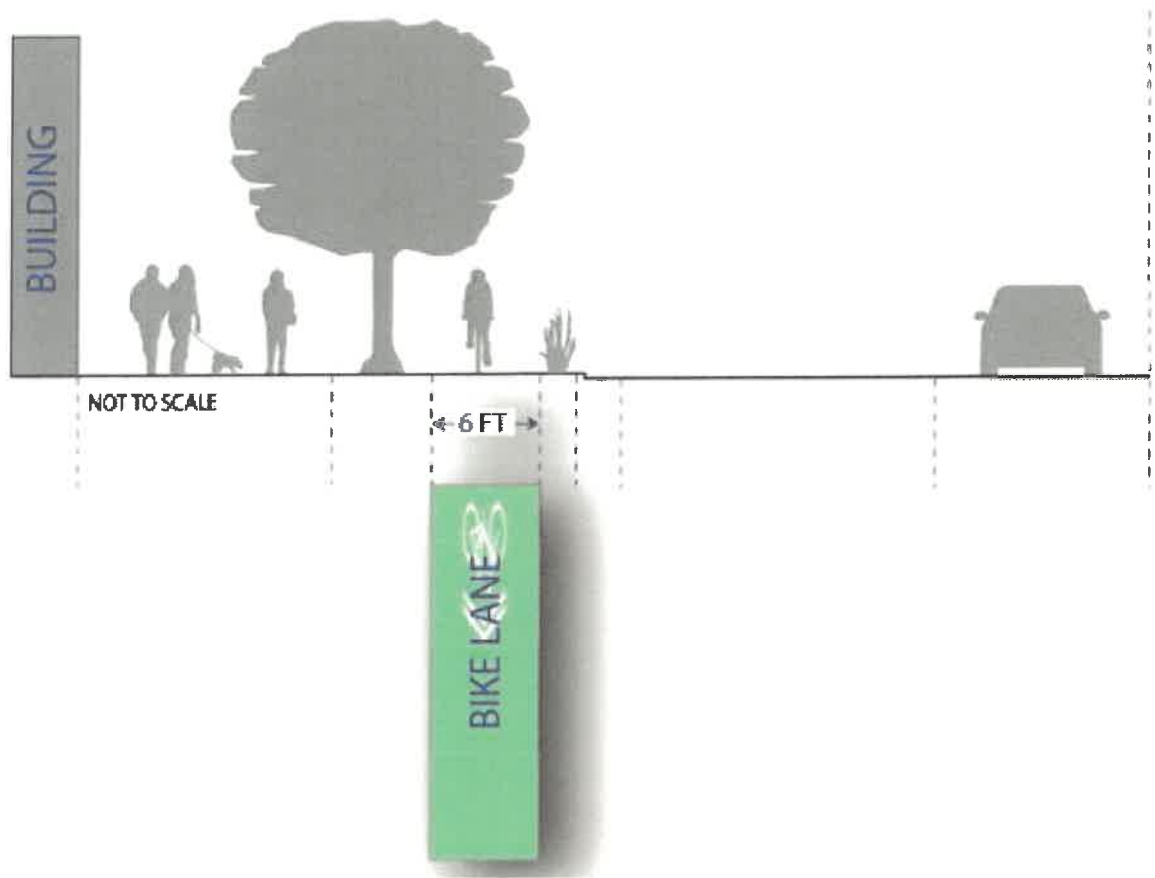


- (2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance entity is approved by the County to provide tree maintenance, a street tree shall be maintained by the owner or proprietor of the property that is immediately adjacent to the street right-of-way where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

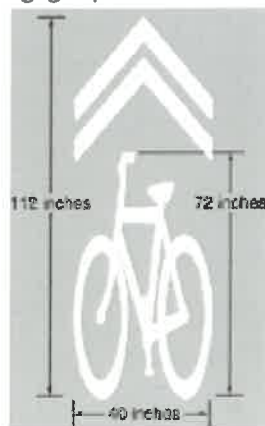


(d) **Bike facilities required.**

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



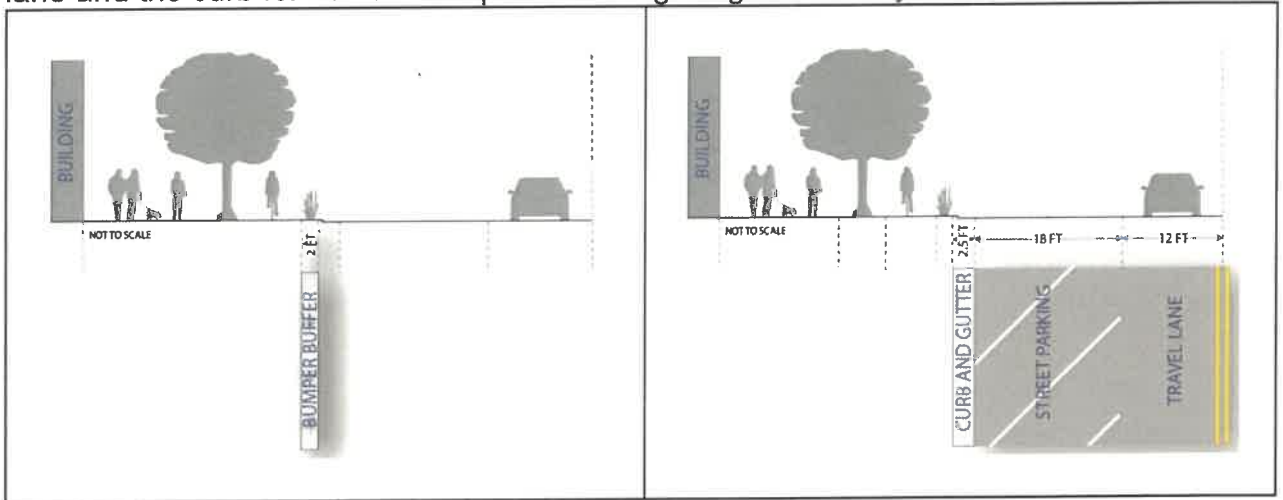
- (2) ***Bike lane alternative.*** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall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



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

- (1) ***45-degree angle parking.*** Each street shall be designed and constructed to provide 45-degree angled parking.
- (2) ***Street parking alternative.*** When topography results in the inability to safely create sufficient street width, the County Engineer has discretion to allow a parallel street-parking design instead.

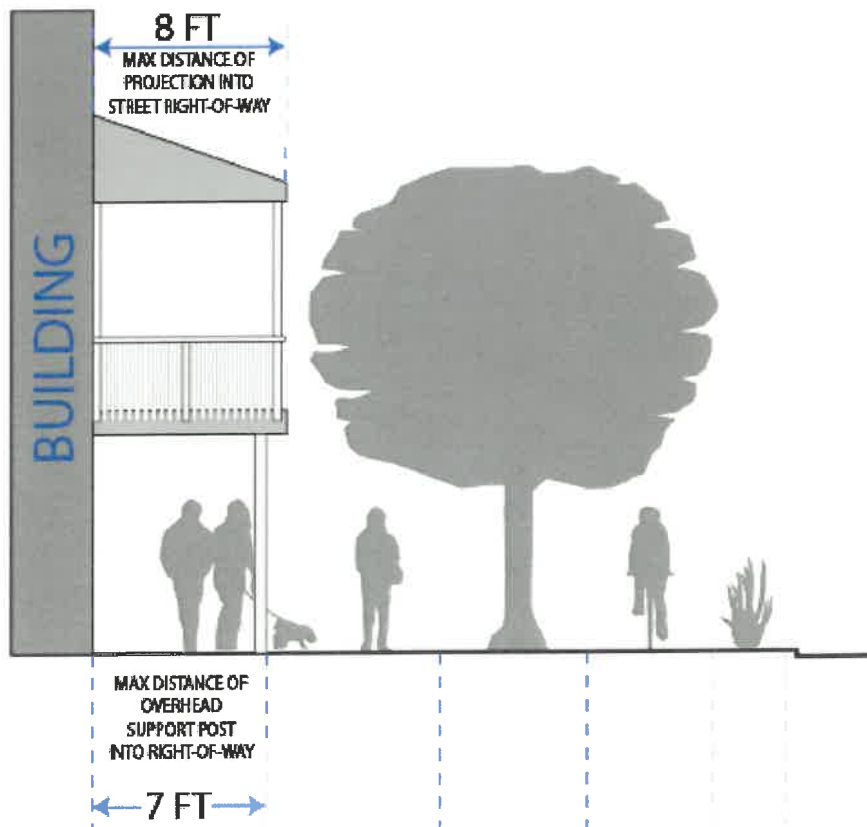
(3) **Parking bumper buffer.** A three-foot parking bumper shall be provided between the bike lane and the curb for vehicle bumper overhang. Vegetation may be in this buffer.



(f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each street and internal alleyway in accordance with the County's standard curb and gutter cross sections and in a manner that accommodates the street designs herein.

(g) **Items in public right-of-way.**

(1) **Overhead projections.** Overhead building projections such as but not limited to awnings, canopies, balconies, and cantilevers, are permitted within the public right-of-way, provided that they leave a vertical clearance over the sidewalk or walkway of no less than nine feet, and shall not project more than eight feet into the public right-of-way. Any support post beneath the building projection shall be no greater than seven feet from the building façade, be designed to offer minimal disruption to sidewalk traffic, and meet all ADA clearance requirements.



- (2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside dining, benches, bike racks, planters, and street sales and displays are permitted between street trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.
 - (3) **Street Lighting.** Street lighting shall be installed as part of the required street improvements within this zone. Street lighting shall complement the architectural design theme of the area.
 - (4) **Overhead utilities.** All new development shall move all existing overhead utilities underground, and install all new utilities underground as well.
- (h) **Round-a-bout.** A round circle along any street intersection on the street regulation plan indicates a planned round-a-bout. As development occurs, street right-of-way shall be dedicated to the County to accommodate at least a 110-foot diameter round-a-bout. Round-a-bout improvements shall be installed when required by the County Engineer. Otherwise, all improvements installed shall be installed in a manner that does not create an undue burden on the construction of a future round-a-bout.

HISTORY

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

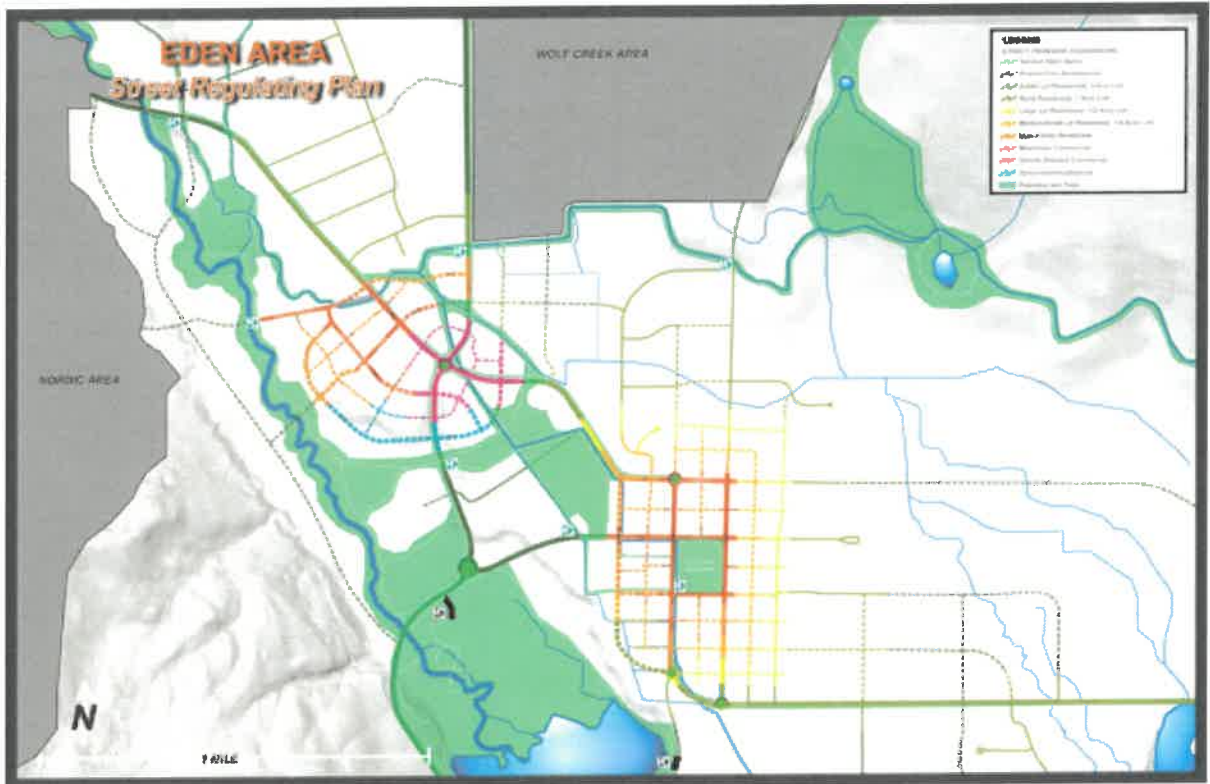
Amended by Ord. [2022-20](#) on 8/16/2022

