

WEBER COUNTY
ORDINANCE NUMBER 2023-09

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY'S LAND USE CODE TO CREATE A WEST WEBER STREET REGULATING PLAN WITHIN THE FORM-BASED CODE, AND TO PROVIDE AMENDMENTS RELATED TO THE EXECUTION OF THE FORM BASED ZONE GENERALLY.

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

WHEREAS, These land use regulations include a form-based zone and related form-based provisions that, among other things, establish street regulating plans, street classifications, land uses allowances, architectural and design standards, and lot development standards for specific communities; and

WHEREAS, In August 2022, the Board of Weber County Commissioners adopted a new general plan to guide development patterns in the Western Weber Planning Area; and

WHEREAS, The new Western Weber General Plan includes guidance to provide small area planning and village-area planning that emphasizes quality design of the form and function of publicly accessible or visible spaces; and

WHEREAS, The Board of Weber County Commissioners desire to implement the guidance of the new Western Weber General Plan by providing form-based regulating to govern the development of one or more village areas shown on the general plan's future land use map; and

WHEREAS, on April 11, 2023, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, and offered a positive recommendation for the amendments to the Board of Weber County Commissioners; and

WHEREAS, on April 25, 2023, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, and offered a positive recommendation for the amendments to the Board of Weber County Commissioners; and

WHEREAS, on May 16, 2023, the Board of Weber County Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

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

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

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

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

- 1 **Part II Land Use Code**
- 2 ...
- 3 **Title 101 General Provisions**
- 4 ...
- 5 **Chapter 101-2 Definitions**

6 ...
7 **Sec 101-2-2 Al-Definitions**

8 **Alley.** The term "~~alley~~Alley" means a public thoroughfare ~~less than 26 feet wide~~of less width than the
9 typical public street right-of-way, and which provides access to the inside of a Street--Block where no
10 street is otherwise planned or required.

11
12 **Sec 101-2-19 R Definitions**

13 **Ridge line area.** The term "ridge line area" means the top, ridge or crest of a hill or slope, plus the land
14 located within 100 feet on both sides of the top, ridge, or crest.

15 Right, development. See "development right."

16 Right, residential development. See "residential development right."

17 ...
18 **Sec 101-2-21 T Definitions**

19 ...
20 **Transfer company.** The term "transfer company" means a company established to provide expert
21 shipping services that include the shipping, receiving, inspection and temporary warehousing of
22 commercial or household goods.

23 Transfer of development right. The term "transfer of development right," means the removal of a
24 Development Right from one lot or parcel which is then transferred to a different lot or parcel.

25 Transferable development right. The term "transferable development right," also known herein as a
26 "TDR," means the right to ~~removal-a~~transfer a Development Right from one Lot or Parcel to another.
27 that is then transferred to a different lot or parcel.

28 **Transfer incentive matching unit (TIMU).** The term "transfer incentive matching unit (TIMU)" means a
29 discretionary development right, or fraction thereof, that may be granted by the county commission, after a
30 recommendation from the planning commission, when a development right is transferred from an area
31 within the Ogden Valley to a Destination and Recreation Resort Zone.

32 ...
33 **Title 104 Zones**

34 ...
35 **Chapter 104-22 Form-Based Zone FB**

36 **Sec 104-22-1 Purposes And Intent**

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

41 (a) **Implements the general plan.** The Form-Based Zone regulations are intended to carry out the
42 objectives of the 2016 Ogden Valley General Plan through the implementation of form- based small area
43 zoning and transferable development rights.

44 (b) **Creates street regulating plans.** Each area affected by the Form-Based Zone shall be governed by a
45 Street Regulating Plan. The purpose of the Street Regulating Plan is to address specific design and
46 functionality of streets and building facades along these streets. The intent is to stimulate the creation of
47 buildings and streets that frame the public rights-of-way with architectural and design elements that are
48 unified under a common design theme whilst enabling unique building facades.

49
50 **Sec 104-22-2 Applicability**

51 (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~~ [Subsection \(e\) of this section](#).

(d) **Effect of street regulating plan and graphics.** Details in a street regulating plan or any graphic in this chapter have no effect unless expressly provided by this chapter.

(e) **Street type, description, and purpose.**

(1) **Government~~/and i~~stitutional street.**

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

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

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

(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)~~(5) **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)~~(6) **Medium-lot residential street.**

A medium-lot residential street has street-front [single family](#) buildings that may be set back more than small-lot residential street facades to provide a small front yard area.

~~(8)~~(7) **Medium-large-lot residential street.**

[A medium-large-lot residential street has street-front single family buildings similar to medium-lot residential street facades but on lots with greater area.](#)

~~(9)~~(8) **Large-lot residential street.**

A large-lot residential street has street-front [single family](#) buildings that may be set back enough to create a sizeable front yard on a lot that is large.

~~(10)~~(9) **Rural residential street.**

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

~~(11)~~(10) **Estate lot residential street.**

An estate lot residential street has street-front [single family](#) buildings that may be set back enough to create a sizeable front yard on a lot that contains multiple acres.

~~(12)~~(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.

Sec 104-22-3 Land Use Table

The following land use table provides use regulations applicable for each street type. In the list, those 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."

[Sec 104-22-3.010 Accessory Uses](#)

Last updated 5/9/2023

An accessory use is prohibited unless located on the same Lot or Parcel as the main use to which it is accessory.

G & I	V O C	M U C	M F R	S L R	M L R	<u>M</u> <u>L</u> <u>L</u> <u>R</u>	L L R	L R	E L R	O S	SPECIAL REGULATIONS
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Accessory building. A building that is accessory and incidental to the use of a main building.	P	P	P	P	P	<u>P</u>	P	P	P	P	
Accessory dwelling unit. A dwelling unit that is accessory to a single-family dwelling residential use.	N	N	N	N	P	<u>P</u>	P	P	P	N	See Chapter 108-19.
Accessory use. A use that is accessory and incidental to the main use.	P	P	P	P	P	<u>P</u>	P	P	P	P	
Agricultural hobby farm	P	P	P	P	P	<u>P</u>	P	P	P	P	
Family food production. Family food production as an accessory use to a single-family dwelling residential use.	N	N	N	N	N	<u>N</u>	P	P	P	N	See Section 104-22-4.
Home occupation. A home occupation that is accessory to a residential use.	P	P	P	P	P	<u>P</u>	P	P	P	N	See Chapter 108-13.
Household pets. Household pets that are accessory to a residential use.	P	P	P	P	P	<u>P</u>	P	P	P	N	
Main building. A main building that is designed or used to be accessory to an outdoor main use allowed in the zone.	P	P	P	P	P	<u>P</u>	P	P	P	P	
Parking lot. A parking lot that is accessory to a main use allowed in the zone.	P	P	P	P	P	<u>P</u>	P	P	P	P	See Section 104-22-9.
Produce stand, for produce grown on the premises only.	P	P	P	P	P	<u>P</u>	P	P	P	P	
Temporary building or use. A temporary building or use that is accessory and incidental to onsite construction work.	P	P	P	P	P	<u>P</u>	P	P	P	P	See Section 104-22-4.

Sec 104-22-3.020 Agricultural and Open Space Uses, Generally.

G & I	V O C	M U C	M F R	S L R	M L R	<u>M</u> <u>L</u> <u>L</u> <u>R</u>	L L R	L R	E L R	O S	SPECIAL REGULATIONS
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Agriculture, as a main use of the property	N	N	N	N	N	<u>N</u>	P	P	P	P	
Agricultural experiment station.	P	N	N	N	N	<u>N</u>	N	P	P	P	
Agri-tourism.	N	N	N	N	N	<u>N</u>	N	P	P	P	See Title 108, Chapter 21.
Aquaculture.	N	N	N	N	N	<u>N</u>	N	P	P	P	

Botanical or community garden. Open space land for the purpose of growing plants. This use may be for private use or open to the general public with or without a fee.	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Fruit and vegetable storage and packing plant, for produce grown on premises.	N	N	N	N	N	N	<u>N</u>	N	P	P	P	10-acre minimum lot <u>Lot or Parcel</u> area required.
Grain storage elevator.	N	N	N	N	N	N	<u>N</u>	N	N	P	P	10-acre minimum lot <u>Lot or Parcel</u> area required.
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	N	N	N	N	<u>N</u>	P	P	P	P	
Manure spreading, drying and sales.	N	N	N	N	N	N	<u>N</u>	N	N	P	P	
Wildlife sanctuaries. A wildlife sanctuary.	N	N	N	N	N	N	<u>N</u>	N	N	P	P	10-acre minimum lot <u>Lot or Parcel</u> area required.

Sec 104-22-3.030 Agricultural Uses, Animal-Oriented.

The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the ~~lot~~ Parcel.

G & I	V O C	M U C	M F R	S L R	M L R	<u>M</u> <u>L</u> <u>L</u> <u>R</u>	L L R	L R	R R	E L R	O S	SPECIAL REGULATIONS
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Animal grazing. Animal grazing, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	<u>N</u>	N	P	P	P	
Apiary. The keeping of bees.	N	N	N	N	C	P	<u>P</u>	P	P	P	P	
Aquaculture, animal related. The raising and potential harvesting of water animals or water plants.	N	N	N	N	N	N	<u>N</u>	P	P	P	P	
Aviary. The raising of birds.	N	N	N	N	N	P	<u>P</u>	P	P	P	P	No onsite slaughtering permitted.
Corral or stable . A corral, stable, or building for the keeping of agricultural animals or fowl.	N	N	N	N	N	N	<u>N</u>	P	P	P	P	See Section 104-22-4.
Dairy farm, including milk processing and sale, when at least 50 percent of milk is produced on the farm.	N	N	N	N	N	N	<u>N</u>	P	P	P	P	10-acre minimum lot <u>Lot or Parcel</u> area required.

Sec 104-22-3.040 Amusement, Entertainment, and Recreation Uses.

The following are uses oriented toward providing amusement or entertainment for patrons.

G & I	V O C	M U C	M F R	S L R	M L R	<u>M</u> <u>L</u> <u>L</u> <u>R</u>	L L R	L R	R R	E L R	O S	SPECIAL REGULATIONS
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Amphitheater. An outdoor open-air amphitheater with raising rows of spectator seating used for entertainment and performances.	C	C	N	N	N	N	<u>N</u>	N	N	N	C	
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Entertainment facility, large indoor. An indoor entertainment facility, as defined in Title 101, Chapter 2, using greater than 20,000 square feet of floor area.	C	C	N	N	N	N	N	N	N	N	N	
Entertainment facility, outdoor. An outdoor entertainment facility, as defined in Title 101, Chapter 2.	C	C	N	N	N	N	N	N	N	N	N	
Entertainment facility, small indoor. An indoor entertainment facility, as defined in Title 101, Chapter 2, limited to no more than 20,000 square feet of floor area.	C	C	C	C	N	N	N	N	N	N	N	
Amusement park. Amusement park.	C	C	N	N	N	N	N	N	N	N	N	
Amusement park, temporary. An amusement park, circus, petting zoo, pony ring, or carnival that is conducted for no longer than one month.	P	P	P	C	N	N	N	N	N	C	C	
Botanical or zoological garden. A botanical or zoological garden, including petting zoo and pony ring.	P	P	P	P	P	P	P	P	P	P	P	2-Acre minimum Lot or Parcel lot or parcel area required.
Campgrounds or picnic areas, commercial. A commercial campground or picnic area.	N	N	N	N	N	N	N	C	C	C	C	See Section 104-22-4. 2-Acre minimum Lot or Parcel lot or parcel area required.
Dude ranch. A dude ranch, as defined in Title 101 Chapter 2.	N	N	N	N	N	N	N	N	P	P	C	10-acre minimum Lot or Parcel lot or parcel area required.
Golf course. Golf course.	N	N	N	N	N	N	N	P	P	P	P	This shall not include miniature golf.
Private park, playground or recreation area, noncommercial. A private park charging no fee or remuneration for use.	P	P	P	P	P	P	P	P	P	P	P	
Public park, recreation grounds. Recreation grounds that are owned and operated by a public entity.	P	P	P	P	P	P	P	P	P	P	P	
Recreation lodge. A recreation lodge, as defined in Title 101, Chapter 2.	P	P	P	P	P	N	N	N	N	C	N	
Recreational resort. A recreational resort, as defined in Title 101, Chapter 2.	P	P	P	N	N	N	N	N	N	N	N	
Shooting range or training course. A shooting range.	C	C	N	N	N	N	N	N	N	N	C	See Section 104-22-4. Five-acre minimum Lot or Parcel lot or parcel area required for an outdoor range.
Ski area. A ski area and associated skiing facilities such as lifts, lift towers, and ski runs and trails.	P	P	P	P	P	P	P	P	P	P	P	
Ski lodge and associated services	N	N	P	P	N	N	N	N	N	N	P	When accessory to an allowed ski area.
Swimming pools, private. A private swimming pool.	P	P	P	P	P	P	P	P	P	P	P	

Trails. Trails for skiing, equestrian uses, hiking, biking, and similar.	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Zoo.	P	P	N	N	N	N	<u>N</u>	N	N	N	P	10-acre minimum <u>Lot or Parcel</u> lot or parcel area required.

Sec 104-22-3.050 Animal Services and Uses.

	G & I	V O C	M U C	M F R	S L R	M L R	<u>M</u> <u>L</u> <u>L</u> <u>R</u>	L L R	L R R	E L R	O S	SPECIAL REGULATIONS
Animal grooming, small animal. Grooming for small animals.	P	P	P	P	N	N	<u>N</u>	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	<u>N</u>	N	C	C	N	If located completely indoors, and inaudible from an adjoining <u>Lot or Parcel</u> 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	<u>N</u>	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	<u>N</u>	N	N	C	C	
Stable for horses, noncommercial. Horses shall be for noncommercial use only.	N	N	N	N	N	N	<u>N</u>	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	<u>N</u>	N	N	N	N	
Veterinary facility. Veterinary facility.	P	P	P	C	N	N	<u>N</u>	N	N	C	C	If located completely indoors, and inaudible from an adjoining <u>Lot or Parcel</u> lot or parcel , this use is permitted where listed as conditional.

Sec 104-22-3.060 Food, Beverage, and Other Products Sales for Human Consumption.

	G & I	V O C	M U C	M F R	S L R	M L R	<u>M</u> <u>L</u> <u>L</u> <u>R</u>	L L R	L R R	E L R	O S	SPECIAL REGULATIONS
Food Preparation and Services:												

Alcoholic beverage production. The production, manufacturing, brewing, and wholesale sales of alcoholic beverages.	P	P	N	N	N	N	N	N	N	N	N	
Bakery, delicatessen, or catering, large. Bakery or other food preparation services primarily intended for offsite consumption.	P	P	N	N	N	N	N	N	N	N	N	
Bakery, delicatessen, or catering, small. Bakery or small-batch food processing and retail sales of goods produced on premises, limited to 5,000 square feet floor area. Offsite catering allowed as an incidental and accessory use.	P	P	P	P	N	N	N	N	N	N	N	
Butcher or other custom meat products, large. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite.	P	P	N	N	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.
Butcher or other custom meat products, small. A shop in which meats are cut, prepared, cured, smoked, or wrapped for the purpose of sales onsite; limited to 5,000 square feet floor area.	P	P	P	P	N	N	N	N	N	N	N	This use shall not include onsite slaughtering.

Eating and Drinking Establishments, Products Primarily for Onsite Consumption												
Bar. A bar or any other establishment where the primary purpose is the sales and onsite consumption of alcoholic beverages.	P	P	P	P	N	N	N	N	N	N	N	
Brewery or distillery in conjunction with a restaurant.	P	P	P	P	N	N	N	N	N	N	N	
Restaurant with drive-up window. Restaurant, all food types, with drive-up windows.	P	P	C	N	N	N	N	N	N	N	N	See drive up (drive-thru) window requirements of Section 104-22-4.
Restaurant. Restaurants, all food types, excluding those with drive-up windows.	P	P	P	P	N	N	N	N	N	N	N	

Retail, Food, and Drug; Products Primarily for Offsite Consumption.												
Candy or confectionary store. The sales of candy, sweets, snacks, and small batch bakery goods and desserts.	P	P	P	P	N	N	N	N	N	N	N	
Drugstore or pharmacy.	P	P	P	P	N	N	N	N	N	N	N	If applicable, see drive up (drive-thru) window requirements of Section 104-22-4.
Grocery store. A grocery store store, including a store that specializes in	P	P	P	P	N	N	N	N	N	N	N	

the sales of any type of food normally found in a grocery store.													
Produce stand, commercial. A commercial produce stand intended for the sales of agricultural products.	P	P	P	P	N	N	<u>N</u>	N	P	P	P		

Sec 104-22-3.070 Government and Institutional Uses.

	G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L R	R	E L R	O S	SPECIAL REGULATIONS
Cemetery.	P	N	N	N	N	N	<u>N</u>	N	P	P	P		
Convalescent, rest home, or sanitarium. An establishment for long-term medical treatment of people.	P	P	P	P	P	N	<u>N</u>	N	N	N	N		
Child daycare. A daycare center operating in compliance with State regulation.	P	P	P	P	P	N	<u>N</u>	N	N	N	N		
Fire station. Fire and emergency medical service station.	P	P	P	P	P	P	<u>P</u>	P	P	P	P		
Governmental offices. The offices of a governmental entity.	P	P	P	N	N	N	<u>N</u>	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	<u>N</u>	N	N	N	N		
Instructional facility, small. An indoor facility in which instructional lessons are taught, such as a school or education center, limited to 10,000 square feet floor area.	P	P	C	N	N	N	<u>N</u>	N	N	N	N		
Medical facility. A facility, such as a hospital or surgery center, that provides medical services that are typically unavailable from a medical or dental office.	P	C	C	N	N	N	<u>N</u>	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	<u>N</u>	N	N	N	N		
Post office. A post office.	P	P	P	P	P	P	<u>P</u>	P	P	P	N		
Preschool. A preschool operating in compliance with State regulation.	P	P	P	P	P	P	<u>P</u>	P	P	P	N		
Public library. A library owned and operated by a governmental entity.	P	P	P	P	P	P	<u>P</u>	P	P	P	N		
Public park. A public park and related recreation grounds and associated buildings and structures.	P	P	P	P	P	P	<u>P</u>	P	P	P	P		

Public recreation or community center. A recreation or community center owned and operated by a public entity.	OVPC	P	P	C	C	N	N	N	N	N	N	N	
	WWPC					C	C	C	C	C	C	C	
Public schools. A public school or a private educational facility having a curriculum similar to that ordinarily given in public schools.		P	P	P	P	P	P	P	P	P	P	N	
Public storage facilities. Storage facilities used by a governmental entity.		P	C	N	N	N	N	N	N	N	N	N	
Visitors center. A tourism visitor's center or offices.		P	P	P	P	N	N	N	N	N	N	N	
Worship facility. A church, synagogue or similar building used for regular religious worship.		P	P	P	P	P	P	P	P	P	P	N	

Sec 104-22-3.080 Office uses.

	G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L R	E L R	O S	SPECIAL REGULATIONS
Agency. An agency for real estate, travel, property rental or management, insurance, detective, employment, or similar based on frequency of visiting clientele.	P	P	P	N	N	N	N	N	N	N	N	
Bank or financial institution. A bank or other financial institution.	P	P	P	N	N	N	N	N	N	N	N	This use shall not include payday loan services.
Medical or dental office. A medical or dental office for routine out-patient care.	P	P	P	N	N	N	N	N	N	N	N	
Office, generally. Office or studio space for office or studio uses not otherwise listed herein, in which goods or merchandise are not commercially created, exchanged or sold, and that operates with typical office equipment in a relatively quiet and nonintrusive manner.	P	P	P	N	N	N	N	N	N	N	N	

Sec 104-22-3.090 Residential Uses.

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

Dwelling, single-family. A single-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	P	<u>P</u>	P	P	P	N	See Section 104-22-4, and TDR requirements of 104-22-11
Dwelling, two-family. A two-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	<u>N</u>	N	N	N	N	
Dwelling, three-family. A three-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	<u>N</u>	N	N	N	N	
Dwelling, four-family. A four-family dwelling, as defined by Title 101, Chapter 2.	N	N	N	P	P	N	<u>N</u>	N	N	N	N	
Dwelling, multi-family. A multi-family dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	N	N	<u>N</u>	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	<u>N</u>	N	N	N	N	
Hotel, motel, lodginghouse, condominium rental apartment (condo-tel) or timeshare condominium. A hotel, motel, lodginghouse, condominium rental apartment (condo-tel), or timeshare condominium. This use may include lockout sleeping rooms, as defined by Title 101, Chapter 2, as an accessory use.	P	P	P	P	N	N	<u>N</u>	N	N	N	N	See requirements of Section 104-22-4 , and TDR requirements of 104-22-11
Residential facility for elderly persons.	P	P	P	P	P	P	<u>P</u>	P	P	P	N	
Residential facility for handicapped persons.	P	P	P	P	P	P	<u>P</u>	P	P	P	N	
Residential facility for troubled youth.	P	P	P	P	P	P	<u>P</u>	P	P	P	N	
Short-term rental. A short-term rental.	P	P	P	<u>N</u> P	<u>N</u> C	N	<u>N</u>	N	N	N	N	
Workforce housing. Workforce housing, dormitory, or residence hall, or portion thereof.	P	P	P	P	P	P	<u>P</u>	P	P	P	N	
												See requirements of Section 104-22-4 , and TDR requirements of 104-22-11
												See requirements of Section 104-22-4 , and TDR requirements of 104-22-11
												See requirements of Section 104-22-4 , and TDR requirements of 104-22-11
												See Title 108, Chapter 11
												Must comply with See "dwelling" requirements of Section 104-22-4 , and Section 104-22-12 .