Sec 104-22-8 Street Regulating Plans

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

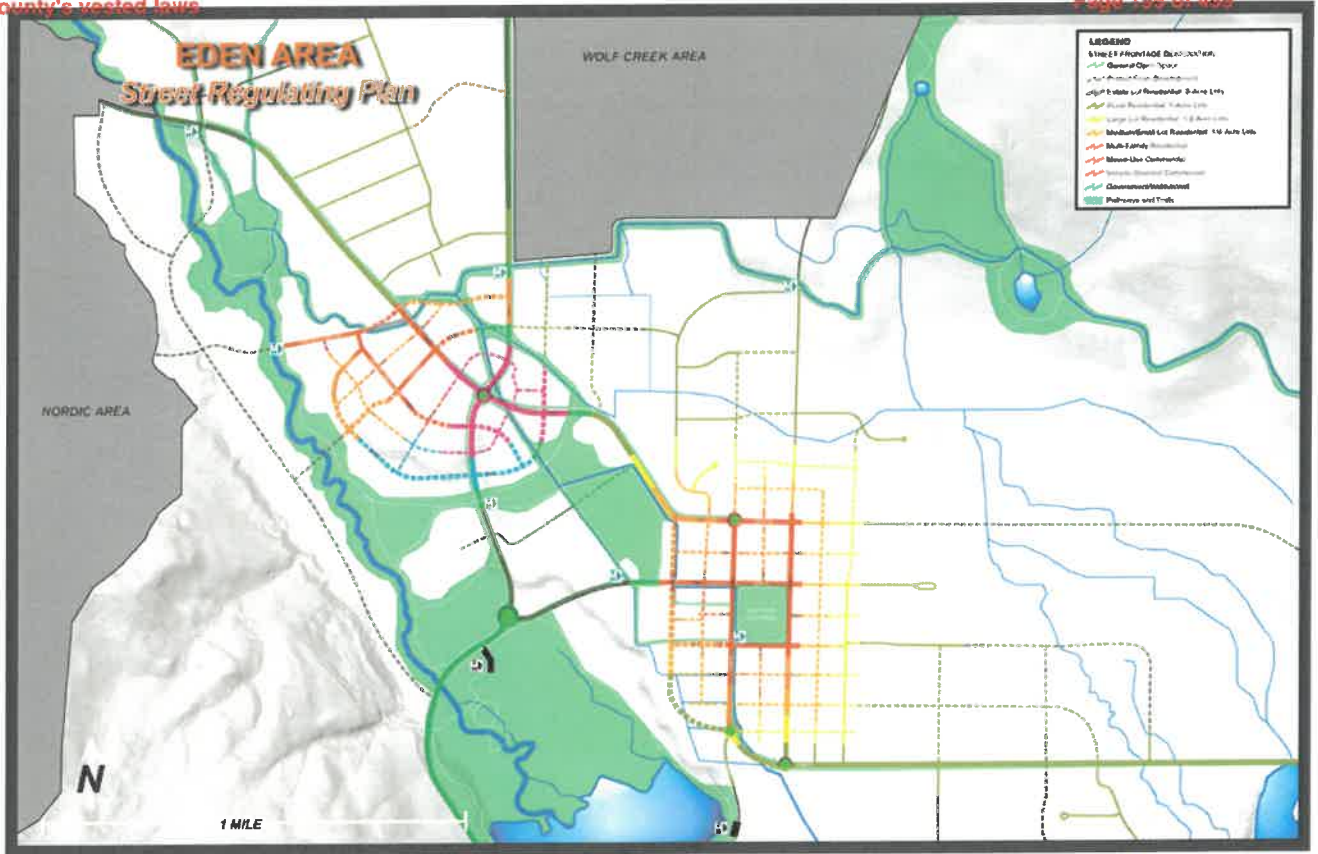
(a) **Old Town Eden Area Street Regulating Plan Map.**



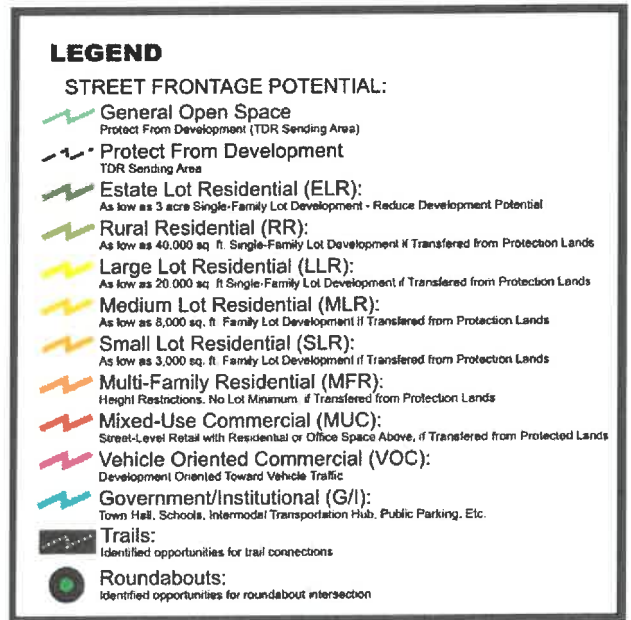
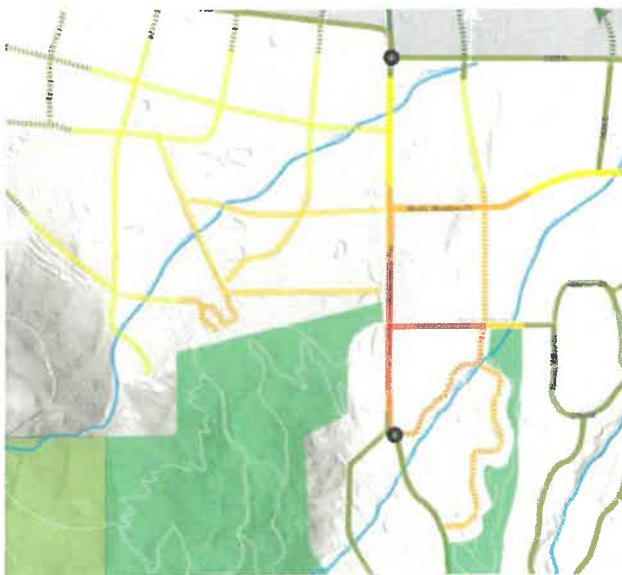


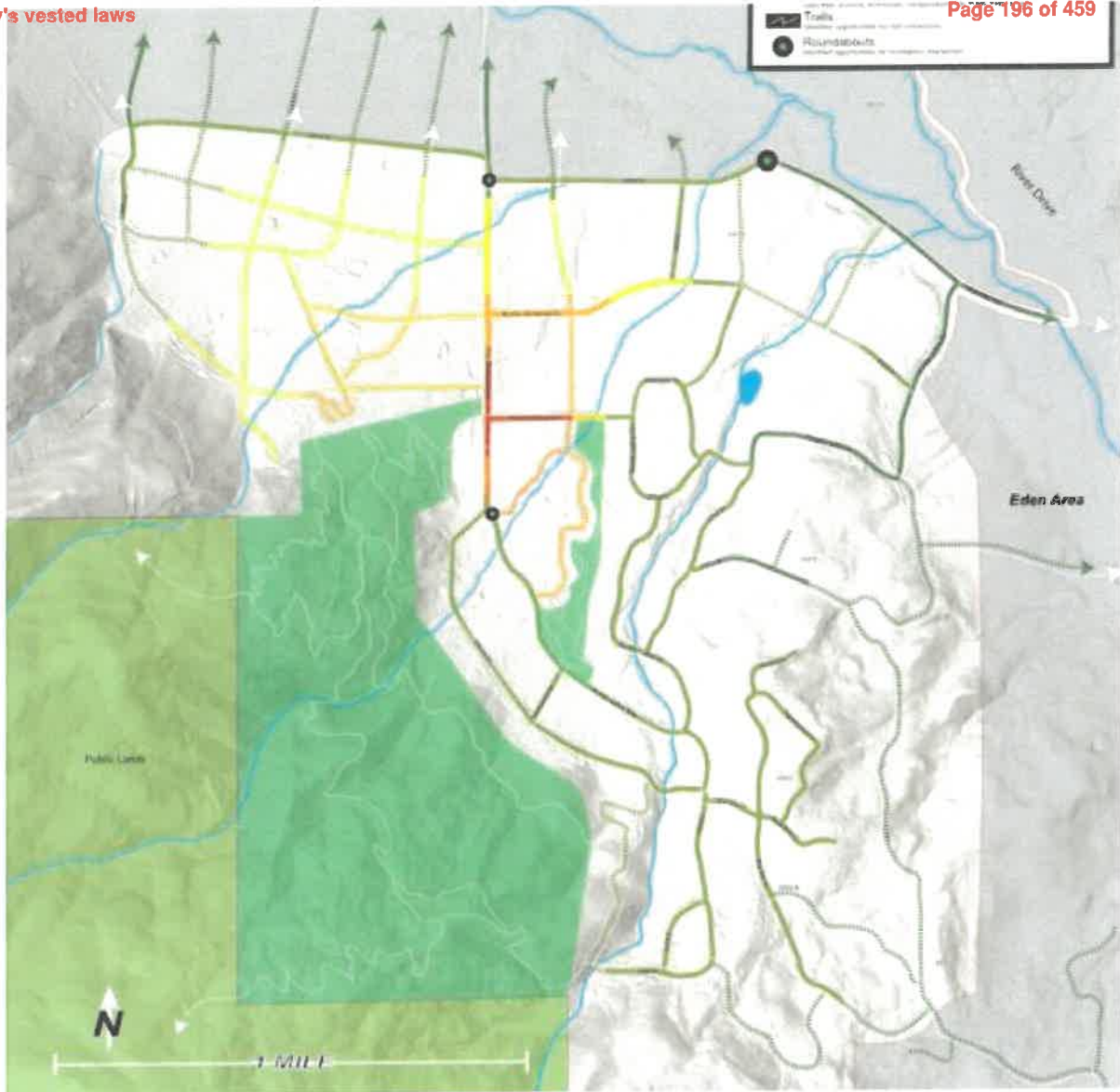
(b) *New Town Eden Area Street Regulating Plan Map.*





(c) Nordic Valley Area Street Regulating Plan Map.





HISTORY

Adopted by Ord. [2022-04](#) on 1/18/2022
Amended by Ord. [2022-20](#) on 8/16/2022

Sec 104-22-9 Parking And Internal Block Access

- (a) **Parking Required.** Each application for development shall include a parking plan that demonstrates that sufficient parking will be provided by the street parking adjacent to the building or an off-street parking lot within 1000 feet of the building. All parking lots shall be hard-surface asphalt or concrete, or other improved surface otherwise approved by the County Engineer and local fire authority. Street parking not adjacent to the lot's street-frontage shall not be counted in determining that sufficient parking has been provided.
- (b) **Parking flexibility.** Except for residential uses, the Land Use Authority may reduce the minimum parking spaces required if sufficient evidence suggests that the required number of spaces is

excessive for the building and proposed use or uses therein.

- (c) **Parking related to a change of use.** If a change of use occurs, more parking may be required if the new use merits it, as determined by the Land Use Authority. The applicant proposing to change the use shall be required to provide the additional off-street parking within 1000 feet of the use.
- (d) **Residential parking.** The minimum required parking for a residential use shall be located off-street within the same block as the residential use.
- (e) **Parking lot trees.** A surface parking lot shall have one tree for each four parking spaces, and a five-foot wide landscape planting area that runs the depth of the parking row shall be located at each end of a parking row.
- (f) **Parking structure design standards.** When located adjacent to a vehicle-oriented commercial, mixed use commercial, or multi-family residential street, a parking structure shall have first-floor street-level commercial space along the street's frontage. However, for a corner lot, this requirement applies to the façade that is adjacent to the more prominent street, as determined by the land use authority; the other façade shall have the same for no less than fifty percent of that façade's street frontage. The other fifty percent, and the area of the parking structure above the street level commercial space, shall have a street-facing facade that disguises the parking structure to generally look like other buildings in the area.
- (g) **Cross access and cross-access easement.** For all parcels or lots along a governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family residential street, providing access to adjacent existing or future development without the need to access the public right-of-way is required. This access shall be provided by a mid-block alley, where shown on a street regulating plan, or other alley or shared driveway as may be deemed necessary by the land use authority. When no new alley access is deemed necessary because an alley access or street access is already provided to the lot or parcel through another lot or parcel, then a cross-access easement shall be provided along adjoining lot lines, as follows:
 - (1) A cross access easement shall provide an easement to all landowners in the block that develop along a governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family residential street that is framing the block. The easement shall allow ingress and egress to these other lots or parcels, including ingress and egress infrastructure.
 - (2) At a minimum, each developed lot or parcel shall have two points of ingress and egress, at least one of which shall be stubbed to adjacent property where practicable. Except that a parking area is allowed to only provide a single access as long as it does not block the accessibility to other areas within the block that are or could be used for public parking.
 - (3) Each parking area that is located within the block and that will be open to the public for public parking shall be designed to extend to the parcel boundary and shall provide a cross access easement along all sides of the parking area abutting the adjacent lot(s) or parcel(s) in a manner that allows the adjoining lot or parcel owner to extend that public parking area seamlessly into their parcel.
 - (4) When locating a cross-access easement or designing the cross-access infrastructure, good faith efforts shall be made to coordinate the location and design with the adjoining land owner.
 - (5) The Planning Director may require the cross-access to be located in a manner that optimizes internal block traffic circulation.
 - (6) Construction of the cross-access infrastructure shall be completed prior to the issuance of a certificate of occupancy for any structure on the lot or parcel, or a completion bond may substitute for completion if allowed by the County Engineer.

- (7) When a lot or parcel is being developed that abuts an existing cross-access easement or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access infrastructure shall be constructed to the same standard as, or better than, the existing cross-access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the title of all affected properties, along with a perpetual operation and maintenance agreement between the property owners that specifies, at a minimum, that the infrastructure will be operated and maintained by the property owners in a manner that is safe and usable for two-way vehicle traffic.
- (8) If property owners fail to operate or maintain cross-access infrastructure that was required by the County under this section, the County may pursue enforcement measures as provided in this Land Use Code.

HISTORY

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

Sec 104-22-10 Signage

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

HISTORY

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

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

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

- (a) For a lot or parcel rezoned to the Form-Based Zone from a zone that allows residential dwelling units, the base density, as defined in Title 101, Chapter 2, shall be the same as the density that was allowed in the prior zone. This shall be documented by recording a covenant to the lot or parcel that provides a calculation of the base density. The covenant shall run with land, and be between the owner and the County.
- (b) Additional residential dwelling units are permitted on any lot that has street frontage on, or gains primary access from, any street type in the street regulating plan except an Estate Lot Residential street and a general open space street. However, no additional density is allowed unless the landowner has successfully negotiated the reallocation of an equal number of dwelling unit rights from another lot or parcel that has an available dwelling unit right, as determined by the lot or parcel's base density and adjusted for any previous dwelling unit right reduction or addition. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units already developed on the lot or parcel; the number of dwelling unit rights subtracted from, or added to, the base density by any means; and the number of dwelling unit rights remaining for the lot or parcel.
- (c) Residential dwelling unit rights may be transferred to a lot or parcel in a FB Zone from any lot or parcel in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5,

FF-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FB.

- (d) Regardless of number of residential dwelling unit rights transferred to a lot or parcel in the FB Zone, the number of dwelling units actually constructed shall be limited by what can be constructed given compliance with the standards of this chapter.

Sec 104 22-12 Workforce Housing

Participation in creating workforce housing is required.

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

mile from a G&I, VOC, or MUC street designation, or within one mile of a CV-1, CV-2, or CVR-1 zone.

- (e) **Weber housing authority.** Eligibility and long-term monitoring of qualification for workforce housing is the responsibility of the Weber Housing Authority

Chapter 104-23 (Reserved)

Editors Note: Ord 2021-16, adopted May 25, 2021, merged the MV-1, M-1, M-2, and M-3 zones into a single chapter, removing them from Chapter 22, 23, 24, and 25, and placing them into Chapter 21.

HISTORY

Adopted by Ord. [2021-16](#) on 5/25/2021

Chapter 104-24 (Reserved)

Editors Note: Ord 2021-16, adopted May 25, 2021, merged the MV-1, M-1, M-2, and M-3 zones into a single chapter, removing them from Chapter 22, 23, 24, and 25, and placing them into Chapter 21.

HISTORY

Adopted by Ord. [2021-16](#) on 5/25/2021

Chapter 104-25 (Reserved)

Editors Note: Ord 2021-16, adopted May 25, 2021, merged the MV-1, M-1, M-2, and M-3 zones into a single chapter, removing them from Chapter 22, 23, 24, and 25, and placing them into Chapter 21.

HISTORY

Adopted by Ord. [2021-16](#) on 5/25/2021

Chapter 104-26 Open Space Zone O-1

[Sec 104-26-1 Purpose And Intent](#)

[Sec 104-26-2 Permitted Uses](#)

[Sec 104-26-3 Conditional Uses](#)

[Sec 104-26-4 Site Development Standards](#)

[Sec 104-26-5 Sign Regulations](#)

Sec 104-26-1 Purpose And Intent

The open space zone is specifically intended to encourage the preservation of a natural environment in an otherwise urban setting; to hold for future generations open space in which plants and animals can be protected and studied; to inhibit erection of unnecessary buildings on a floodplain, on areas of severe slope, areas of fault line and rock slides; to provide suitable areas for recreation and relaxation, and to alleviate stream pollution.

(Ord. of 1956, § 22E-1; Ord. No. 3-75)

Sec 104-26-2 Permitted Uses

The following uses are permitted in the Open Space Zone O-1:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;

- (b) Agriculture.
- (c) Botanical or zoological garden.
- (d) Cemetery.
- (e) Conservation areas: botanical or zoological.
- (f) Fishing ponds; private or public.
- (g) Golf course, except miniature golf courses.
- (h) Horse raising, provided conducted in a pasture of at least five acre size and with a maximum density of two horses per acre.
- (i) Private park, playground or recreation area.
- (j) Public park, public recreation grounds and associate buildings, but not including privately owned commercial amusement business.
- (k) Public service buildings.
- (l) Wildlife sanctuaries.

(Ord. of 1956, § 22E-2; Ord. No. 3-75; Ord. No. 2015-7, Exh. A, 5-5-2015)

Sec 104-26-3 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:

- (a) Golf driving range in conjunction with a golf course.
- (b) Public utility substations.

(Ord. of 1956, § 22E-3; Ord. No. 96-42; Ord. No. 2015-7, Exh. A, 5-5-2015)

Sec 104-26-4 Site Development Standards

The following site development standards shall apply to the open space zone:

- (a) Minimum lot area: Five acres.
- (b) Minimum lot width: 300 feet.
- (c) Minimum yard setbacks for structures.
 - (1) Front: 30 feet.
 - (2) Side: 20 feet each side.
 - (3) Rear: 30 feet.
- (d) Building height.
 - (1) Minimum: One story.
 - (2) Maximum: 35 feet.

(Ord. of 1956, § 22E-4)

Sec 104-26-5 Sign Regulations

The height, size, and location of the following permitted signs shall be in accordance with the regulations set forth in title 110, chapter 1, of this Land Use Code:

- (a) Development.
- (b) Directional.
- (c) Flat.
- (d) Freestanding.
- (e) Identification and information.
- (f) Temporary.
- (g) Wall.

(Ord. of 1956, § 22E-5)

Chapter 104-27 Master Planned Development Overlay Zone MPDOZ

[Sec 104-27-1 Purpose And Intent](#)

[Sec 104-27-2 Applicability](#)

[Sec 104-27-3 Application Requirements](#)

[Sec 104-27-4 General Requirments](#)

[Sec 104-27-5 Use Permissions And Prohibitions](#)

[Sec 104-27-6 Area And Residential Density Regulations](#)

Editor's note—Ord. No. 2016-17, Exh. A, adopted Nov. 8, 2016, repealed titl. 104, ch. 27, §§ 104-27-1—104-27-10, which pertained to natural hazards overlay districts and derived from §§ 38-1—38-10 of an ordinance adopted in 1956. Said ordinance enacted provisions pertaining to natural hazard areas in titl. 108, ch. 22, § 108-22-1 et seq.

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

Sec 104-27-1 Purpose And Intent

- (a) ***Purpose of master planned development.*** Traditional development requirements and standards provide an important level of predictability in the outcome of various different developments produced by various different developers offering various different development products. Without them, the variability in each development is likely to create less organized development patterns of multiple smaller scale developments. The purpose and intent of a master planned development is to provide a developer with voluntary alternatives to the traditional development requirements and standards of a zone while also giving the community the benefit of removing the unpredictability of unspecified alternatives by requiring a complete land development plan that comprehensively addresses the alternative development requirements and standards.
- (b) ***Purpose of master planned development overlay zone.*** A master planned development overlay (MPDOZ) zone is intended to allow a legislatively adopted overlay zone that provides an avenue for the creation of a master planned development. The zone is intended to promote the diversification in the relationship of various uses and structures to their sites, to permit more flexible applicability of traditional zoning standards to those sites, and to encourage new and innovative concepts in the design of neighborhood and housing projects. To this end, the development should be planned and entitled as one complete land development plan, otherwise known as a master planned development. Phasing of the complete land development plan may

occur over time if approved by the county commission and if in compliance with the entitlements of the complete land development plan.

- (c) **Deviations from requirements of underlying zone.** The application of a master planned development overlay zone to a particular property should give deference to the purpose and intent of the property's underlying zone. However, when applying this master planned development overlay zone, the approval of a master planned development may allow deviations from the purpose and intent of the underlying zone, and any standard therein, if the proposed master planned development substantially advances the implementation of a significant and meaningful general plan goal, principle, or implementation strategy. Unless explicitly specified otherwise in a development agreement or in the approved complete land development plan, development of a master planned development shall adhere to the applicable regulations, standards, and other provisions of this Land Use Code.
- (d) **Conflicts.** If any provision of an approved master planned development overlay zone or related development agreement creates an explicit conflict with any other part of this Land Use Code, the applicability of those other provisions shall be modified to the minimum extent that enables the master planned development overlay zone provisions to apply. An omission from a master planned development overlay zone shall not be construed to be an implicit conflict with any other part of this Land Use Code.

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021

Sec 104-27-2 Applicability

- (a) **Effective date.** The effective date of this chapter is March 26, 2021.
- (b) **Allowed zones.** A master planned development overlay zone may only be considered in the following zones:
- (1) Residential estates zones;
 - (2) Agricultural and agricultural valley zones;
 - (3) Forest, forest residential, and forest valley zones;
 - (4) Single-family, two-family and three-family residential zones;
 - (5) Commercial valley resort recreation zone; and
 - (6) Residential manufactured home zone.
- (c) **Nonconforming PRUD.** The adoption of this ordinance also repeals an ordinance governing the creation of a planned residential unit development (PRUD). A planned residential unit development for which an application was submitted prior to the date specified in Subsection (a) of this section is hereby a nonconforming planned residential unit development, provided the County has not adopted new regulations governing a planned residential unit development after this effective date. A nonconforming PRUD may be amended from time to time under the same rules that governed its creation, provided that the amendment is a de minimis change that is routine and uncontested. The Planning Director or the Planning Commission has independent authority to determine what constitutes a routine and uncontested de minimis decision. If it is determined to not be routine or uncontested, then the applicant shall pursue the creation and approval of a master planned development overlay zone pursuant to this chapter.
- (d) **Previously existing development agreements.** Nothing in this chapter shall be construed to inhibit the entitlements of an approved development agreement executed prior to the date

specified in subsection (a) of this section.

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021

Sec 104-27-3 Application Requirements

An application for a master planned development overlay zone and development agreement shall be submitted to the Planning Division in a form provided by the Planning Division, together with all accompanying documents, plans, and studies required by this chapter. The application shall contain authorization from all owners of land within the property's legal description. The following are the minimum requirements necessary to submit a complete application:

- (a) A complete land development plan, complying with the requirements of [Section 104-27-4](#), including the following:
 - (1) A map of the general configuration of the development, together with land tabulations detailing the proposed uses of land for all areas of the project, and proposed lot or parcel development standards;
 - (2) An open space preservation plan, showing proposed uses and parcel development standards;
 - (3) A transportation plan that accommodates vehicular and pedestrian circulation, parking, etc.;
 - (4) Areas reserved for public uses such as schools and playgrounds, landscaping, and recreational facilities, if applicable;
 - (5) Proposed architectural design standards, including drawings and sketches demonstrating the proposed design, character, features, and color palette of the proposed development;
 - (6) A natural hazards map, if the development is in a natural hazards study area or a known natural hazard is present onsite;
 - (7) Any proposed mappable voluntary contributions, including those proposed in pursuit of density bonuses; and
 - (8) A development phasing plan, if applicable.
- (b) A narrative clearly explaining the desired development. The narrative shall also clearly address the considerations listed in [Section 104-27-4](#).
- (c) A list of development commitments or other offerings the applicant is prepared to make to the county, and a list detailing what the development needs from the county. This list will be the initial basis for development agreement negotiation.
- (d) Base density calculations, and a tabulation and explanation of requested bonus density.
- (e) The legal description for all properties to be included in the overlay zone and development agreement, together with a general vicinity map of the rezone boundary.

- (f) Additional information as may be necessary to assist in the county's determination regarding whether the proposed development and arrangement of uses provides for a better community outcome than developing the land using the traditional development requirements and standards of the applicable zone.
- (g) An application fee.