Sec 104-22-3.090 Sales with ~~R~~etail ~~S~~torefront.

G	V	M	M	S	M	<u>M</u>	L	L	E	
&	O	U	F	L	L	<u>L</u>	L	R	L	
I	C	C	R	R	R	<u>R</u>	R	R	R	S

**SPECIAL
REGULATIONS**

Agricultural implement sales or repair. A facility that sells or repairs agricultural implements.	C	C	N	N	N	N	N	N	N	N	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	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	N	See Section 104-22-4.
Nursery, commercial. A plant nursery, with associated greenhouses for retail sales of plants and accessory products.	P	C	N	N	N	N	N	N	N	N	P	See Section 104-22-5 for maximum lot Lot coverage by buildings.
Pawn shop. A shop where a pawnbroker holds items as collateral, then sells unredeemed items to the public.	C	C	N	N	N	N	N	N	N	N	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	N	

Sec 104-22-3.100 Sales typically without retail storefront.

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

Christmas tree sales. The temporary siting of an outdoor Christmas tree sales establishment.	P	P	C	N	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	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	N	C	See Section 108-13-3 and Section 104-22-4.

Sec 104-22-3.110 Services.

G & I	V O C	M U C	M F R	S L R	M L R	M L L R	L L R	L R	E L R	O S
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**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	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	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	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	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	N	
Laundromat. A facility that provides washers and dryers for self-serve laundry service.	P	P	P	P	N	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	N	
Outdoor recreation guide base-operation. A location that provides a base of operations for an outdoor recreation guide service.	P	P	P	P	N	N	N	N	N	N	N	
Parcel drop-off service. A service for the collection and shipment of small parcels, and accessory sales or services.	P	P	P	P	N	N	N	N	N	N	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	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	N	
Taxidermist. Taxidermy services.	P	C	N	N	N	N		N	N	N	N	

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128 [Sec 104-22-3.120 Storage.](#)

G & I	V O C	M U C	M F R	S L R	M L R	M L R	L L R	L R R	E L R	O S
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**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	N	
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Self-storage. Indoor storage units for personal or household items or vehicles.	P	P	N	N	N	N	N	N	N	N	N	See Section 104-22-4.
Warehouse storage. The storage of products or goods that are or will be for sale.	C	N	N	N	N	N	N	N	N	N	N	

Sec 104-22-3.130 Utility uses.

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

Public utility substations.	P	P	P	P	P	P	P	P	P	P	C	See Title 108, Chapter 10.
Wastewater treatment or disposal facilities.	P	P	P	P	P	P	P	P	P	P	C	
Water treatment or storage facility.	P	P	P	P	P	P	P	P	P	P	C	
Small wind energy system.	P	N	N	N	N	N	N	N	P	P	C	See Section 108-7-24
Solar energy system.	P	P	P	P	P	P	P	P	P	P	C	See Section 108-7-27

Sec 104-22-3.140 Vehicle-oriented uses.

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

Airport, private and commercial.	C	N	N	N	N	N	N	N	N	N	N	
Automobile sales or rentals, indoor. The sale or rental of a passenger automobile.	P	P	C	N	N	N	N	N	N	N	N	
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	C	C	N	N	N	N	N	N	N	N	N	

other motorized vehicle less than 10,000 lbs gross vehicle weight.													
Trailer sales or rentals.		C	C	N	N	N	N	N	N	N	N	N	
Transit terminal.		P	P	N	N	N	N	N	N	N	N	N	
Truck gas or refueling station. A gas or refueling station oriented toward large freight vehicles, which may include a convenience store and an automatic carwash as an accessory use.	O V P A	N	N										
	W W P A	P	P	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	

Sec 104-22-4 Special Regulations

Sec 104-22-4.010 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 [Governmental and Institutional street or Vehicle Oriented Commercial street](#)~~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.** [Other than single-family dwellings and their accessory buildings.](#) ~~W~~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; [and](#)
 - (4) be signed by the owner of the building and the adjacent property owner and be recorded on the title of both properties.

Sec 104-22-4.020 Special Regulations For Specific Uses.

- (a) **Automobile or other vehicle related uses.** The use of a [Lot or Parcel](#)~~lot~~ for automobile repair of any kind, automobile sales, rental or service, boat sales, rental or service, 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 or Parcel](#)~~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[a](#)) of this section.
- (c) **Automobile sales, rentals, or service.** Refer to paragraph (b[a](#)) of this section.
- (d) **Boat sales or service.** Refer to paragraph (b[a](#)) 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 [Governmental and Institutional street, Vehicle Oriented Commercial street, Mixed Use Commercial street, Multi-Family Residential street](#)~~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 or Parcel](#)~~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 ~~Street-Block~~~~block~~ [alleyways](#)~~Alleys~~.
- (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.**

- (1) 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.

a. No more than four sets of Group B animals or fowl may be kept on a [Lot or Parcel](#) ~~lot or parcel~~ that is less than 40,000 square feet.

b. No more than six combined sets of Group A animals and Group B animals or fowl may be kept on a [Lot or Parcel](#) ~~lot or parcel~~ that is less than two acres. The same applies to a [Lot or Parcel](#) ~~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](#) ~~mid-block~~, 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 lbs, 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 lbs, including product packaging, or that are too large to fit in a typical passenger vehicle. This use may include an outdoor sales yard of no greater than 6,000 square feet as long as it is completely surrounded by an opaque wall. No sales of items intended to be explosive or hazardous to human health, safety, or welfare is permitted.

- (m) **Office uses.** A use listed in the "office uses" table may only be located above or behind first-floor street-level commercial space, reserving the street frontage for first-floor street-level commercial space. A local recreation and tourism office devoted to providing services, information, and events primarily for visitors to the Ogden Valley is exempt from this requirement provided that it is open and accessible to all members of the public.

- (n) **Shooting range or training course, indoor or outdoor.** The facility shall provide designated shooting positions for which ballistic backstops are designed. No shooting is allowed except in these designated shooting positions. All sides down range of a shooting position shall have a non-ricochet ballistic backstop, including overhead and on the ground or floor, capable of containing all errant bullets. For an outdoor range, the overhead backstop may be a series of baffles. Approval shall be subject to the requirements and conditions of the local fire authority. The range operator shall be onsite at all times shooting is occurring.

~~**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.~~

- (o) **Self-storage.** Self-storage is only allowed if located on the same [Lot or Parcel](#) ~~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~~ [floor](#) 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 floor street-facing commercial space specified herein, the separate building shall be located behind the building with first-story floor street-level commercial space, and shall be no wider than the building providing first-story floor 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.
- (p) **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.
- (q) **Temporary building or use.** The building or use shall be removed upon completion or abandonment of the construction work.
- (r) **Tire shop.** Refer to paragraph (ba) of this section.
- (s) **Vendor, short term.** No booth or vehicle shall be permanently affixed to the ground, nor shall it be stationary for more than four days at a time.

Sec 104-22-5 Lot Development Standards

The following lot development standards apply to a Lot or Parcel ~~lot or parcel~~ in the Form-Based Zone, unless specified otherwise in this Land Use Code. The table headers provide the street types, as described in Section 104-22-7, in abbreviated form. A lot ~~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 TYPE	MINIMUM LOT AREA
Government and Institutional (G/I)	No minimum
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	3,000 square feet
Medium Lot Residential (MLR)	8,000 square feet
Medium-Large Lot Residential (MLLR)	12,500 square feet
Large Lot Residential (LLR)	20,000 square feet
Rural Residential (RR)	40,000 square feet
Estate Lot Residential	3 acres
Open Space (OS)	No minimum

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

- (1) Unless allowed otherwise by this Land Use Code, each Lot shall have frontage on the type of street that corresponds with its governing street type as provided on the street regulating plan map.

STREET TYPE:	MINIMUM LOT WIDTH AND STREET FRONTAGE:
Government and Institutional (G/I)	12 feet
Vehicle-Oriented Commercial (VOC)	
Mixed-Use Commercial (MUC)	
Multi-Family Residential (MFR)	
Small Lot Residential (SLR)	30 feet ¹
Medium Lot Residential (SLR)	50 feet ¹
<u>Medium-Large Lot Residential (MLLR)</u>	<u>60 feet¹</u>
Large Lot Residential (LLR)	100 feet
Rural Residential (RR)	150 feet
Estate Lot Residential	
Open Space (OS)	No minimum

¹ Unless located at least 30 feet behind the front-most part of the Dwelling, front-facing garage door(s) shall have a cumulative width no greater than 18 percent of the width of the Lot.

- (2) **Frontage exception.** Along a Governmental and Institutional street, Vehicle Oriented Commercial street, Mixed Use Commercial street, Multi-Family Residential street, or Small Lot Residential street, the street frontage requirement is not applicable for a Lot that is platted as part of a larger planned development, provided that:
- The development includes or has included the dedication and construction of all required public street and mid-Block Alley improvements shown on the street regulating plan or as otherwise required in this Land Use Code.
 - The associated public street improvements required shall be, at a minimum, for the same length as the Lot is wide.
 - Along a Governmental and Institutional street, Vehicle Oriented Commercial street, and Mixed Use Commercial street, no parcel shall be configured or developed in a manner that obstructs the ability to develop buildings that contain street-facing first-floor retail operations on the public street front. A Lot without street frontage shall not have any Lot line closer to the street right-of-way than 60 feet.

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

STREET TYPE:	FIRST-FLOOR STREET-LEVEL COMMERCIAL BUILDING FAÇADE ¹			ALL OTHER BUILDING FAÇADES		
	STREET RIGHT-OF-WAY SETBACK		FRONT LOT LINE SETBACK	STREET RIGHT-OF-WAY SETBACK		FRONT LOT LINE SETBACK
	MINIMUM	MAXIMUM	MINIMUM	MINIMUM	MAXIMUM	MINIMUM
Government and Institutional (G/I)	No minimum	5 feet, or 20 feet if providing public dining or gathering space. ^{2*}	<u>No minimum</u>	<u>460 feet</u> ^{**3}	No maximum	<u>No minimum</u>
Vehicle-Oriented Commercial (VOC)						
Mixed-Use Commercial (MUC)						
Multi-Family Residential (MFR)						
Small Lot Residential (SLR)	Not Applicable			5 feet ⁵	No maximum	<u>5 feet</u>
Medium Lot Residential (SLR <u>MLR</u>)				<u>20 feet</u> ^{4.5}	30 feet	<u>20 feet</u> ⁴
<u>Medium-Large Lot Residential (MLLR)</u>						
Large Lot Residential (LLR)	Not Applicable			30 feet	No maximum	<u>30 feet</u>
Rural Residential (RR)						
Estate Lot Residential (ELR)						
Open Space (OS)						

¹Building façade is permitted above the first-floor street-level commercial area, provided compliance with maximum height and use regulations.

^{2*}This maximum front yard setback shall be waived if at least 90 percent of the Lot's street front is already occupied by a similar building.

^{3**}Except for a public dining or gathering space~~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~~specified maximum building setback. ~~Any parking provided in this area shall not be included in the overall parking calculations.~~

^{4***}This minimum may be reduced to 15 feet if the lot's only vehicle access is over a side or rear lot line adjacent to an Alley that complies with Section 106-2-2.100 of this Land Use Code.

⁵No parking area, pad, or driveway within the front setback shall be less than 20 feet deep when measured from the Front Lot Line.

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

STREET TYPE:	MINIMUM SIDE LOT-LINE SETBACK		MAXIMUM SIDE LOT-LINE SETBACK:	
	<u>MAIN BUILDING:</u>	<u>ACCESSORY BUILDING:</u>		
Government and Institutional (G/I)	No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1		No maximum.² Any space between buildings shall be open for pedestrian passage to internal block areas, unless designed, constructed, and actively used (when weather permits) for outdoor dining, shopping, or other street activities that are open to the public.	
Vehicle-Oriented Commercial (VOC)				
Mixed-Use Commercial (MUC)				
Multi-Family Residential (MFR)				
Small Lot Residential (SLR)	5 feet	<u>Same as main building, except 1 foot if located at least 6 feet in rear of main building.</u>	No maximum	
Medium Lot Residential (MLR)				
<u>Medium-Large Lot Residential (MLLR)</u>	<u>10 feet¹</u>			
Large Lot Residential (LLR)	10 feet			
Rural Residential (RR)				
Estate Lot Residential (ELR)				
Open Space (OS)				

¹ This minimum may be reduced to 5 feet if the lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley that complies with Section 106-2-2.100 of this Land Use Code.

² Any space between buildings shall be open for pedestrian passage to internal Street-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.

334

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

STREET TYPE:	MINIMUM REAR LOT-LINE SETBACK FOR MAIN BUILDING:	MINIMUM REAR LOT-LINE SETBACK FOR ACCESSORY BUILDING
Government and Institutional (G/I)	No minimum. See requirements of perpetual maintenance agreement in Section 104-22-4.1	
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	5 feet	<u>1 foot</u>
Medium Lot Residential (MLR)	20 feet	<u>1 foot</u>
<u>Medium-Large Lot Residential (MLLR)</u>	<u>20 feet</u>	<u>1 foot</u>
Large Lot Residential (LLR)	30 feet	<u>1 foot</u>
Rural Residential (RR)		
Estate Lot Residential		
Open Space (OS)		

336

337 (f) **Lot coverage.**

STREET TYPE:	MAXIMUM PERCENT OF LOT COVERAGE BY BUILDINGS:	MAXIMUM NUMBER OF DWELLING UNITS ALLOWED PER LOT:
Government and Institutional (G/I)	No maximum, provided compliance with all other requirements.	No maximum
Vehicle-Oriented Commercial (VOC)		
Mixed-Use Commercial (MUC)		
Multi-Family Residential (MFR)		
Small Lot Residential (SLR)	<u>80</u> 85 percent	4
Medium Lot Residential (MLR)	50 percent	<u>1</u> 1 *
<u>Medium-Large Lot Residential (MLLR)</u>	<u>40 percent</u>	<u>1</u> 1 *
Large Lot Residential (LLR)	30 percent	<u>1</u> 1 *

Rural Residential (RR)	25 0 percent	1 ^{1*}
Estate Lot Residential	10 percent	1 ^{1*}
Open Space (OS)	2.5 percent	Not applicable

^{1*} This does not include ~~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~~ Lot in a manner that preserves space for the extension of street and trails or pathways rights-of-way as shown in the street regulating plan, and the Lot's respective setback standard.

Last updated 5/9/2023

Sec 104-22-6 Building Design Standards

Sec 104-22-6.010 Building Design Standards Per Street Type

The following 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 TYPE:	MINIMUM <u>MAIN</u> BUILDING HEIGHT	MAXIMUM <u>MAIN</u> BUILDING HEIGHT	<u>MAXIMUM</u> <u>ACCESSORY</u> BUILDING HEIGHT
Government and Institutional (G&I)	25 feet	<u>40 feet, except 35 feet and no more than two stories for any part of a building within 30 feet of a public street right-of-way.</u> 50 feet	<u>25 feet</u>
Vehicle-Oriented Commercial (VOC)			
Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	One story	35 feet	<u>25 feet</u>
Small Lot Residential (SLR)			
Medium Lot Residential (MLR)			
<u>Medium-Large Lot Residential (MLLR)</u>			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)	No <u>minimum</u> fe	25 feet, except a greater height is allowed for a grain storage elevator or similar agriculturally supportive use.	<u>25 feet</u>

(b) **Building or use area.**

STREET TYPE:		MAXIMUM BUILDING OR USE FOOTPRINT:	
		OVPA:	WWPA:
Government and Institutional (G&I)	Vehicle Oriented Commercial (VOC)	No single commercial use shall occupy a footprint of more than 30,000 square feet ^{1*}	<u>No maximum</u>
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)	None <u>No maximum</u>		
<u>Medium-Large Lot Residential (MLLR)</u>			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

^{1*}~~Government buildings and schools are exempt from building area maximum.~~

357 (c) **First-floor building standards.**

STREET TYPE:		VERTICAL DISTANCE OF FIRST-FLOOR SURFACE ELEVATION FROM THE STREET SIDEWALK'S SURFACE ¹ ELEVATION*:	MINIMUM FIRST-FLOOR STORY HEIGHT	FIRST-FLOOR LOAD-BEARING SUPPORTS
	Government and Institutional (G&I)	30 inches maximum.	12 feet	Columns and beams, no interior load bearing walls. A column shall be at least 10 feet away from another column or exterior load-bearing wall.
	Vehicle-Oriented Commercial (VOC)		15 feet	
	Mixed-Use Commercial (MUC)			
	Multi-Family Residential (MFR)	5 feet minimum, except 30 inches for building area to ^{be} that is used for commercial purposes.	10 feet, except 15 feet for areas of the first-floor to be used for commercial space.	For commercial area, same as MUC. Not applicable for residential parts of the building.
	Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
	Medium Lot Residential (MLR)			
	Medium-Large Lot Residential (MLLR)			
	Large Lot Residential (LLR)			
	Rural Residential (RR)			
	Estate Lot Residential			
	Open Space (OS)			

¹For a sloped sidewalk, the street sidewalk's surface shall be determined as the elevation at the midpoint of the building.

360

361 (d) **Transparent fenestration requirements.**

STREET TYPE:	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	30 percent	
Vehicle-Oriented Commercial (VOC)	70 percent	40 percent		

Mixed-Use Commercial (MUC)			
Multi-Family Residential (MFR)	70 percent for commercial facade, 30 percent for residential facade.		40 percent
Small Lot Residential (SLR)	Not applicable	Not applicable	Not applicable
Medium Lot Residential (MLR)			
Medium-Large Lot Residential (MLLR)			
Large Lot Residential (LLR)			
Rural Residential (RR)			
Estate Lot Residential			
Open Space (OS)			

- (e) **Main-Entrance requirements.** Each building with building or Lot frontage 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 or any sidewalk, pathway, or pedestrian way at least four feet, the main each entrance shall be recessed from the building's façade no less than five feet.

Sec 104-22-6.020 Building Design Standards By Area

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

Sec 104-22-6.030 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:

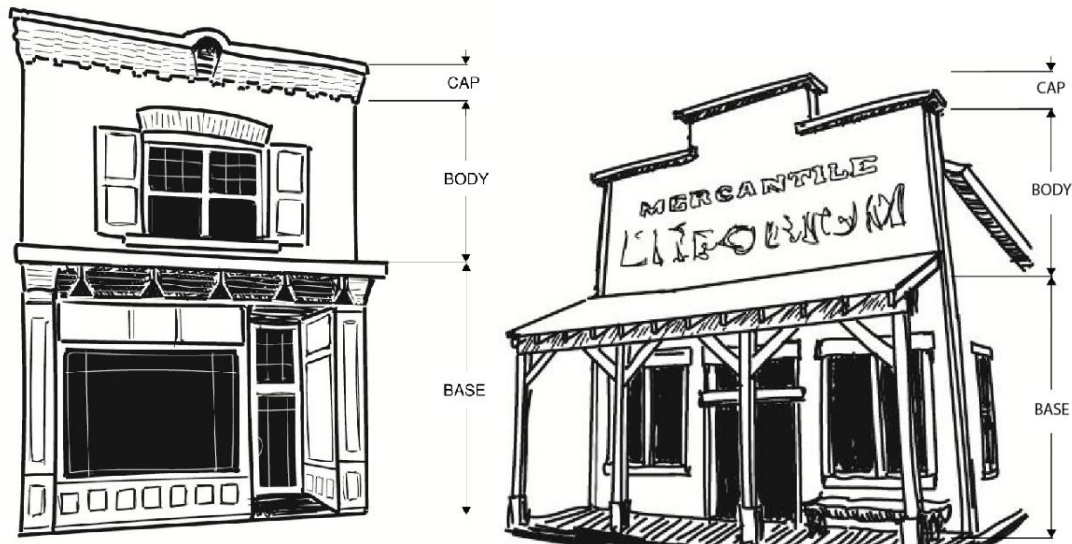
- Design theme.** All buildings shall have architectural styling and materials that resemble historic commercial main-street buildings in the Western United States that were in existence between 1880 and 1910. Each new building shall provide diversity and variety in building design, architectural features, and building material that set each building apart from adjacent buildings.
- 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.
- 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.
- 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 plane 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.





Sec 104-22-6.040 New Town Eden Area and West Weber's 4700 Village Building Design Standards

In addition to applicable standards in this chapter, the following standards apply to all buildings in the New Town Eden Area and in West Weber's 4700 Village:

- (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 attached to the side of the building but 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 plane 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.