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021

Sec 104-27-4 General Requirments

- (a) ***Rezone and development agreement required.*** Approval of a master planned development overlay zone shall follow the provisions and requirements specified herein in addition to the rezone provisions of [Title 102, Chapter 5](#). Prior to the execution or validity of a master planned development overlay zone, a development agreement that is mutually agreeable between the developer and the county shall be prepared and readied, in compliance with [Title 102, Chapter 6](#), for execution upon, or simultaneous to, adoption of the master planned development overlay zone. The development agreement shall clearly document the county's roles and responsibilities to the developer and the developer's roles and responsibilities to the county, and shall, at a minimum, provide any other provision necessary to effectively execute the flexible provisions of this chapter, or any other provision as may be required by the county commission or county attorney's office. Nothing in this chapter shall be construed to entitle approval of a master planned development overlay zone or associated development agreement.
- (b) ***Complete land development plan.*** The development agreement shall include an complete land development plan detailing the proposed development as specified herein. No changes or alterations to the approved complete land development plan shall be made without first obtaining an amendment to the development agreement, except for landscaping as provided in subsection (c) of this section. The complete land development plan shall provide a desirable layout or, if the specific layout is to be determined later, desirable standards for the following:
 - (1) ***Cluster development.*** All subdivisions within a master planned development overlay zone shall comply with [Title 108, Chapter 3](#), Cluster Subdivisions, except those lot development standards as listed in paragraph (4) of this subsection. The complete land development plan shall demonstrate that the development can feasibly comply with the cluster subdivision requirements. Specific deviations from the cluster subdivision requirements may be granted by the county commission, after recommendation from the planning commission, if the deviation offers a better community outcome or better contributes to the implementation of a significant and meaningful general plan goal, principle, or implementation strategy.
 - (2) ***Land use configuration.*** The complete land development plan shall show the general locations of proposed land uses, including open space areas, and offer a land use inventory specifying approximate land acreage per use.
 - (3) ***Street configuration.*** The complete land development plan shall show, at a minimum, the general location of existing or proposed streets in the development. Streets shall offer efficient and convenient connectivity to existing street rights-of-way and shall be laid out to provide for safety, ease of use, and navigation throughout the development. Streets shall offer prioritization of non-motorized transportation. The complete land development plan shall show general location of streets stubbing into an adjacent vacant property in at

least one location; and as otherwise required to comply with block-width or intersection distance requirements of this land use code. At least two points of access into the development are required if it contains more than 30 residences, or less if otherwise required by the local fire or emergency services authorities.

- (4) **Lot development standards.** The complete land development plan shall propose lot or parcel area, lot or parcel width, lot or parcel yard setbacks, lot or parcel coverage and building height regulations for all lots, parcels, and open space areas that will contain development or structures.
 - (5) **Architecture design.** The complete land development plan shall provide the general architectural design of buildings and the design's relationship to the site and to the development beyond the boundaries of the master planned development.
 - (6) **Off-street parking.** The complete land development plan shall provide for complete off-street parking standards in the event that the parking standards of this Land Use Code are insufficient to accommodate the flexible provisions of this overlay zone. The design of parking areas or parking lots shall prioritize the needs and use of non-motorized modes transportation.
 - (7) **Lighting.** The complete land development plan shall provide a lighting plan, or provisions for creating a lighting plan, that complies with all requirements of [Title 108, Chapter 16](#).
 - (8) **Natural hazards and other constraints.** The complete land development plan shall show consideration for natural hazards and other environmental constraints, such as floodplains, wetlands, waterways, sensitive ecology, wildlife habitat, etc. If a natural hazard is known to exist onsite, or if the site is located in a natural hazards study area, as specified in [Title 108, Chapter 22](#), or if other environmental constraints exist onsite, a natural hazards map and environmental constraints map, if applicable, shall be included as part of the complete land development plan submittal.
- (c) **Landscaping plan.** The development agreement shall include a landscaping plan that meets or exceeds the landscaping requirements found elsewhere in this land use code.
- (1) **Landscape requirements.** The landscape requirements of [Title 108, Chapter 2](#) are hereby incorporated herein and applicable in all master planned development overlay zones.
 - (2) **Financial guarantee.** No money held in the financial guarantee for the completion of landscaping of any phase of a master planned development shall be released until all landscaping requirements are completed for that phase, with the exception of single-family dwelling lots. In the case of a single-family dwelling lot, that percentage of the guarantee that is equal to that area percentage of the phase that is the single-family dwelling lot, may be released upon completion of landscaping on that lot.
 - (3) **Modifying approved landscape plan.** The application of the development agreement's landscape plan may be modified during the land use permit or building permit review process, provided that a more site-specific landscape plan is submitted with the site plan and is stamped by a licensed landscape architect, who shall certify the following:
 - a. That the area of landscaping exceeds the approved landscape plan;
 - b. That the number and quality of plants exceed the approved landscape plan;
 - c. That the functional use of vegetation, such as shade from trees or site-screening from bushes, meet or exceed relevant landscaping requirements of the land use code and the intent of the approved landscape plan; and

- d. That the portion of landscaping per phase exceeds the portions per phase of the approved plan.

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021

Sec 104-27-5 Use Permissions And Prohibitions

- (a) **General uses.** All uses specified in the underlying zone are allowed in a master planned development, unless specifically prohibited in the development agreement.
- (b) **Other small-scale service uses.** If a master planned development contains 100 dwelling units or more, other uses not otherwise allowed in the underlying zone may be approved by the county commission, after receiving recommendation from the planning commission, provided that evidence demonstrates that those uses are necessary for the provision of small-scale local neighborhood services to the residents of the development and the immediate surrounding neighborhood. The county commission has legislative discretion to determine what a small-scale local neighborhood service is. The development agreement shall contain provisions for the proposed uses, ownership, operational characteristics, and physical design to assure compliance with this section.
- (c) **Short-term rentals (nightly rentals).** Housing units to be used in whole or in part for short-term or nightly rentals shall only be allowed in neighborhoods that can support the transient use. Short-term or nightly rentals shall only be allowed when their existence substantially advances a general plan goal, principle, and implementation strategy. In the Western Weber Planning Area, short-term or nightly rentals require the owner of the property to reside and, for management purposes, be generally available onsite for the duration of the short-term or nightly rental. Master planned developments that permit short-term or nightly rentals shall be clearly declared and provided for in the development agreement.

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021

Sec 104-27-6 Area And Residential Density Regulations

- (a) **Area and base density.** A development in a master planned development overlay zone shall contain at least 24 dwelling units and have an area sufficient to offer a base density, as defined in [Section 101-2](#), of 24 dwelling units, but the area shall never be less than four acres in any residential zone and ten acres in all other allowed zones. The minimum number of dwelling units may be reduced to six if the master planned development contains a minimum area of 100 acres and provides a common open space easement, as defined in [Section 101-2](#), over at least 90 percent of the master planned development's gross acreage. The development agreement shall memorialize and entitle the base density calculation.
- (b) **Bonus density.**
- (1) **Western Weber Planning Area bonus density.** An increased number of residential lots or units in a master planned development may be allowed by awarding bonus density to those master planned developments within the Western Weber County Planning Area in exchange for meaningful public offerings. No more than 50 percent total bonus density shall be awarded to any master planned development.

a. **Bonus density table.** The following table offers a guide to assist in prioritizing bonus density based on a development's offerings. After receiving a recommendation from the Planning Commission, the County Commission has legislative authority to determine final bonus density awarded. At the County Commission's discretion, these may be in place of or in addition to the bonuses already available in the cluster subdivision code. Regardless, the development's offerings shall provide a public benefit proportionate to the final awarded bonus density. The development's bonus density offerings and the county's bonus density awards shall be clearly documented and tabulated in the development agreement:

OFFERING	BONUS DENSITY
Roadway landscape design plan. Implementation of an approved roadway landscape and design plan that includes, but is not necessarily limited to, vehicle and pedestrian circulation, lighting, and street trees of an appropriate species, size of at least a two-inch caliper, and quantity of not less than eight trees for every 100 feet of road length:	15 percent.
Public access. A minimum of one approved public access to public lands:	5 percent.
HOA park. An HOA park, open to the general public:	5 percent.
Public park. A park donated to and with the consent of the county, local park district, or other county approved entity:	10 percent.
Public building. Land, whether within the development or not, donated to the county for a public cultural or recreational facility, or for emergency services:	10 percent.
Excess sewer capacity. Development of sewer infrastructure in excess of the capacity needs of the development:	3 percent for every 10 percent capacity increase over the development's base density.
Prime agricultural land. Permanent preservation of 20 or more contiguous acres of prime agricultural land, as defined by Section 101-2 :	One percent per acre up to 50 percent.
Historic preservation. Permanent preservation of historical sites and buildings that have been identified by the state historic preservation office as having notable historical value:	5 percent.
Wildlife habitat open space easement. A public open space easement that permanently preserves areas that have been identified by the state division of wildlife resources as having substantial or crucial wildlife habitat value:	15 percent.
Small neighborhood commercial. Neighborhood small-scale commercial retail or non-drive-thru restaurant, in a master planned development with 100 or more dwelling units.	10 percent.

b. **Moderate income housing bonus.** The master planned development's base density may be increased by ten percent, regardless of the awarded bonus density as may otherwise be offered, if the development complies with the following:

1. The ten percent additional density is permanently set aside for moderate income housing as defined by Utah State Code.
2. The moderate income housing shall density be located in the interior of the development and completely surrounded by other single-family dwelling units within the development, except that open space may abut a part provided the open space is large enough to offer a sufficient buffer from existing single-family residential uses in the area. The moderate income housing shall be generally interspersed throughout the development, and the operations and maintenance of the grounds and exterior of the buildings shall be the responsibility of an HOA that applies to the entire development. This provision does not apply to a single-family dwelling or an accessory dwelling unit.
3. The development agreement shall offer an effective, efficient, and industry best-practice supported method for guaranteeing and enforcing perpetual affordability. for moderate-income households Any method used, such as a moderate-income housing deed restriction, shall limit the sale or rental of the moderate income housing to a household with an income at or below 80 percent of the county median income;
4. A final subdivision plat shall identify and label a lot or dwelling unit set aside for moderate-income housing, and provide a note on the final subdivision plat explaining the nature of the housing restriction and the method by which occupancy and moderate-income affordability will be regulated.

(2) **Ogden Valley Planning Area bonus density.** A master planned development overlay zone should create no new density entitlements in the Ogden Valley. A master planned development overlay zone may be designated as a receiving area for transferrable development rights or a similar density transfer program. The development agreement shall clearly specify the logistics of such a program.

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021

Chapter 104-28 Ogden Valley Sensitive Lands Overlay Zone

[Sec 104-28-1 Purpose And Intent](#)

[Sec 104-28-2 Stream Corridors, Wetlands, And Shorelines](#)

[Sec 104-28-3 Important Wildlife Habitat Areas](#)

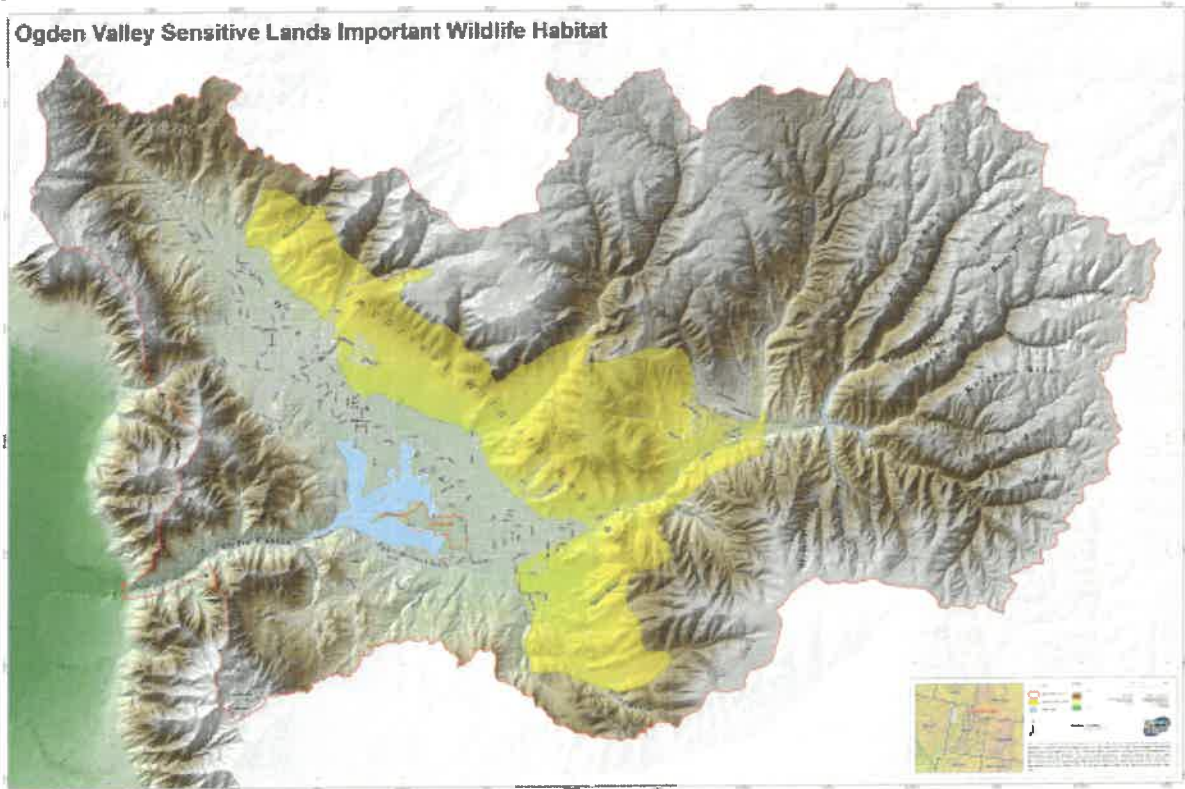
[Sec 104-28-4 Scenic Corridors, Ridgelines, And Historical/Cultural Resources](#)

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

Sec 104-28-1 Purpose And Intent

- (a) As directed by the Ogden Valley general plan, the purpose and intent of this chapter is to identify and coordinate the application of natural and scenic resource protection guidelines and standards; protect the health, welfare, and safety of Weber County citizens; and minimize the potential degradation of natural and humanmade resources by identifying the cumulative impact on known sensitive areas. This chapter is specifically applicable to new land uses, new structures, and new land development (including amendments to existing developments) in Ogden Valley. This chapter describes mitigation methods that may either be required or recommended. These mitigation methods apply specifically to new land uses, new structures and new land development (including amendments to existing developments). This chapter will apply to all zoning designations in the Ogden Valley.
- (b) It is intended that the proposed development can be accomplished without substantial interference with or significant adverse effects upon identified sensitive or unique natural or ecological features, important wildlife habitats, or cultural and historic resources.
- (c) The Ogden Valley Sensitive Lands Maps are available from Weber County.