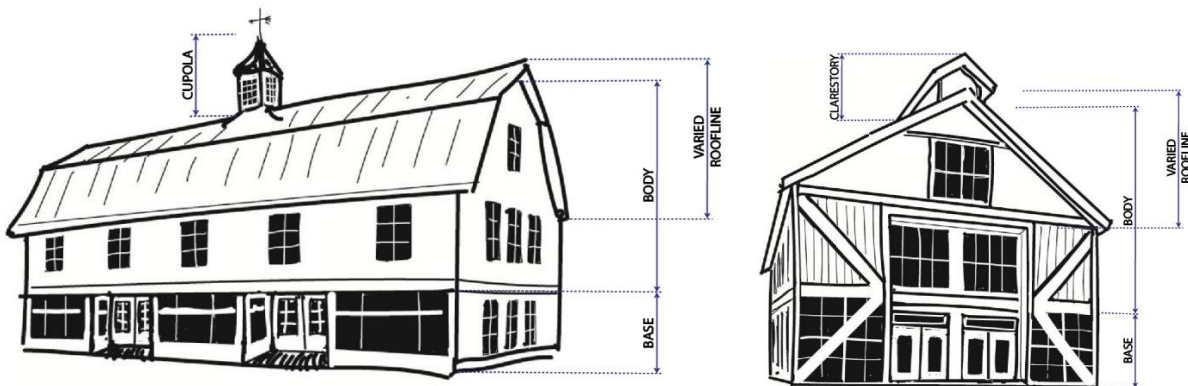
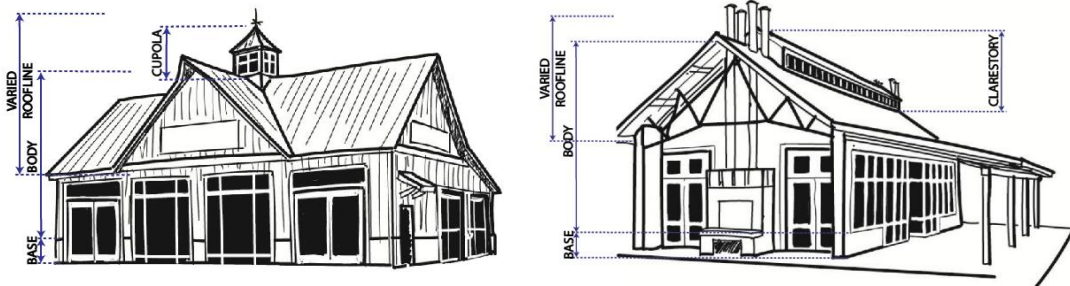
- (e) **Building material.** Building façade walls shall be finished with no less than two diverse types of material. The primary building material shall be wood siding or similar appearing siding. At least one of the building materials used on the building façade shall also be used on all other sides of the building.

a. Brick or stone may be used in place of wood if approved by the Land Use Authority.

b. 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.** At least two muted earth-tone colors are required. In the Eden Area, no more than 70 percent of a building's facade shall be white.

- (g) **Examples.** Examples of generally acceptable architectural features are depicted in the following images. Any conflict between details in the images and regulations in this chapter shall be interpreted in favor of the regulations in the chapter.



Sec 104-22-6.050 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.



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Sec 104-22-7 ~~Street Types And~~ Street Design Standards

Sec 104-22-7.010 ~~Street Types And~~ Right-Of-Way Cross Sections and General Street Design

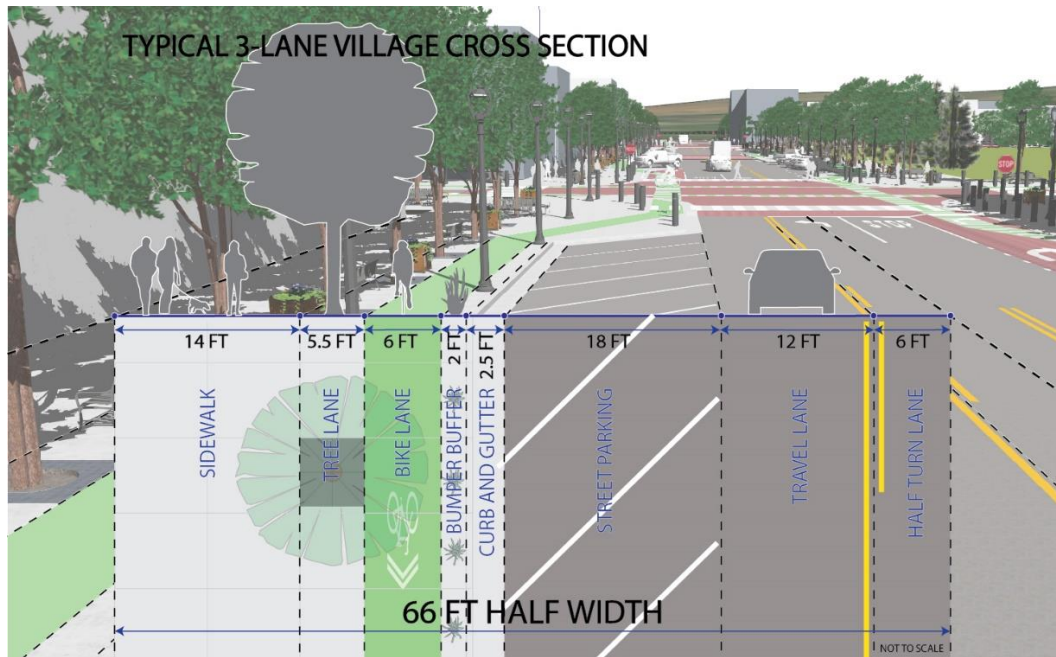
(a) **Right-of-way dedication.** As development occurs on each Lot or Parcel ~~lot or parcel~~, the owner shall dedicate area for public right-of-way with a width as depicted herein or as otherwise adopted, to form a Street-Block ~~block~~ pattern as depicted in the applicable street regulating plan.

(b) **Drawings required.** Each application for development shall provide engineered construction drawings of the street improvements required herein.

(c) **Street 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, Multi-Family Residential street ~~governmental and institutional street, vehicle-oriented commercial street, mixed-use commercial street, and multi-family residential street~~ is as follows:

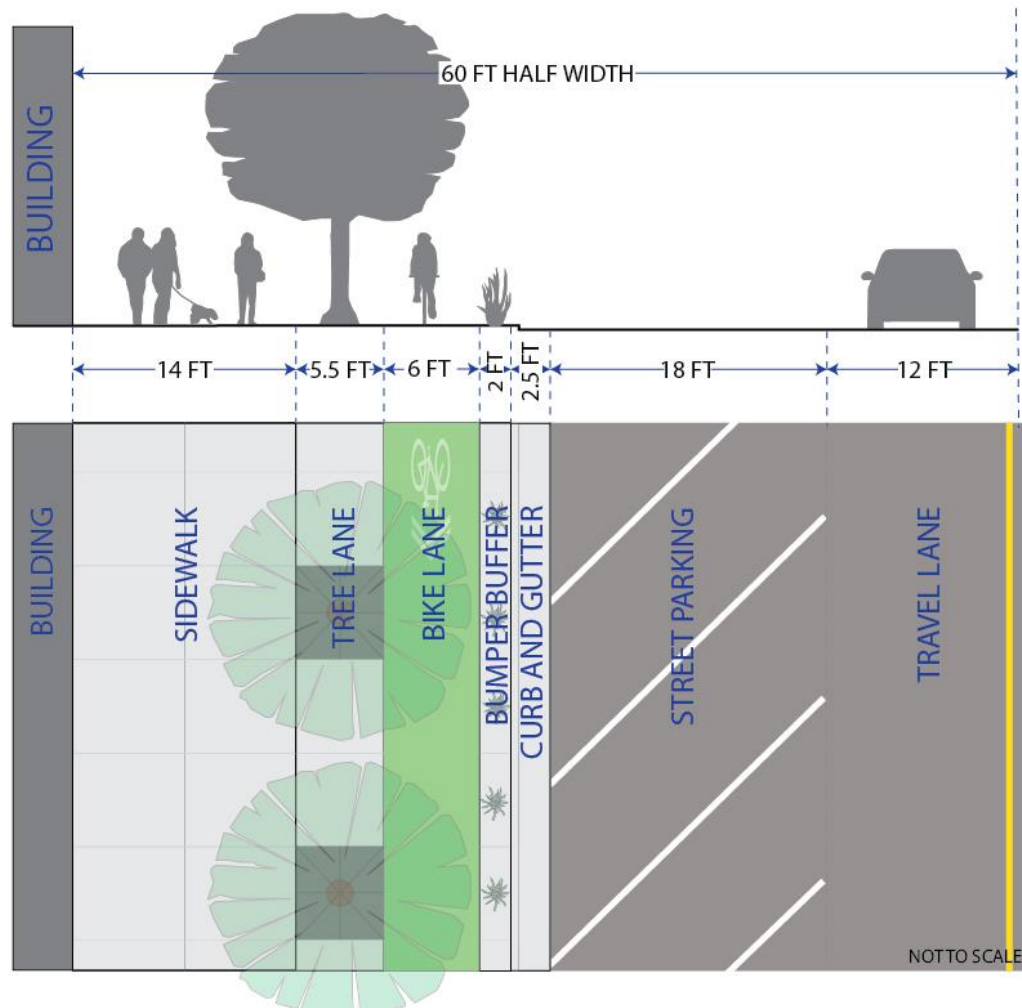
a. **Typical three-lane village cross section.** A three-lane village street is required for all arterial and collector streets, as designated by the applicable general plan or master street plan. The design dimensions shall be as follows:



b.

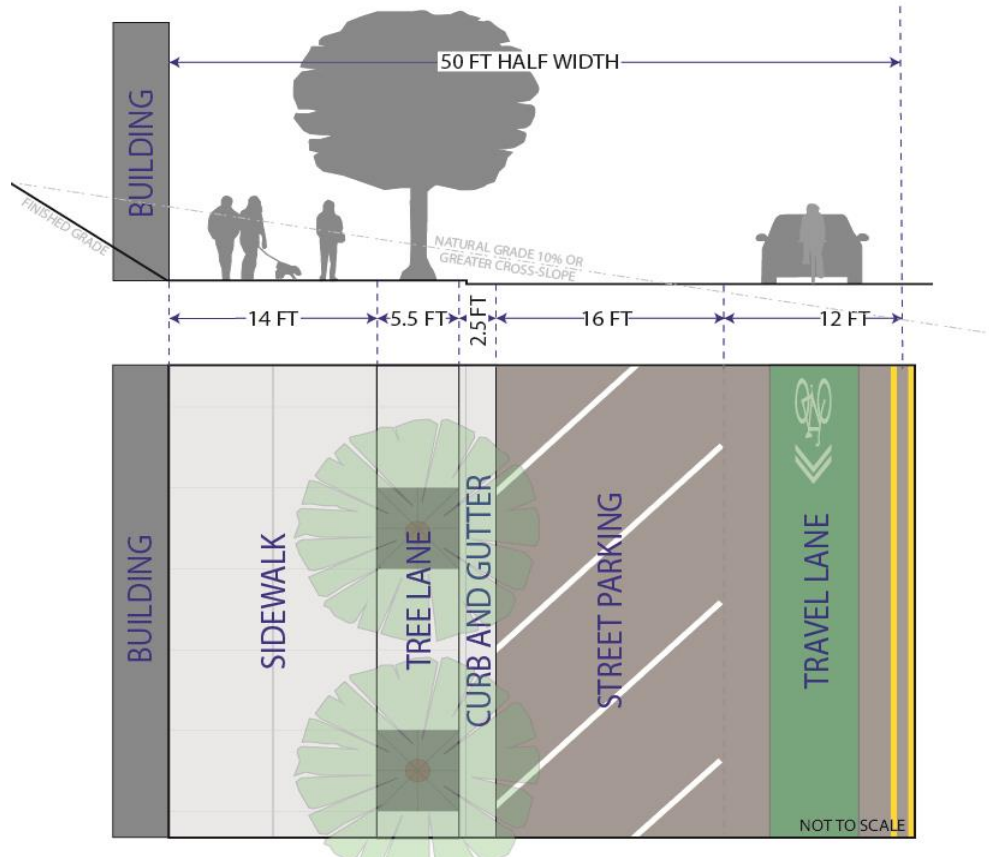
c. **Typical two-lane village cross section.** A two-lane village street is required for other streets. The design dimensions shall be as follows:

TYPICAL 2-LANE VILLAGE CROSS SECTION



- (2) **Commercial street design with challenging cross slopes.** Unless otherwise negotiated by development agreement, the design for a ~~governmental~~ Governmental and ~~institutional~~ Institutional street, ~~vehicle~~ Vehicle-oriented ~~Oriented~~ commercial ~~Commercial~~ street, ~~mixed~~ Mixed-use ~~Use~~ commercial ~~Commercial~~ street and ~~multi~~ Multi-family ~~Family~~ residential ~~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:

VILLAGE CROSS SECTION - WITH CROSS SLOPE



a. ~~12-foot travel lane with a painted shared bike lane.~~

b. ~~16-foot 45 degree angled parking.~~

c. ~~2.5-foot curb and gutter.~~

d. ~~5.5-foot tree lane.~~

e. ~~14-foot sidewalk.~~

- (3) ~~Commercial-Mid-Block a~~**Alleys design.** As development occurs along a Governmental and Institutional street, Vehicle Oriented Commercial street, Mixed Use Commercial street, or Multi-Family Residential street designation, one or more mid-Block Alleys shall be designed and constructed in accordance with the following: ~~that side shall have at least one alley designed and constructed. The design for a governmental and institutional alley, vehicle-oriented commercial alley, mixed-use~~

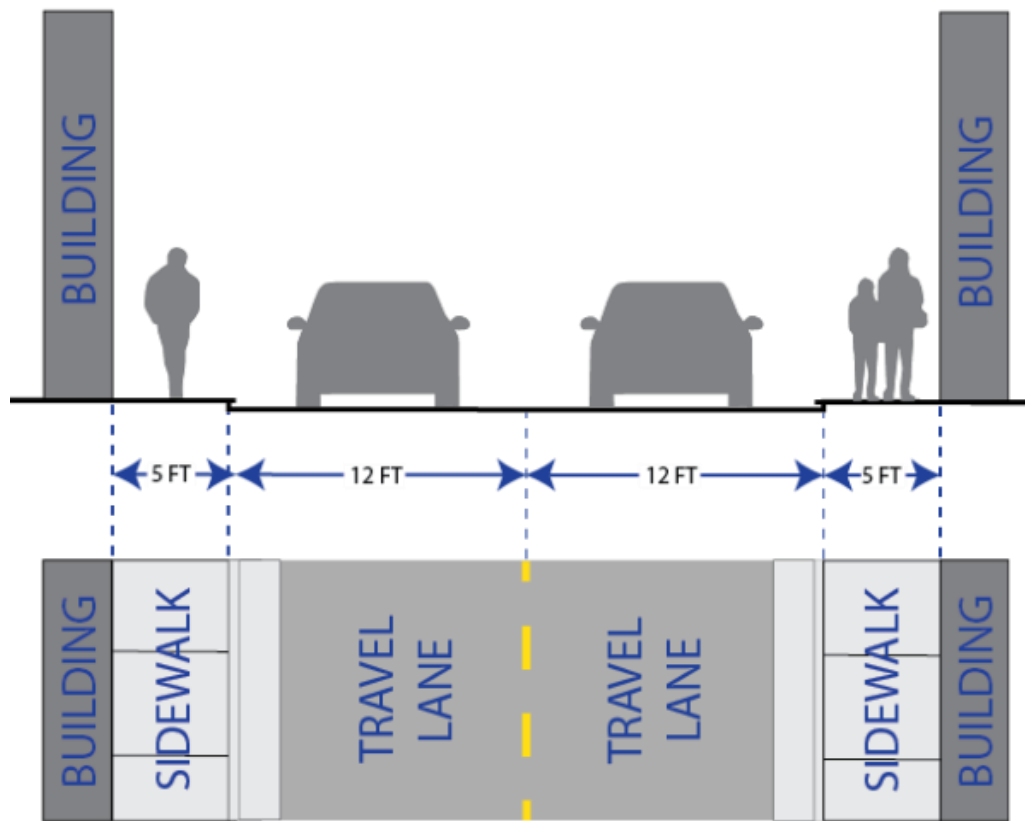
a. The general location of mid-Block Alleys are shown on each street regulating plan as lines with a lighter line weight than the lines that represent streets.

b. A mid-Block Alley shall provide both vehicle and pedestrian access to and through the inside of a Street-Block. Specifically, they shall provide access to shared public parking lots, public or private parking garages, and other uses or buildings that are located in the middle of the Street-Block.

c. When a mid-Block Alley connects through a Street-Block in which the Alley transitions to a residential street, the applicable design and construction standards shall also transition to a typical residential street standard.

d. The Alley shall be dedicated for public use, but the operations and maintenance of it shall be the collective and equitable responsibility of all landowners whose parcels and/or parking areas gain access from it. An association of owners may be created to specify the details of the management thereof.

- e. Snow storage areas abutting an Alley shall be provided in the middle of each Street-Block of sufficient size and configuration to easily accommodate the Alley's snow storage needs, as determined by the County Engineer.
- a.f. Regardless of an Alley's configuration displayed on the street regulating plan map, a mid-Block Alley shall be located at a distance that is no greater than 330 feet and no less than 200 feet from a street intersection or other mid-Block Alley intersection.
- b.g. The mid-Block Alley's access to the street shall align with an existing or planned mid-Block Alley on the opposite side of the street. If there is no existing or planned mid-Block Alley on the opposite of the street, then the subject mid-Block Alley's access to the street shall be located in a manner that provides reasonable opportunity for the creation of a future mid-Block Alley on the opposite of the street.
- e.h. The width of the mid-Block ~~commercial alley, and multi-family residential alley~~ Alley shall, at a minimum, be designed is as follows:



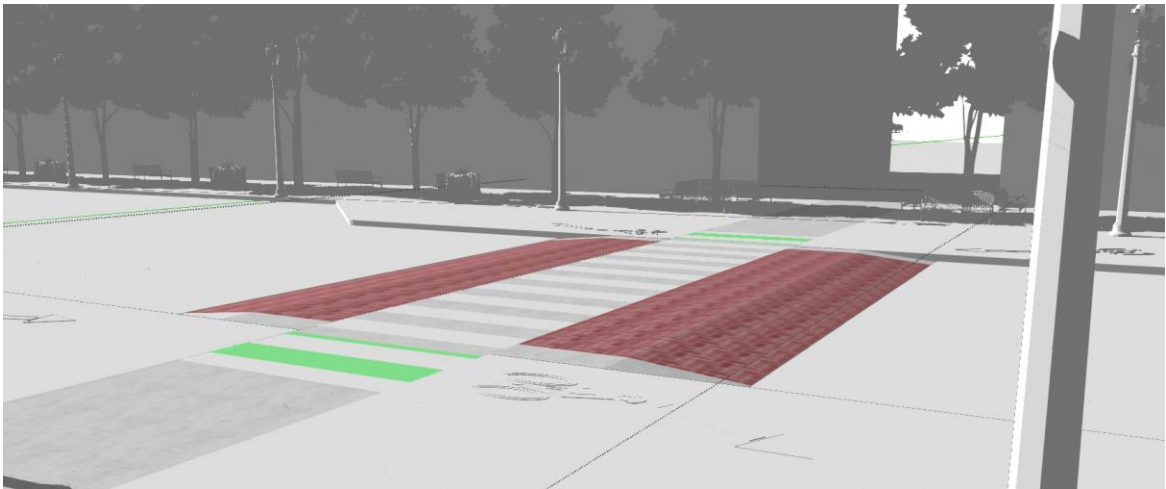
- (4) **Residential street design.** The design for all non-multi-family residential streets is as follows:
See [provided in](#) Section 106-4-5.

Sec 104-22-7.020 Specific Street Design Standards

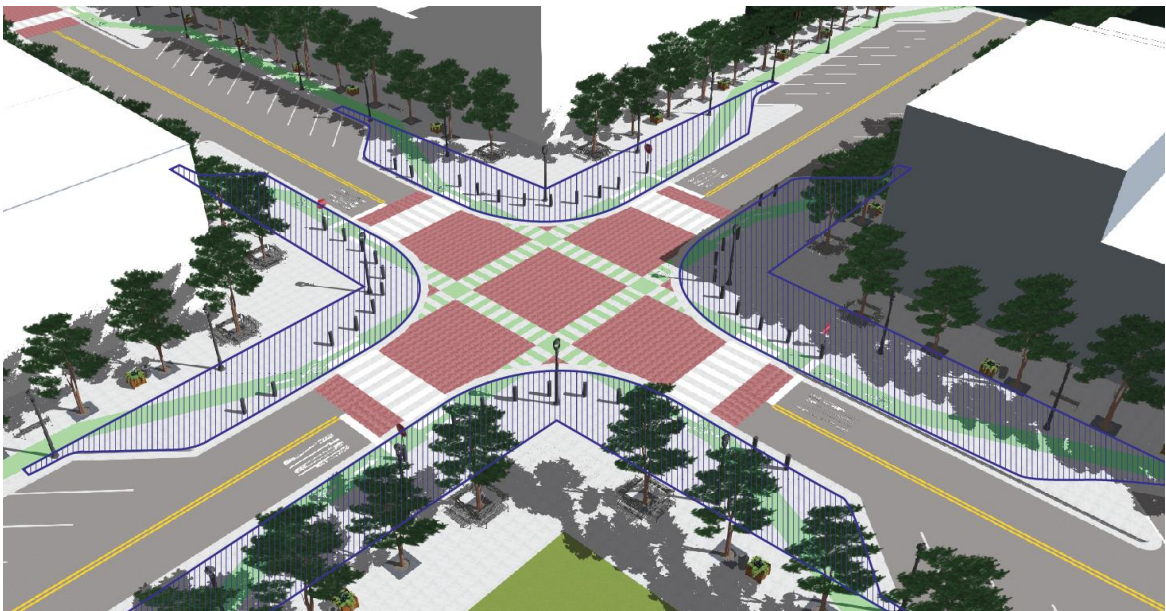
For all Governmental and Institutional, Vehicle Oriented Commercial, Mixed Use Commercial, or Multi-Family Residential ~~mixed-use commercial, vehicle-oriented commercial, multi-family residential, and governmental/institutional street~~ street types, the following provisions shall apply. ~~Other~~ The following standards do not apply to non-multi-family residential streets unless explicitly stated herein. Otherwise, non-multi-family residential 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. [An example of a raised crosswalk is illustrated as follows:](#)