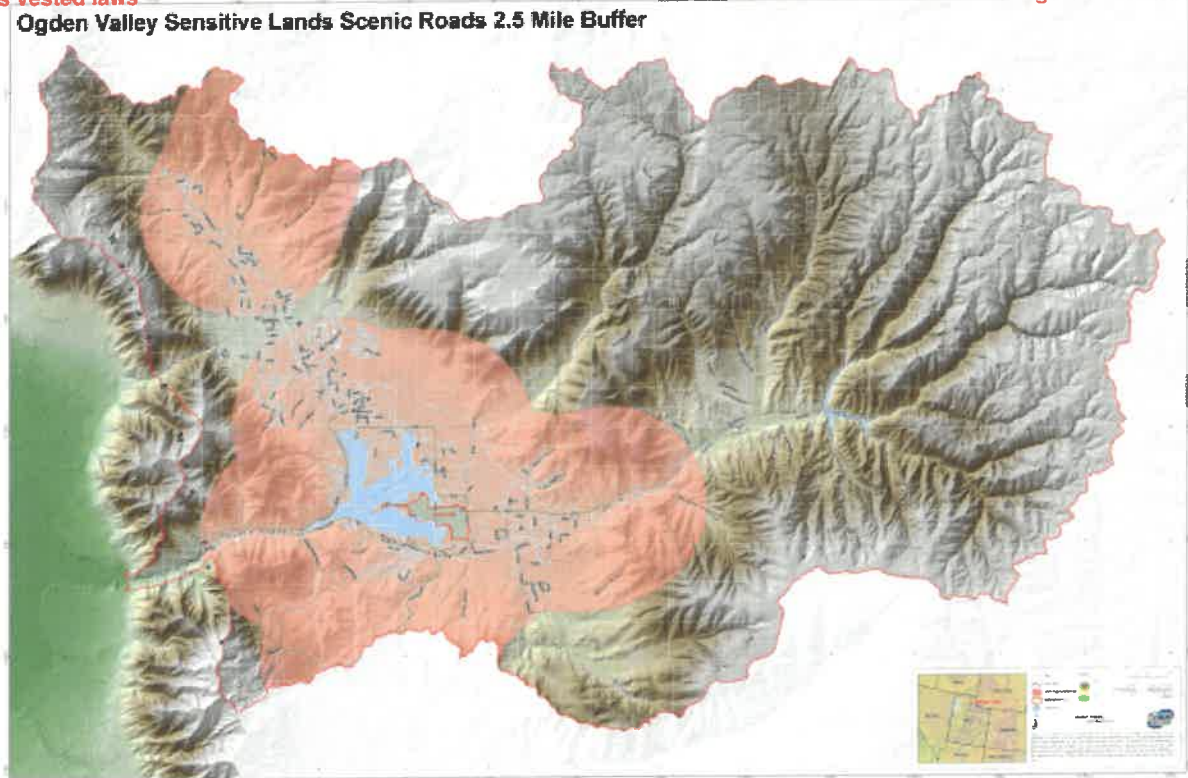


Ogden Valley Sensitive Lands Stream Corridors



Ogden Valley Sensitive Lands Scenic Corridors





(Ord. of 1956, § 43-1)

Sec 104-28-2 Stream Corridors, Wetlands, And Shorelines

(a) *Reports.* At the request of the county an approved jurisdictional wetland delineation report and concurrence report from the United State Army Corps of Engineers shall be required.

(b) *Development standards.*

(1) *Setbacks.* No structure, accessory structure, road, or parking area shall be built within the required setback from a river or stream as measured from the high water mark of the river or stream. The high water mark shall be determined by the Weber County engineer. The areas within the setback shall be maintained in a manner that protects the quality of water in the river or stream and the habitat of native vegetation and wildlife along the river or stream.

a. Structures, accessory structures, roads, or parking areas shall not be developed or located within 100 feet on both sides of the North Fork, South Fork, and Middle Fork of the Ogden River, from the high water mark of the river.

b. Structures, accessory structures, roads, or parking areas shall not be developed or located within 75 feet on both sides of year-round streams, as determined from the high water mark of the stream.

c. Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark of a natural ephemeral stream.

d. Structures, accessory structures, roads, or parking areas shall not be developed or located within 100 feet on all sides of Pineview Reservoir, as determined from the high water mark of Pineview Reservoir.

(2) *Exceptions.*

- a. Bridges or stream alterations approved by the Army Corps of Engineers and state department of natural resources, division of water rights.
 - b. Trails built in conformance to chapter 40, Ogden Valley Pathways, of the Land Use Code.
 - c. The Ogden River below Pineview Reservoir.
 - d. All existing structures, accessory structures, roads, or parking areas prior to the adoption of Ordinance No. 2005-19 River and Stream Corridor Setbacks.
 - e. Structures, accessory structures, roads, or parking areas proposed on a lot with a designated buildable area, building envelope, or river or stream corridor setback shown on the recorded subdivision plat, recorded prior to January 1, 2006.
- (3) *Stream flow.* No work of any kind shall be allowed in a stream corridor or any change that would alter the flow of a stream without a stream channel alteration permit and/or an approved water right from the state department of natural resources, division of water rights.

(Ord. of 1956, § 43-2)

HISTORY

Amended by Ord. [2022-12](#) on 4/26/2022

Sec 104-28-3 Important Wildlife Habitat Areas

- (a) Preservation of important wildlife habitat and preventing the fragmentation of important wildlife habitat are encouraged. When new residential or commercial development is proposed within important wildlife habitat areas, mitigation methods shall be designed and implemented, such as those listed below:
- (1) Development standards.
 - a. Limitations in areas of wildlife habitat as shown on the Ogden Valley Sensitive Lands Wildlife Map. All development subject to this subsection shall incorporate the following principles in establishing the limits of disturbance and siting of buildings, structures, roads, trails, and other similar facilities to protect important wildlife habitat areas and their functions: Wildlife movement is facilitated across areas dominated by human activities by:
 1. Maintaining connectivity between open space parcels on adjacent and near-by parcels and subdivisions such that the result will be a larger contiguous area of open space;
 2. Locating roads and development away from natural travel corridors used by wildlife, such as riparian areas;
 3. Minimizing fencing types that inhibit the movement of big game species. Use of fencing within subdivisions or boundaries of subdivisions, commercial, industrial or multifamily development shall be minimized;
 4. Minimizing the visual contrast between human-dominated areas, including individual lots, and less disturbed terrain in surrounding areas, for example, by retaining or planting native vegetation and trees around a house or accessory building and maintaining consistent grading between developed and natural areas.

(2) Mimic features of the local natural landscape in developed areas by:

- a. Retaining as much pre-development, high quality habitat as possible, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development;
- b. Minimizing levels of disturbance to trees, the under-story vegetation, and other structural landscape features during construction;
- c. Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation;
- d. Reclaiming disturbed areas, such as degraded landscapes, roadsides, and other infrastructure disturbances by using seed and other selective plantings.

(b) When development occurs in mapped important wildlife habitat areas, the state division of wildlife resources (DWR) may provide written recommendations. These recommendations will be considered advisory only, however, the property owner is encouraged to review the recommendations and implement those that are feasible.

(Ord. of 1956, § 43-3)

Sec 104-28-4 Scenic Corridors, Ridgelines, And Historical/Cultural Resources

(a) *Scenic corridors of the Ogden Valley.*

(1) *Applicability to property within corridor areas.* As directed by the general plan, the regulations contained in this subsection shall apply to all new commercial, industrial and residential structures on lots adjacent to or within 100 feet of the nearest right-of-way of scenic corridors in the Ogden Valley including:

- a. Highway 39. All of Highway 39 beginning at the Pineview Reservoir Spillway and ending at the Eagles Campground in Southfork Canyon with the exclusion of its boundary with Huntsville Town and existing commercial areas.
- b. Highway 166. All of Highway 166 except from the 1900 N. and 5500 E. intersection to the junction with Highway 162. Also the road from the "Y" east to the junction with 5500 E. is excluded.
- c. Highway 162. All of Highway 162 except from its intersection with Highway 158 north to the Wolf Mountain turnoff, and that portion abutting commercial lots in Liberty.
- d. Highway 158. All of Highway 158 from the Pineview Reservoir Spillway to the "Y" in Eden.
- e. Avon Road. All of Avon Road.
- f. Trappers Loop. All of Trappers Loop (Highway 167).

(2) *Development standards.*

- a. Access/traffic. Access points and driveways connecting directly to the scenic corridor roadways shall be minimized. Shared/common driveways between adjoining projects shall be encouraged.
- b. Fencing. Within the delineated boundaries of the scenic corridors, fences, except agricultural or stock fences, shall be of one of the following styles although

Commercial, manufacturing, and multifamily uses shall be compatible with requirements of chapter 18C, Ogden Valley Architectural, Landscaping and Screening Ordinance:

1. Wooden rail;
2. Architecturally compatible solid wood and natural or cultured stone; or
3. Various forms of embossed steel or vinyl fencing that may be approved by the Ogden Valley planning commission upon submittal of sample material with the site plans. Chainlink fencing shall not be permitted.

(b) *Ridge lines.* The intent of these provisions is to ensure that development near ridge lines blends with the natural contour of these land forms. Ridge line areas that skyline as viewed from any scenic corridor at a distance of less than 2.5 miles shall be retained in a predominantly natural state and shall incorporate the mitigation criteria listed below. Ridge line development should be sited in such a manner so as not to create a silhouette against the skyline.

(1) *Development standards.* All structures located within the ridge line area shall not exceed 35 feet in height from lowest elevation of finished or natural grade, whichever is most restrictive, to the top of the structure. All ridge line developments shall be designed to minimize visual impact. All buildings constructed shall make use of neutral, natural colors (white may be used only as an accent color) that blend in to the surrounding area, non-reflective glass, metal and roofing materials, and varied roof lines. A landscape plan shall also be required and shall make use of trees designed to reduce visual impacts.

(2) *Methods to reduce scenic quality impact.*

- a. Revegetation and reforestation to include the utilization of native or similar horticultural material and assurance that any such revegetation or reforestation will be completed during the first planting season after construction of required improvements, and maintained thereafter.
- b. Removing and stockpiling topsoil prior to any construction grading or excavation and replacement for post-construction revegetation.
- c. Location and installation of utilities in such a way that will cause the least damage to the natural environment.
- d. Review of road system impact on scenic quality.

(3) *Historic, prehistoric, and cultural resources.*

- a. All development proposals shall identify, preserve and promote any sites and structures determined to have historical or archaeological significance to the community, the region, or the state. This includes properties eligible for the National Register of Historic Places. Specific locations identified in the general plan as historical/cultural sites include, but are not limited to the Blacksmith Shop, Charde Property, Rhodes Property, Brick Kilns, and the Monastery.

(Ord. of 1956, § 43-4; Ord. No. 2015-22, Exh. A, 12-22-2015)

Chapter 104-29 Ogden Valley Destination And Recreation Resort Zone DRR-1

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Sec 104-29-1 Purpose And Intent

The purpose of this chapter is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general plan. It is intended to benefit the residents of the county and the resorts through its ability to preserve the valley's rural character, by utilizing a mechanism that allows landowners to voluntarily transfer development rights to areas that are more suitable for growth when compared to sensitive land areas such as wildlife habitats, hazardous hillsides or prime agricultural parcels. Resorts within an approved destination and recreation resort zone shall, by and large, enhance and diversify quality public recreational opportunities, contribute to the surrounding community's well-being and overall, instill a sense of stewardship for the land.

(Ord. of 1956, § 44-1; Ord. No. 2016-4, Exh. B2, 5-24-2016)

Sec 104-29-2 Development Standards

- (a) *General design and layout.* A destination and recreation resort shall have a general design that concentrates a mixture of recreational, commercial and residential uses within and immediately adjacent to a village core which is surrounded by open landscapes and wildlife habitats. Areas outside of the village core may include recreational and resort supporting uses/facilities and intermittently dispersed/clustered employee, single-family and multifamily dwellings.
- (b) *Minimum area.* The minimum area requirement for a Destination and recreation resort shall be 1,000 contiguous acres located within the Ogden Valley. The resort area may be made up of multiple property owners making application under one contiguous and cohesive plan including lands under contract or agreement with a local, state or federal agency. Lands under such contract or agreement shall not count towards the minimum area requirement.
- (c) *Maximum permitted units.* Current zoning is not considered when determining the maximum number of dwelling units allowed within a destination and recreation resort zone. The maximum number of units allowed within the zone (resort) shall be dependent upon; (1) an applicant's willingness to acquire and/or transfer development rights to the resort; (2) an applicant's desire to accrue additional discretionary units in the form of transfer incentive matching units (TIMUs) and/or density bonus units (DBUs); and (3) an applicant's ability to demonstrate a substantial public benefit and exhibit an exceptional vision and development plan superior to that allowed by current or conventional zoning.
 - (1) The preservation of open space and the maintenance of the Ogden Valley's rural character and its natural systems are very important goals, therefore, it shall be required that an applicant make an initial transfer of development rights, to the resort, from elsewhere within the valley. This initial transfer will establish a base number of units, referred to as transferred base units (TBUs), that may be used in a request to receive additional transfer incentive matching units (TIMUs) and/or density bonus units (DBUs). These units, requested in addition to the TBUs, are an alternative source of development rights and are considered to be performance based units that may be awarded through a resort's voluntary participation in the transfer incentive and bonus unit options listed below. These options are intended to provide flexibility and the voluntary means of

increasing resort development rights through thoughtful and effective mitigation of resort development impacts and supporting Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley general plan. To be eligible to receive TIMUs and/or DBUs, the units transferred to the resort shall be from an elevation of 6,200 feet and below unless located within an important wildlife habitat area and/or ridgeline area as defined by the Weber County Zoning Ordinance. Units transferred from an elevation above of 6,200 feet are permitted; however, those units, excepting those located with an important wildlife area and/or ridgeline area, shall not be eligible to receive TIMUs and/or DBUs. Refer to sections 104-29-3, 104-29-4 and 104-29-5 of this chapter for transferable development right eligibility and procedures for calculating and transferring units to a destination and recreation resort zone.

- (2) In the event that a previously approved master planned resort makes application to become (or makes application to amend) a destination and recreation resort zone, the resort may retain the remaining dwelling unit rights associated with a previously approved and executed zoning development agreement given that the resort can meet all other requirements of this chapter and demonstrate a substantial public benefit while exhibiting an exceptional vision and development plan superior to that allowed by current or conventional zoning. If a previously approved master planned resort chooses to increase densities beyond what remains as part of a previously approved and executed zoning development agreement, the resort shall be obligated to acquire and incorporate additional contiguous acreage into its boundary and/or acquire additional density in the form of transferable development rights, transfer incentive matching units and/or density bonus units.
 - a. Density related to additional acreage, brought into the resort, shall be calculated in conformance with the standards found in section 104-29-4, with the exception of those in subsections 104-29-4(a)(6) and (7).
 - b. Density related to additional acreage, brought into the resort, which is the subject of a previously approved master plan, zoning development agreement and/or other agreement with Weber County, relating to (or calculating) density, shall be calculated consistent with terms and conditions set forth in the previously approved master plan or agreement. Other (density and non-density) terms and conditions may, at the discretion of the Ogden Valley Planning Commission and Weber County Commission, be altered, modified or otherwise amended and included in any rezone approval in order to promote the health, safety and welfare of the residents of Weber County.
 - c. Density related to transferable development rights shall be calculated in conformance with the standards found in sections 104-29-3 through 104-29-6.

(d) *Transfer incentive matching units.* Each transferred base unit (TBU) that qualifies to receive transfer incentive matching units shall only be applied to one of the following six categories:

- (1) For every unit transferred to a resort from a parcel within the Shoreline (S-1) Zone and/or other parcels located in between Pineview Reservoir and the main roadway (Highways 158, 166, 39, and 2200 North Street) surrounding the Reservoir, Weber County may match that number at a rate ranging from 0.0—2.0 units to each transferred unit depending upon the percentage of units transferred as shown in the table below. To be eligible to receive the matching units associated with these parcels, the transferring parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley General Plan Recreation Element and shall be subject to the following table:

Percentage of Units Transferred from Parcel	Match
Less than 40%	0.0
40% to 55%	1.25
56% to 70%	1.5
71% to 85%	1.75
86% to 100%	2.0

- (2) For every unit transferred to a resort from a CVR-1 Zone located adjacent to the shoreline of Pineview Reservoir, Weber County may match that number at a rate of three units to each transferred unit. To be eligible to receive the matching units associated with these parcels, the following two conditions must be met:
 - a. All units, except one unit for every five acres within the parcel, shall be transferred.
 - b. The subject CVR-1 parcel shall be configured as it was prior to the 2005 adoption of the Ogden Valley General Plan Recreation Element.
 - (3) For every unit (including those above an elevation above 6,200 feet) transferred to a resort from an area within the important wildlife area, as shown on the adopted Ogden Valley Sensitive Lands Map, Weber County may match that number at a rate of 2.0 units to each transferred unit.
 - (4) For every unit (including those above an elevation above 6,200 feet) transferred to a resort from an area within a ridge line area that skylines as viewed from any scenic corridor at a distance of less than 2.5 miles, (as described in the adopted Ogden Valley Sensitive Lands Ordinance), Weber County may match that number at a rate of 2.0 units to each transferred unit.
 - (5) For every unit transferred to a resort from an area not previously listed but lying below an elevation of 5,500 feet, Weber County may match that number at a rate of 1.5 units to each transferred unit.
 - (6) For every unit transferred to a resort from any other areas within Ogden Valley, with the exception of units transferred from an elevation of 6,200 feet and above, Weber County may match that number at a rate of 1.0 unit to each transferred unit.
- (e) *Density bonus units.* Any bonus units awarded by Weber County shall be calculated by multiplying the total of all TBUs plus the number of transfer incentive units earned, by a bonus percentage that is based upon an accumulation of each of the listed bonus options. The maximum bonus percentage shall not exceed 60 percent.
- (1) Develop a resort that can demonstrate (based upon substantial evidence and by means of a professional and empirical study) how it meets the purpose and intent of this chapter (e.g., utilize sustainable design practices that mitigate development impacts, preserve open space and convey a sense of stewardship for the land, contribute to the surrounding community's character and economic well-being, diversify and enhance quality public recreational opportunities); up to a ten percent bonus may be granted.
 - (2) Develop a resort that can demonstrate, (based upon substantial evidence and by means of a professionally prepared traffic impact analysis) that, due to proposed transferring of development rights to the resort, an 80 percent reduction in (potential) future traffic congestion throughout the Ogden Valley and/or at key intersections such as the

SR39/SR158 (spillway) intersection, SR158/Highway 162 (Eden four-way stop) intersection and the SR39/Highway 166 (Huntsville Crossroads) intersection will occur; up to a ten percent bonus may be granted.

- (3) For an additional ten percent or more of conservation open space preserved within the resort in excess of the minimum required by this chapter; up to a one-time maximum of five percent bonus may be granted.
- (4) Provide a developed and (public land agency) approved access to public lands; up to a five percent bonus may be granted.
- (5) Preservation of an Ogden Valley agricultural parcel (within or outside of the resort boundary) through the recordation of an agricultural preservation easement and agricultural preservation plan proposed by the developer and approved by Weber County in consultation with the Utah State Agriculture Extension Office; up to a ten percent bonus may be granted for parcels containing 50 acres or more; however, a 20 percent bonus may be granted for preserving an agricultural parcel containing 100 acres or more.
- (6) Preservation of an Ogden Valley historical site (within or outside of the resort boundary) through the recordation of a historical preservation easement and historical preservation plan proposed by the developer and approved by Weber County in consultation the Utah State Historic Preservation Office; up to a 20 percent bonus may be granted.
- (7) Establishment, promotion and implementation of an innovative program or project that substantially furthers Ogden Valley community interests and objectives as specifically referred to in the Ogden Valley general plan; up to a 30 percent bonus may be granted.
- (8) Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local sewer, cemetery or other district, for the perpetual location and operation of a public facility; up to a five percent bonus may be granted.
- (9) Donation and/or permanent preservation of a site determined to be desirable and necessary, to a local park or other county-approved entity, for the perpetual location and operation of a public cultural or recreational facility; up to a 20 percent bonus may be granted.

(f) *[Calculating maximum permitted units.]* The following formula demonstrates how to calculate the maximum permitted units at a destination and recreation resort:

$$\begin{aligned} & \text{Applicant's initial Transfer of Base Units (TBUs)} \\ & + \text{Transfer Incentive Matching Units (TIMUs) Awarded by Weber County} \\ & \times \text{Density Bonus Unit (DBUs) Percentage Awarded by Weber County} \\ \hline & = \text{Maximum Permitted Units} \end{aligned}$$

- (1) The maximum number of permitted units shall diminish as development occurs at a rate of one unit per one residential lot/unit developed and a rate of one unit for every 5,000 square feet of commercial space developed. Commercial area within hotel lobbies and conference rooms/facilities are excluded from this calculation.

(g) *Buffer area.* A buffer area, approved by the Ogden Valley Planning Commission, shall be provided at the perimeter of the resort boundary where commercial and/or multifamily buildings and associated parking are proposed to lie within close proximity to lands that are not a part of the resort, except where at the location of the use the developer (as defined in the applicable zoning development agreement) owns at least 200 feet of property extending from the resort boundary or where the developer has received approval from the owner of any property within 200 feet of the resort boundary. The following minimum standards shall apply:

- (1) DRR-1 Zone abutting zones that allow residential uses with area requirements of one unit per three acres or larger: A minimum width of 200 feet with an additional ten feet of buffer for every one foot that a resort building exceeds the height of 35 feet.
- (2) DRR-1 Zone abutting zones that allow residential uses with area requirements of less than one unit per three acres: A minimum width of 100 feet with an additional ten feet of buffer for every one foot that a resort building exceeds the height of 35 feet.
- (3) DRR-1 Zone abutting commercial zones or zones that allow multifamily dwellings: No buffer required.
- (4) No buffer area is required at or around a resort's interior lot or parcel boundaries or where a resort shares a common boundary with a local, state or federal agency that has entered into a contract or agreement for the use of adjacent local, state or federal lands.

(h) *Site development standards.*

(1) <i>Minimum lot area</i>			
	a.	Single-family residential/main building	None
	b.	Two, three, four and multi-family, commercial and mixed use structure	None
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure
	d.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
(2) <i>Minimum lot width</i>			
	a.	Single-family residential/main building	None
	b.	Two, three, four and multi-family, commercial and mixed use structure	None
	c.	Public utility substation	As provided in Section 108-10-2: Site development standards for public utility substation or structure
	d.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County
(3) <i>Site setbacks.</i> Setbacks shall apply for the following specific uses:			
	a.	Front yard	
		1 Single, two, three and four-family dwelling	None (0 feet)
		2 Accessory building related to the above	None (0 feet)
		3 Multifamily, commercial and mixed use structure	None (0 feet)
		4 Accessory building related to the above	None (0 feet)

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	5 .	Public utility substation As provided in Section 108-10-2: Site development standards for public utility substation or structure
	6 .	Other As otherwise required by the Uniform Land Use Ordinance of Weber County
b. Side yard		
	1 .	Single, two, three and four-family dwelling 5 feet
	2 .	Accessory building 8 feet, except 3 feet when located at least 10 feet from the rear of the dwelling
	3 .	Multifamily, commercial and mixed use structure None (0 feet); except where a destination and recreation resort parcel sides on an existing parcel in a commercial zone, lying outside of the destination and recreation resort zone. In this situation, the destination and recreation resort multifamily, commercial and/or mixed use structure(s) shall be setback in a manner that meets the requirements for the zone in which the adjacent parcel is located.
	4 .	Accessory building None (0 feet); exception is the same as above
	5 .	Public utility substation As provided in Section 108-10-2: Site development standards for public utility substation or structure
	6 .	Other As otherwise required by the Uniform Land Use Ordinance of Weber County
c. Rear yard		
	1 .	Single, two, three and four-family dwelling 10 feet
	2 .	Accessory building 3 feet, except 8 feet where accessory building rears on side yard of a lot that lies adjacent to a corner lot
	3 .	Multifamily, commercial and mixed use structure None (0 feet); except where a destination and recreation resort parcel rears on an existing parcel in a commercial zone lying outside of the destination and recreation resort zone. In this situation, the destination and recreation resort multifamily, commercial and/or mixed use structure(s) shall be setback in a manner that meets the requirements for the zone in which the adjacent parcel is located.
	4 .	Accessory building None (0 feet); exception is the same as above
	5 .	Public utility substation As provided in Section 108-10-2: Site development standards for public utility substation or structure
	6 .	Other As otherwise required by the Uniform Land Use Ordinance of Weber County
(4) <i>Maximum building height</i>		
	a.	Single, two, three and four-family dwelling 35 feet

b.	Multifamily, commercial and mixed use structure	55 feet at elevations lower than 6,200 feet above sea level. 75 feet at elevations of at least 6,200 feet above sea level.
c.	Public utility substation	35 feet, unless otherwise provided in Section 108-7-5: Exceptions to height limitations
d.	Other	As otherwise required by the Uniform Land Use Ordinance of Weber County

- (i) *Open space.* A minimum of 60 percent of the net developable acreage, owned by the resort and located within the destination and recreation resort zone, shall be designated as open space. A portion of that open space shall consist of conservation open space in an amount equal to or greater than 30 percent of the resort's net developable acreage. The area designated as conservation open space shall be encumbered by an irrevocable conservation easement meeting the general/applicable requirements described in section 104-29-6 of this chapter and shall be granted prior to beginning any construction within an overall subdivision phase. The minimum number of acres encumbered by each easement shall be equal to or greater than the number of acres involved in each subdivision phase until the total number, of required conservation open space acres, is met. Areas dedicated (platted and recorded) as open space within residential and nonresidential subdivisions may count towards the minimum open space requirement.
- (j) *Alternative development standards.* After recommendation from the planning commission, the county commission may approve alternative development standards than those found in this section provided the alternative standards are part of a legislatively approved development agreement with a master plan and assist with the implementation of the agreement or master plan.