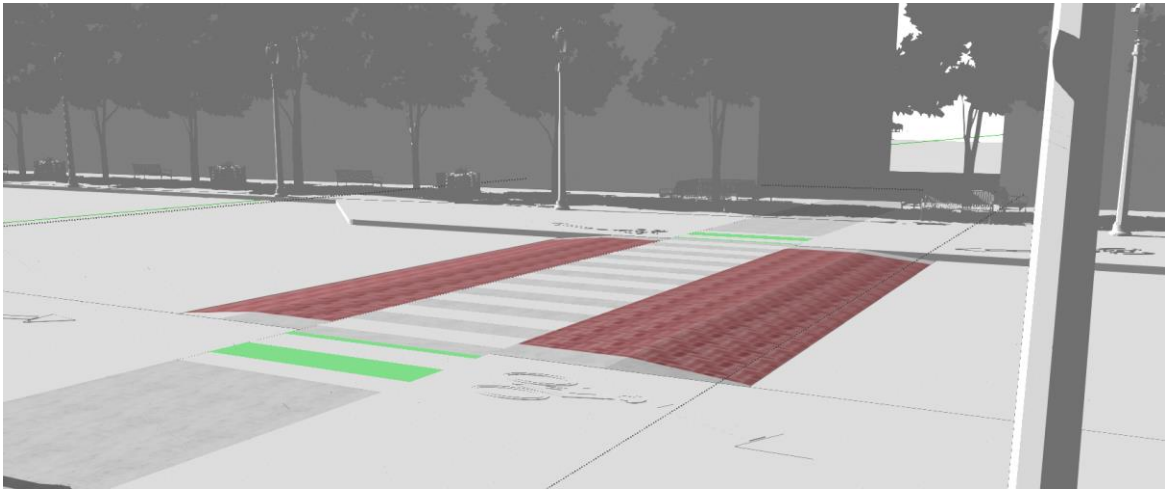


- (2) **Curb extension bulb-outs.** In order to provide traffic calming and pedestrian safety, street improvements at intersections, pedestrian crossings, and ~~mid-Block~~ [mid-block](#) ~~Alley~~ [alleys](#), if different, shall be constructed with curb extensions that bulb out directly adjacent to 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 [or other permanent features](#) 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~~ [An example of curb extension bulb-outs is illustrated as follows:](#)

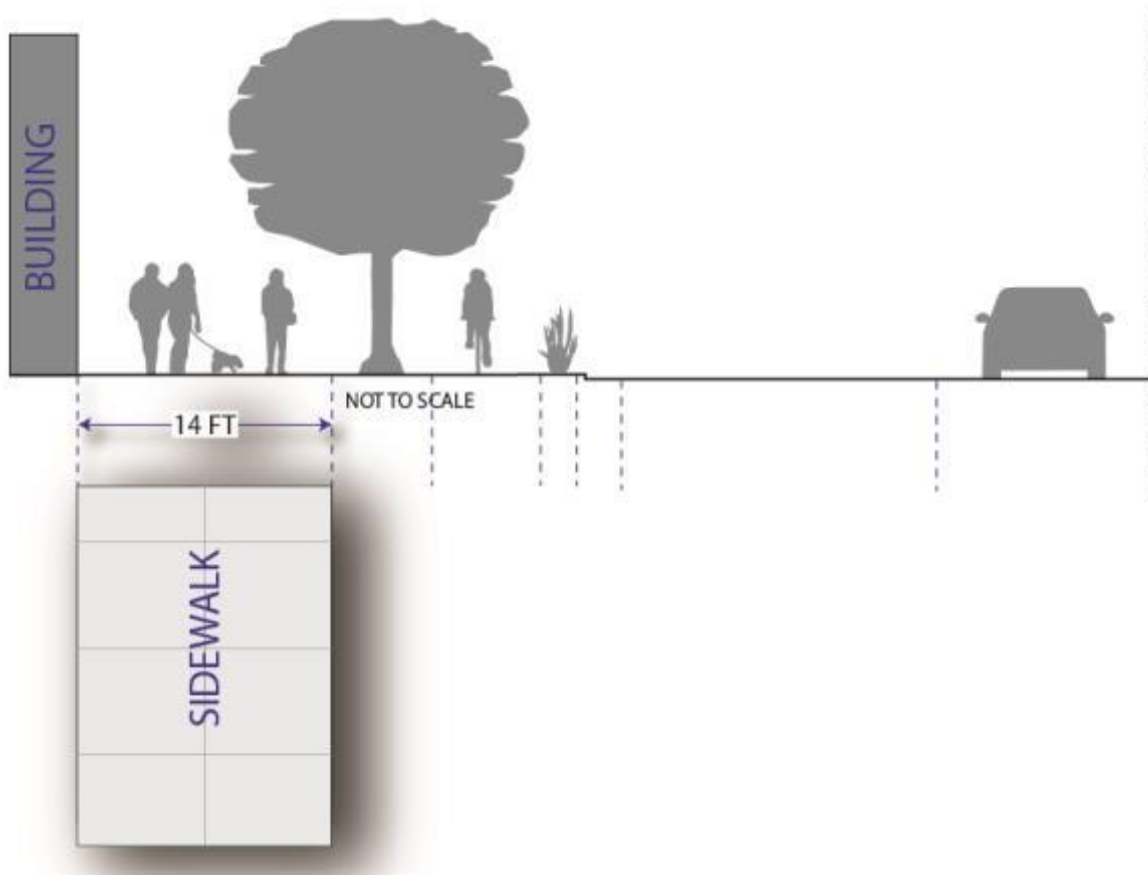


- (3) **Crosswalk contrast.** For enhanced noticeability, in addition to white retroreflective striping, crosswalks shall be constructed of stamped and colored concrete to provide clear contrast between the street and crosswalk.
- (4) **Mid-~~red~~ Block crosswalk.** A [Street-Block](#) ~~block~~ that 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](#) ~~mid-~~

~~block~~ crosswalk. Solar powered user-activated rapid flashing beacons shall be installed on mid-Block~~mid-block~~ crosswalk signage unless jurisdictionally controlled power is in the right-of-way at the location.



- (b) **Sidewalk required.** As part of the required street improvements within the FB Zone, a sidewalk shall be installed in the designated sidewalk area, as depicted in Section 104-22-7.010 and as illustrated as follows, on the side of the street of the development and for the entire length of the development ~~lot's~~ street frontage or width.



- (1) **Paved pathway alternative.** A 10-foot wide paved pathway may be installed in lieu of the required sidewalk along any street ~~designated as residential except the multi-family residential street~~ that is very unlikely to have an adjacent building with first-floor street-level commercial space. The pathway

[shall be designed as provided in Section 104-22-7.030.](#)

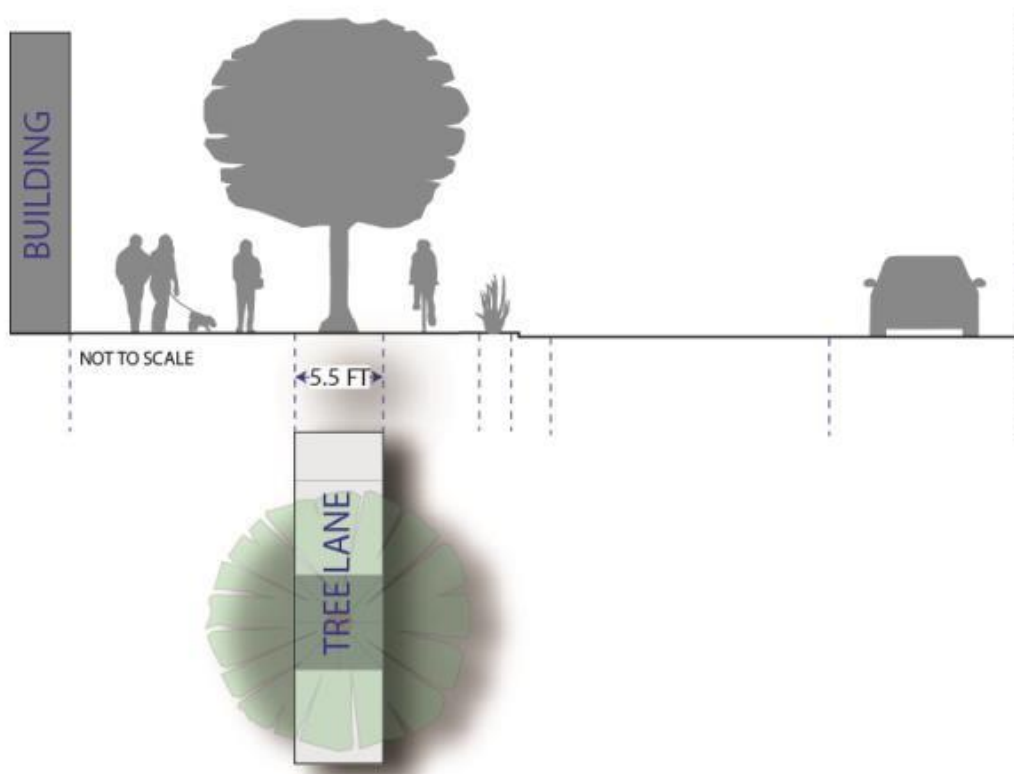
- (2) **Covered boardwalk alternative.** The County Commission may, but is not obligated to, approve the encroachment of a covered boardwalk, or similar, by legislative approval of an encroachment and maintenance contract. The adjoining landowners shall bear full responsibility for the operations and maintenance of the boardwalk. The covered boardwalk shall comply with the overhead projections standards of this chapter.