(Ord. of 1956, § 44-2; Ord. No. 2016-4, Exh. B2, 5-24-2016; Ord. No. 2017-2, Exh. A1, 1-24-2017; Ord. No. 2017-11, Exh. A, 5-9-2017; Ord. No. 2018-6, Exh. A, 5-8-2018)

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

Sec 104-29-3 Transferable Development Right (TDR) Eligibility

Real transfer from parcels contiguous or noncontiguous to the resort and not included as part of DRR-1 Zone. A landowner may transfer development rights from any lot of record or described parcel of land that is contiguous or noncontiguous to the resort and meets or exceeds the minimum (single-family dwelling) area requirement for the zone in which it located. A landowner may also transfer development rights from any parcel that has been described in a document (e.g., deed, sales contract or survey) and subsequently recorded in the office of the Weber County Recorder in between January 1, 1966 and June 30, 1992. This parcel must have complied with the zoning requirements in effect at the time of its creation but not necessarily undergone or successfully completed the county subdivision process. Development rights transferred from parcels, as described above, shall be considered eligible to receive TIMUs and DBUs as described in section 104-29-2(c) (Maximum permitted units). A resort that transfers development rights shall do so by conforming to the requirements of this chapter and shall finalize and record all necessary transfers (for a particular phase or part thereof) prior to submitting any application for subdivision or plan approval for any site within the destination and recreation resort zone.

- (a) At the discretion of the resort, development rights required to be transferred in order to establish an initial number of transferred base units (TBUs), as described in section 104-29-2(c) (Maximum

permitted units), may be acquired through a purchase of real property or through private negotiation and purchase of transferable development rights only.

- (b) Refer to section 104-29-4 (Calculating transferable density) for transferable density calculation requirements. Refer to section 104-29-5 (Transferable development right procedure) and section 104-29-6 (Transferable development right easement) for procedural and content requirements relating to a transfer of development right easement.

(Ord. of 1956, § 44-3)

Sec 104-29-4 Calculating Transferable Density

- (a) Transferable density calculation for real transfers. Except for the circumstances and/or conditions listed below, every lot of record; and every described parcel of land exceeding the minimum (single-family dwelling) area requirement, for the zone in which it is located; and every parcel/lot that has been described in a deed, sales contract or survey that was recorded in the office of the county recorder, in between January 1, 1966, and June 30, 1992, and met the zoning requirements in effect at the time of its creation but has not necessarily undergone and successfully completed the county subdivision process shall be granted transferable development rights based upon the parcel/lot's record description/area and current or other applicable zoning. Transferable development rights shall be excepted from and/or not granted to the following:
 - (1) Areas within a described parcel of land containing slopes of 40 percent or greater in forest zones and 30 percent or greater in all other zones.
 - (2) Areas within a described parcel of land and/or proposed irrevocable transfer of development right easement (ITDRE) reserved for future development or designated as a reserved future development area (RFDA) on an approved transferable development right site plan.
 - (3) Areas within a described parcel of land or lot of record restricted by conservation easement or similar instrument restricting residential or commercial development.
 - (4) Areas or tracts of land owned by federal government and/or state government agencies.
 - (5) Areas or tracts of land lying outside of the Ogden Valley area as defined by the Ogden Valley general plan, recreation element project area map adopted December 27, 2005 (OVGP; Figure 1, pg 4).
 - (6) Lot of record subject to the payment of fees for operation and/or maintenance of common areas, open space, amenities and/or private facilities.
 - (7) Fractional and/or noncontiguous portions of a lot of record or parcel of land that does not meet or fully exceed the minimum (single-family dwelling) area requirement for the zone in which it is located.
- (b) The following provides an example of calculating the development rights associated with a typical parcel of land that exceeds the minimum (single-family dwelling) area requirement.

(Ord. of 1956, § 44-4)

Sec 104-29-5 Transferable Development Right Procedure

- (a) Real transfer from parcels contiguous or noncontiguous to the resort but not included as part of DRR-1 Zone. At the discretion of the resort, development rights required to be transferred in order to establish an initial number of transferred base units (TBUs), as described in section 104-

29-2(c) (Maximum permitted units), may be acquired through a purchase of real property or through private negotiation and purchase of transferable development rights only. In either situation, the property owner or his representative who wishes to transfer development rights shall complete the following:

- (1) Registration. A property owner or his representative who is interested in transferring development rights from their property shall register to do so by declaring his intent and desire, to transfer development rights, on an official county request to register transferrable development rights form. The transferrable development right register shall be maintained by the county planning division and shall be made available to any resort upon request.
- (2) Certification request. A property owner or his representative who has chosen/agreed to make a real transfer of development rights to a proposed DRR-1 Zone shall obtain an Ogden Valley certificate of transferable development rights by providing the county planning division with the following:
 - a. Payment of a certification fee.
 - b. Complete county request to certify transferrable development rights form.
 - c. Map of the property in the form of a county recorder's plat or record of survey map filed in accordance with USC 17-23-17.
 - d. Legal description, including total acreage, as it appears in the county recorder's office or as it is described on a record of survey map on file in the county surveyor's office.
 - e. Transferable development right site plan, drawn to a scale no smaller than 100 feet to one inch, that demonstrates the location and dimensions of all important features including, but not limited to, reserved future development right areas, water bodies or courses, easements and buildings within the subject parcel (transferring parcel) of land.
 - f. Slope analysis, performed by a professionally licensed engineer or land surveyor, that identifies developable acreage as described in the section 106-2-9 of this Land Use Code. This requirement may be waived by the county engineer upon finding that the subject parcel of land (transferring parcel) is not affected by steep terrain as defined in section 106-2-9.
 - g. Preliminary title report demonstrating that the subject parcel of land (transferring parcel) has clear title; or a preliminary title report identifying any interested party making claim to the property and/or any beneficiary of an easement or encumbrance that exists in the form of a mortgage, deed of trust or other instrument that either secures the property and its unrestricted value as collateral or restricts development in any manner.
 - h. Title report summary letter prepared by the property owner or his representative who has chosen/agreed to make a real transfer of development rights to a proposed DRR-1 Zone. The letter shall, in the form of an outline, list all interested parties and provide contact information and details describing interest and/or encumbrance types and order of subordination if applicable.
 - i. Subordination agreement, provided by each and all interested parties with rightful claims and/or beneficiaries of existing encumbrances, that clearly states that the interested party and/or beneficiary acknowledges and agrees to a subordinate position to the grantee of an irrevocable transfer of development right easement (ITDRE) and the enforcement of its terms. The letter shall also clearly state that the interested party and/or beneficiary, by exercising any right granted to them

under a mortgage, deed of trust or other instrument, cannot and will not modify, extinguish or affect the grantee's right to enforce the terms of the ITDRE.

- j. Proposed transfer of development right easement meeting the requirements of section 104-848.
- k. Proposed transfer of development rights deed.

- (3) Certification. The county planning division, after consideration of all relevant information, shall issue a certificate of transferable development rights, based on an official request and its conformance to the standards of this chapter. The certificate shall state the number of transferable development rights approved and available for transfer and shall be valid for a period of time not to exceed 60 days from the date of issuance.
- (4) Transfer. Prior to the expiration of a certificate of transferable development rights and prior to or at the time of application for a specific land use (e.g., subdivision or site plan approval) within a destination and recreation resort zone, all transfer documents, including an approved transfer of development rights deed and an approved transfer of development right easement, shall be executed by appropriated signature and recordation in the office of the county recorder. Recording of the transfer of development rights deed and a transfer of development right easement shall constitute a complete transfer, therefore, enabling resort land use applications to be accepted and processed through the county planning division.

(Ord. of 1956, § 44-5)

Sec 104-29-6 Transferable Development Right Easement

Irrevocable transfer of development right conservation easement. To ensure consistency and the perpetual protection and preservation of a parcel's conservation values, a parcel that is the subject of a proposed development right transfer shall be encumbered by an irrevocable transfer of development right conservation easement that meets the requirements described in section 57-18-1 et seq. of Utah Code and consists of but is not be limited to the following content and/or requirements:

(a) *Title/form.*

- (1) The easement shall be entitled as an "Irrevocable Transfer of Development Rights (TDR) Conservation Easement."
- (2) The easement shall be in a form considered appropriate and acceptable to the office of the Weber County recorder.

(b) *Grantor/grantee.* The easement shall name Weber County and one other qualified conservation organization, which is authorized to hold interest in real property, as the grantees. The qualified conservation organization, named as grantee, shall meet the requirements described in section 57-18-3 of Utah Code and shall require the approval of the county.

(c) *Recital.* The easement shall recite and explain all matters of fact, including a parcel/boundary description, which are necessary to make the transaction intelligible.

(d) *Nature of easement.* The easement shall explain its perpetual, irrevocable, inheritable and assignable nature.

(e) *Purpose.*

- (1) The easement shall explain its purpose in terms of how it is intended to protect, preserve, enable the creation or continuation of an anticipated use and prevent certain conditions or

uses upon the land that may diminish its open space qualities.

- (2) It shall be acknowledged, within this section, that the above "statements of purpose" are intended to be a substantive provision of the easement and that any ambiguity or uncertainty regarding the application of the terms of the easement will be resolved so as to further its purpose.

(f) *Permitted uses and activities.*

- (1) The easement shall list the property rights that have been retained by the grantor, including the right to allow or restrict public access, and shall acknowledge that these rights are consistent with the applicable zoning for the area in which the parcel is located.
- (2) In the event that a residential development right has been retained on the subject parcel (transferring parcel), a statement shall be made, within this section, which explains the remaining number and type of development rights associated with the parcel. An exhibit shall also be referenced, within this section, which restricts and graphically demonstrates the general location of any future development.

- (g) *Prohibited uses and activities.* The easement shall list the property rights that have been voluntarily relinquished by the grantor and acknowledge that any exclusion does not constitute an approved use or imply that uses may be inconsistent with the applicable zoning for the area in which the parcel is located.

(h) *Water rights.*

- (1) Agricultural parcels, when the subject of an irrevocable transfer of development rights (TDR) conservation easement, shall maintain a sufficient right to water in order to preserve agricultural production, therefore, it shall be required that the easement state that the grantor is legally prohibited from conveying, transferring, encumbering, leasing or otherwise separating or changing any historic water use on the parcel.
- (2) In the event that an agricultural parcel requires flexibility in its use of water to protect historic water rights, the grantor may make such statement that will allow the temporary lease of water rights for a period of time not to exceed two years. Such statement shall acknowledge that the temporary lease will conform to all state requirements and will not permanently separate any historic water right from the agricultural parcel. Such statement shall also acknowledge that the grantees of the easement shall be notified prior to entering into any short-term water lease.

(i) *Monitoring and enforcement.*

- (1) The easement shall state that the grantee will have the right to enforce the terms of the easement by entering the property, provided that an advance notice of 24 hours is provided to the grantor, for the purpose of inspecting the property for suspected/reported violations. Additionally, it shall state that the grantee shall have the right to enter the property at least once a year, at a mutually agreed time for the purpose of inspection and compliance monitoring regardless of whether grantee has reason to believe that a violation of the easement exists. In order to establish a monitoring baseline, an exhibit shall also be referenced, within this section, which inventories, graphically demonstrates and photo documents relevant features and the existing condition of the parcel.
- (2) For the purposes of correcting any violation, condition or circumstance that is not consistent with the terms of the easement, it shall be stated that the grantee or assigns may, at their discretion, use any available legal or equitable remedy to secure and restore compliance with the standards set forth in the easement. Legal and/or equitable remedies

may include but not be limited to injunctive relief, entering the property to perform restorative activities and/or recorded lien.

- (j) *Termination and extinguishment.* The easement shall state under which conditions and/or circumstances that the easement could be terminated. These conditions may include but not be limited to grantee consent, court action or eminent domain.
- (k) *Subordination.* Prior to granting the easement the grantor shall submit a title report and certify, within this section, that the subject parcel of land (transferring parcel) has clear title and is not encumbered by a mortgage, deed of trust or other instrument securing the property and its unrestricted value as collateral. If the subject property (transferring parcel) has been encumbered by a mortgage, deed of trust or other instrument that has secured the property and its unrestricted value as collateral, the grantor shall declare all encumbrances, within this section, and reference an exhibit, provided by any and all beneficiaries, that acknowledges and agrees to their subordinate position as it relates to the easement and the enforcement of its terms. The agreement/exhibit shall also clearly state that the beneficiary, by exercising any right granted to them under a mortgage, deed of trust or other instrument, cannot and will not modify, extinguish or affect the grantee's right to enforce the terms of the easement.
- (l) *Costs and liabilities.* The easement shall state that the grantor will continue to be responsible for and bear all costs and liabilities of any kind related to ownership, operation, upkeep and maintenance of the subject property (transferring parcel).
- (m) *Conveyance or transfer of property.* The easement shall state that any document intended to transfer or convey the subject property (or any interest in the subject property) will specifically refer to the easement and disclose its perpetual nature and the fact that it runs with the land. It shall also state that any failure to comply with this requirement shall not adversely affect the grantee's right to enforce the terms of the easement in any way.
- (n) *General provisions.* This section shall describe provisions for but not limited to easement amendments, controlling law and interpretation.

(Ord. of 1956, § 44-6)

Sec 104-29-7 Seasonal Workforce Housing

- (a) *Seasonal workforce housing.* A seasonal workforce housing plan shall be incorporated into the overall resort in order to provide a socially, economically and environmentally responsible development. To balance neighborhoods and promote a sense of community between visitors and working residents, the resort shall locate a majority of seasonal workforce housing units within the resort or on property that is contiguous to the resort (and properly zoned for seasonal workforce housing) and offer a total number of units at a rate that meets or exceeds the following requirements based on the land use categories and calculations below:
 - (1) A specific development site that proposes a land use that requires the resort developer to project the full-time equivalent employee (FTEE) generation, shall divide the FTEE by 1.65 to account for the average number of seasonal employees estimated to reside in a seasonal workforce housing unit. This number equals the seasonal employee housing demand. The seasonal employee housing demand shall then be multiplied by ten percent to calculate the required number of seasonal workforce housing units. Fractional housing units shall be rounded up to the nearest whole unit.
 - (2) A specific development site that has an assigned employee generation value shall use that value to establish a FTEEs generated. The number of FTEEs shall then be divided by 1.65 to account for the average number of seasonal employees estimated to reside in a seasonal workforce housing unit. This number equals the seasonal employee housing

demand. The seasonal employee housing demand shall then be multiplied by ten percent to calculate the required number of seasonal workforce housing unit(s). Fractional housing units shall be rounded up to the nearest whole unit.

Seasonal Workforce Housing for the Ogden Valley Destination and Recreation Resort Zone by Land Use	
Development/Land Use Category	Employee Generation Value (FTEE)
Resort operations	To be projected by resort
Hotel, condo-tel & timeshare, etc.	To be projected by resort
Restaurant and drinking establishment	3.5 per 1,000 sf finished floor space
Retail	2 per 1,000 sf finished floor space
Commercial amusement and indoor/outdoor recreation	3 per 1,000 sf finished floor space

The following provides an example of the workforce housing requirement for a new 2,000 square foot retail development:

$$\begin{array}{r}
 2 \text{ employees per 1,000 square footage of} \\
 \text{retail development as shown in the above} \\
 \text{table} \\
 \hline
 = 4 \text{ employees} \\
 \\
 4 \text{ employees} \\
 \div 1.65 \text{ to account for the average number of} \\
 \text{employees estimated to reside in a} \\
 \text{workforce housing unit} \\
 \hline
 = 2.42 \text{ housing demand units} \\
 \\
 2.42 \text{ housing demand units} \\
 \times 0.10 \\
 \hline
 = 0.24 \text{ required workforce housing units}
 \end{array}$$

- (b) *Housing type.* Workforce housing may consist of structures such as; single-, two-, three- and four-family dwellings, multifamily dwellings and rental units. Rental units may be apartments, dormitories, boardinghouses and/or residence halls.
- (c) *Housing affordability.* An annual report shall be generated and presented to the county planning staff that outlines a previous year's employment level, workforce housing need, housing type/availability and occupancy. The report shall also outline the methods guaranteeing perpetual affordability and the rental and/or mortgage payments as they relate to housing types. Housing payments, including utilities, shall not exceed 30 percent of the upper valley moderate income as defined in the county moderate income housing plan.

(d) *Density and affordable workforce housing.* Any increases in density caused by the development of workforce housing requirements shall be in addition to the allowable density approved at the time of the DRR-1 Zone application.

(Ord. of 1956, § 44-7; Ord. No. 2016-4, Exh. B2, 5-24-2016)

Sec 104-29-8 Land Uses

Use	Permitted (P) Conditional (C)
Residential Uses	
Single-family dwelling; including not more than two lockout sleeping rooms per dwelling	P
Two-family dwelling (aka Duplex)	P
Three-family dwelling	P
Four-family dwelling	P
Multi-family dwelling	P
Recreation lodge	P
Condominium dwelling unit and/or condominium rental apartment (condo-tel); including not more than two lockout sleeping rooms per unit or apartment.	P
Private residence club	P
Townhome	P
Residential facility for persons with a disability meeting the requirements of section 108-7-13	P
Timeshare/fractional ownership unit	P
Hotel	P
Bed and breakfast dwelling/B&B inn/B&B hotel	P
Accessory dwelling unit	P
Workforce housing/dormitory/residence hall	P
Hostel	P
Campground (public or private tent/RV); meeting the requirements of the Forest Campground Ordinance of Weber County	P
Nightly rentals of a single-, two-, three-, four-, multi-family dwelling, recreation lodge, lockout sleeping room, detached lockout, condominium dwelling unit, condominium rental apartment (condo-tel), private residence club, townhome, residential facility, timeshare/fractional ownership unit, hotel, bed and breakfast dwelling/B&B inn/B&B hotel, workforce housing/dormitories/residence hall, hostel, campground, accessory dwelling unit, and all or any portion of any other residential use	P
Commercial Uses	
Bank/financial institution	P
Bakery	P

Drinking establishment	P
Grocer/neighborhood market	P
Delicatessen	P
Boutique (gift, flower, antique, clothing, jewelry)	P
Fueling station/gas station	P
Conference/education center	P
Wellness center (i.e., spa, fitness, etc.)	P
Art gallery and studios	P
Book store	P
Beauty/barber shop	P
Short-term vendor	P
Package liquor Store	P
Private club	P
Restaurant; excluding drive-thru window	P
Sporting goods/clothing store; including rental	P
Other Uses	
Arts theater and performance facility/auditorium/amphitheater	P
Agriculture	P
Childcare facilities	P
Church/place of worship	P
Clinic/medical facility	P
Community center	P
Developed recreation facility (i.e., swimming, golf course, ice skating, skate park, playground, tubing hill, tennis, etc.)	P
Dude ranch; including horse rental	P
Equestrian center	P
Gun club/skeet/sporting clay	C
Heliport, subject to the following standards:	C
1.	A heliport must be located at an elevation of at least 6,200 feet above sea level.
2.	A heliport must be located at least 200 feet from any resort boundary, except where the developer (as defined in the applicable zoning development agreement) owns at least 200 feet of property extending from the resort boundary at the planned location of the heliport or where the developer has received approval from the owner of any property within 200 feet of the resort boundary at the planned location of the heliport. The planning commission may grant exceptions to the setback requirement if it can be demonstrated that locating the heliport closer than 200 feet to the resort boundary

	provides a more beneficial situation for purposes of safety, noise abatement, access, or other valid reasons as determined by the planning commission.	
3.	The heliport landing surface must be dust-proof and free from obstructions.	
4.	Prior to issuance of a conditional use permit for a heliport, written approval from the Federal Aviation Administration (FAA) is required, if necessary.	
	Home occupation; with no visiting clientele	P
	Home occupation; with visiting clientele	C
	Horses for private use, provided that not more than two are kept for each one acre of land exclusively devoted to the keeping of horses	P
	Trails (nordic, hiking, biking, equestrian)	P
	Laundromat	P
	Museums	P
	Nordic center	P
	Office; professional and resort administrative	P
	Office supply/shipping service	P
	Parking areas and structures	P
	Parks and playgrounds	P
	Pharmacy	P
	Public building	P
	Public utility substation and structure	C
	Real estate office	P
	Recreation centers	P
	Recreation vehicle storage	P
	School; public or private school having a similar curriculum as a public school	P
	Ski area and associated facilities; including lifts	P
	Ski lodge and associated services	P
	Small wind energy system; meeting the requirements of section 108-7-24	C
	Solar energy installation; meeting the requirements of section 108-7-27	P
	Telecommunications tower	C
	Yurt	P
	Cluster subdivision excluding bonus density; meeting the requirements of title 108, chapter 3	P
	Welcome/information center	P
	Wastewater treatment facility; meeting the requirements of the state division of water quality	C

Water pumping plants and reservoirs	C
Accessory dwelling unit; accounting for one dwelling unit at a rate of 1:1	P
Greenhouse, nursery, or farm	P
Transit facility	P
Second kitchen	P
Corral, stable, or building for keeping of animals or fowl	P
Household pets	P
Private stable	P
Educational facility	P
Liquor, wine, and beer manufacturing, bottling, blending, distilling, packaging, sales, and related activities	P
Temporary building or use incidental to construction work. Such building shall be removed upon completion or abandonment of construction work	P
Grazing and pasturing animals	P
Detached lockouts	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use	P

(Ord. No. 2012-1, § 4, 1-3-2012; Ord. No. 2015-7, Exh. A, 5-5-2015; Ord. No. 2016-4, Exh. B2, 5-24-2016)

HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

Amended by Ord. [2021-6](#) on 3/23/2021

Sec 104-29-9 Second Kitchen

A kitchen covenant shall not be required when constructing less than three kitchens in a dwelling or condominium unit.

(Ord. No. 2016-4, Exh. B2, 5-24-2016)

Sec 104-29-10 Miscellaneous Improvements

"Miscellaneous improvements" means:

- (a) Improvements with a height less than six feet such as walkways, steps, patios, decks, exterior railings, and similar exterior dwelling improvements;
- (b) Exterior landscaping décor such as a planter, landscape curbing, or any other similar exterior landscaping décor or improvements;
- (c) Hot tubs, barbeques, grills, firepits, firebowls, patio heaters, benches, picnic tables, and hammocks.

In addition, without reference to height, overhangs, eaves, decks, stairs, access ramps, and retaining walls that are connected or attached to the structure shall constitute "miscellaneous improvements." Miscellaneous improvements are permitted outside of the building envelope.

Notwithstanding the foregoing, miscellaneous improvements on lots subject to hillside review (pursuant to chapter 14) or other supplementary review, are subject to hillside review or other supplementary reviews.

(Ord. No. 2016-4, Exh. B2, 5-24-2016)

Chapter 104-30 Large Solar Energy System Overlay Zone SOZ

Sec 104-30-1 Purpose And Intent

Sec 104-30-2 Applicability

Sec 104-30-3 Permitted Uses

Sec 104-30-4 Prohibited Uses

Sec 104-30-5 Supplemental SOZ Adoption Procedures And Requirements

Sec 104-30-6 Site Development Standards

Sec 104-30-1 Purpose And Intent

The solar overlay zone (SOZ) is intended to allow a legislatively adopted overlay zone that permits a large solar energy system. This chapter also establishes minimum requirements and regulations for the placement, construction, and modification of large solar energy systems, as defined in section 101-1-7, while promoting the safe, effective and efficient use of these energy systems.

(Ord. No. 2019-2, Exh. A, 2-5-2019)

Sec 104-30-2 Applicability

The SOZ is an overlay zone only allowable in the M-3 and A-3 zones and in compliance with this chapter.

(Ord. No. 2019-2, Exh. A, 2-5-2019)

Sec 104-30-3 Permitted Uses

In addition to the uses allowed in the specific underlying zone, the following uses are permitted in the SOZ:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Large solar energy system.
- (c) Public utility substation, in compliance with standards of title 108, chapter 10.

(Ord. No. 2019-2, Exh. A, 2-5-2019)

Sec 104-30-4 Prohibited Uses

Any solar energy system that uses lenses or mirrors to focus or reflect sunlight is prohibited.

(Ord. No. 2019-2, Exh. A, 2-5-2019)

Sec 104-30-5 Supplemental SOZ Adoption Procedures And Requirements

In addition to the rezone procedures found in title 102, chapter 5, the following supplemental rezone and development agreement procedures apply to the SOZ:

- (a) Overlay zone termination. The SOZ shall terminate and be removed from the county zone map, and the development agreement shall also terminate, for any of the following reasons:
- (1) The term of the development agreement expires and is not renewed;
 - (2) The large solar energy system use is discontinued or abandoned;
 - (3) The solar entity or landowner defaults on any part of the agreement, and the default is not resolved within the time specified by the development agreement; or
 - (4) The ownership of the large solar energy system or the ownership of the land changes. However, at the sole discretion of the county commission, an existing development agreement may be amended by legislative authority to apply to new owners without causing an expiration of the overlay zone.
- (b) Development agreement. The SOZ requires special consideration related to site specific circumstances. As such, prior to adopting the SOZ for any particular property, a development agreement shall be negotiated by mutual agreement between the county, the solar entity, and, if different than the solar entity, the landowner.
- (1) Execution of the development agreement shall be deemed a legislative action.
 - (2) The development agreement shall be in a form as approved by the county attorney, and shall be executed simultaneous with the adoption of the SOZ.
 - (3) The development agreement may address specific topics as deemed appropriate by the negotiating parties, but at a minimum, shall provide the following:
 - a. All applicable provisions of this section;
 - b. A site plan, showing location of all facilities, equipment, infrastructure, and screening and vegetation;
 - c. A solar equipment treatment plan that demonstrates mitigation of detrimental effects of solar energy system on migratory fowl;
 - d. Performance measures necessary to ensure proper site reclamation at the expiration or discontinuance of the use;
 - e. Definitions and procedures regarding default, including the results of a default; and
 - f. A property legal description, including all acreage necessary to meet the minimum site requirement of this chapter. The legal description shall include all new acreage in a SOZ overlay so that all area in a SOZ is regulated by a development agreement.
 - (4) As a baseline for negotiation, the standards applicable for conditional uses, as found in section 108-4-5(c), shall be addressed by the applicant prior to any action on the overlay zone. Actual implementation of a conditional use standard shall be at the discretion of the county commission and shall be executed as part of the development agreement. Use of a conditional use standard shall not constitute an administrative approval of a conditional use.

(Ord. No. 2019-2, Exh. A, 2-5-2019)

Sec 104-30-6 Site Development Standards