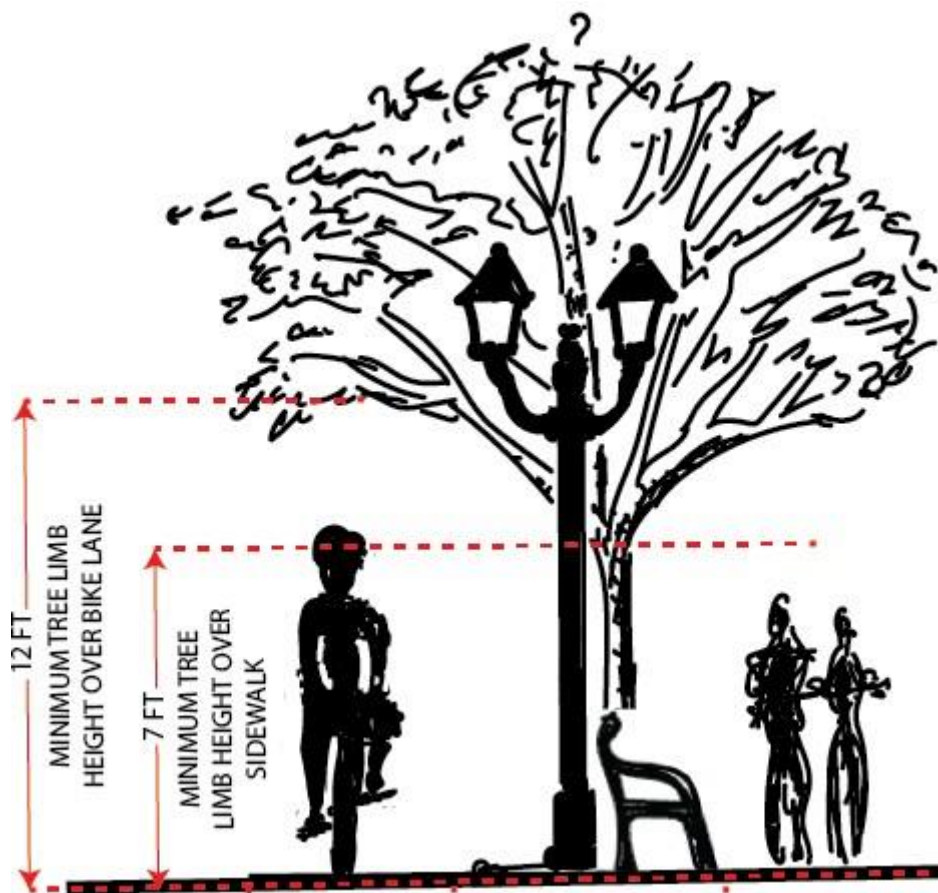
- (c) **Street trees required.** As part of the required street improvements within this zone, street trees shall be installed in the designated tree lane, as depicted in Section 104-22-7.1, on the same side of the street as the development and for the entire length of the development [Lot's](#) street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

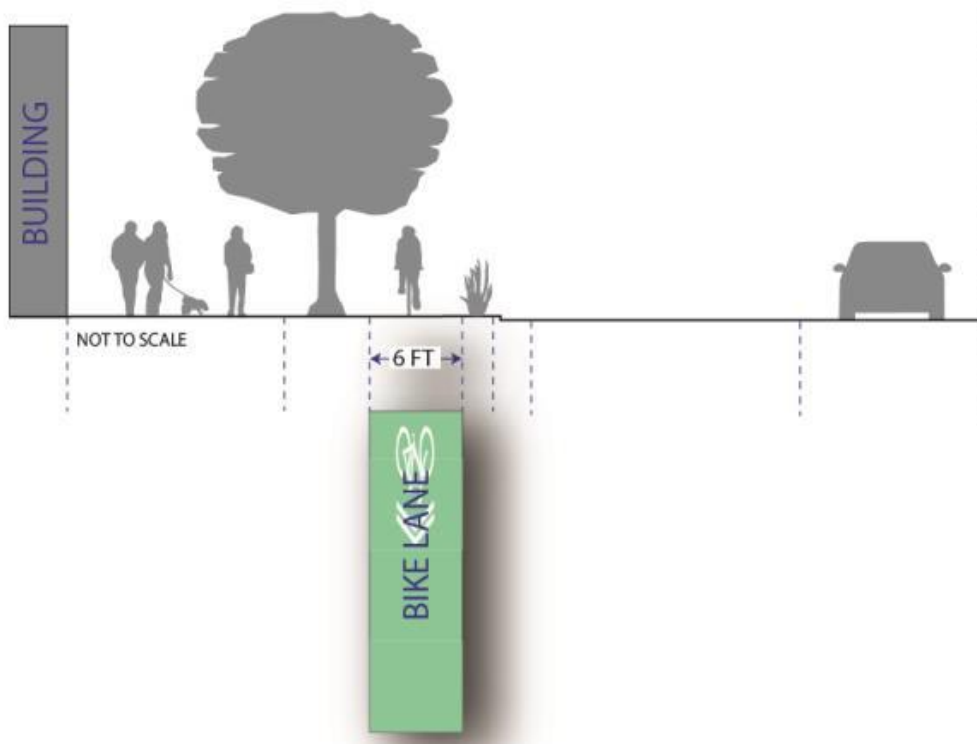


- (2) **Tree maintenance.** Unless an association, district, or other collective funding and maintenance entity is approved by the County to provide tree maintenance, a street tree shall be maintained by the owner or proprietor of the property that is immediately adjacent to the street right-of-way where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

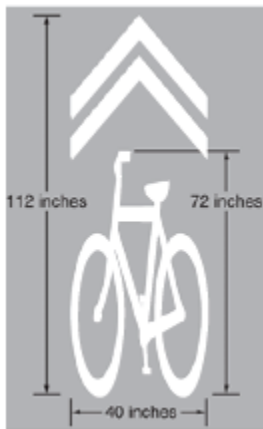


(d) **Bike facilities required.**

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

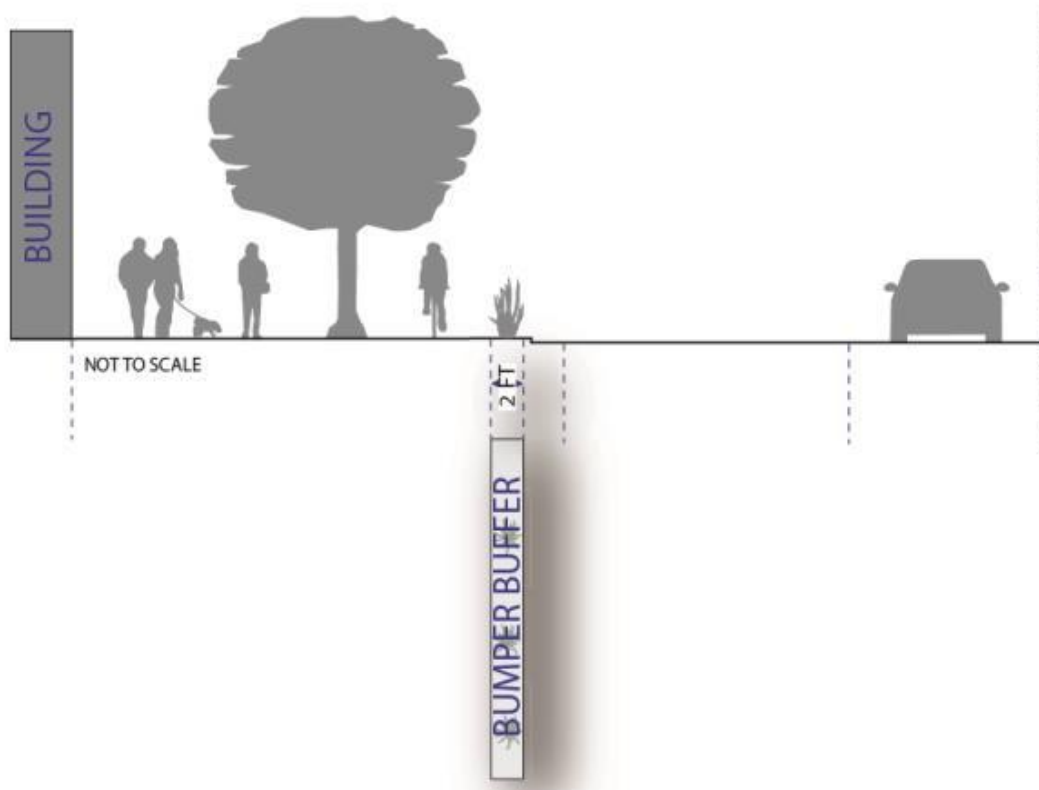


- (2) **Bike lane alternative.** When topography results in the inability to safely create sufficient street right-of-way width, the County Engineer has discretion to allow a bike lane to occupy the street's vehicle travel lane. In these cases, a five-foot wide retroreflective green bike lane shall be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

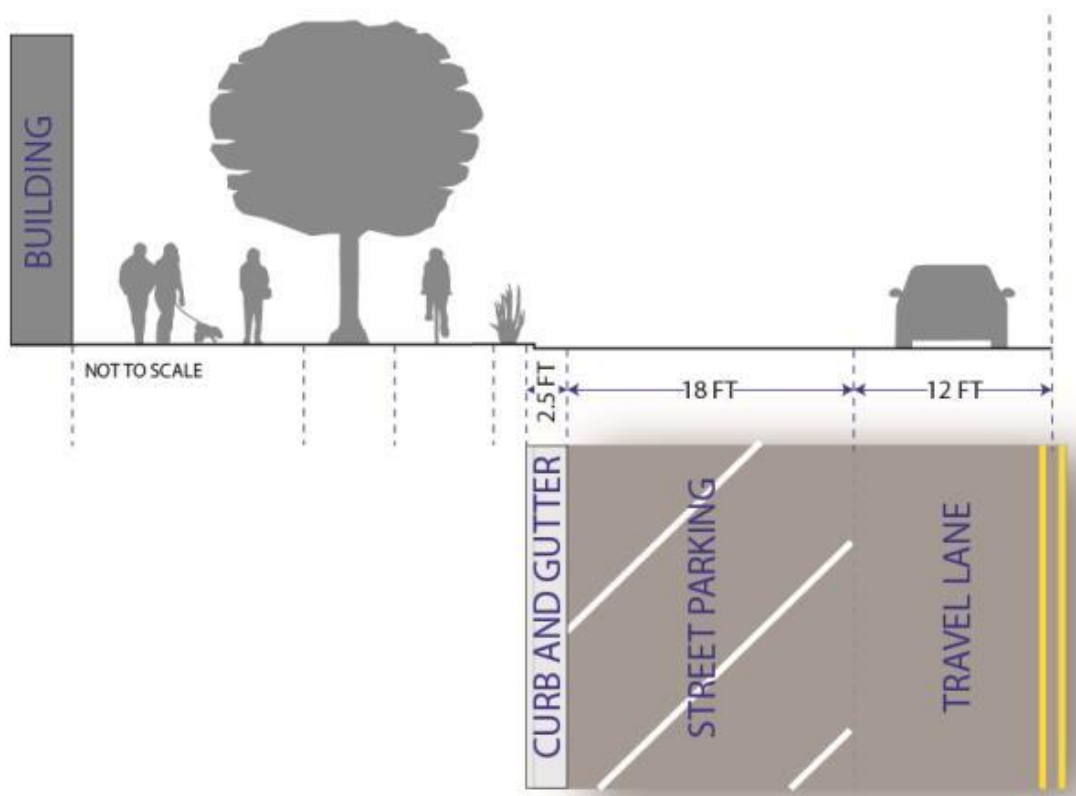


(e) **Street parking required.**

- (1) **45-degree angle parking.** Each street shall be designed and constructed to provide 45- degree angled parking.
- (2) **Street parking alternative.** When topography results in the inability to safely create sufficient street width, the County Engineer has discretion to allow a parallel street-parking design instead.
- (3) **Parking bumper buffer.** A three-foot parking buffer shall be provided between the bikelane and the curb for vehicle bumper overhang. Vegetation may be in this buffer.



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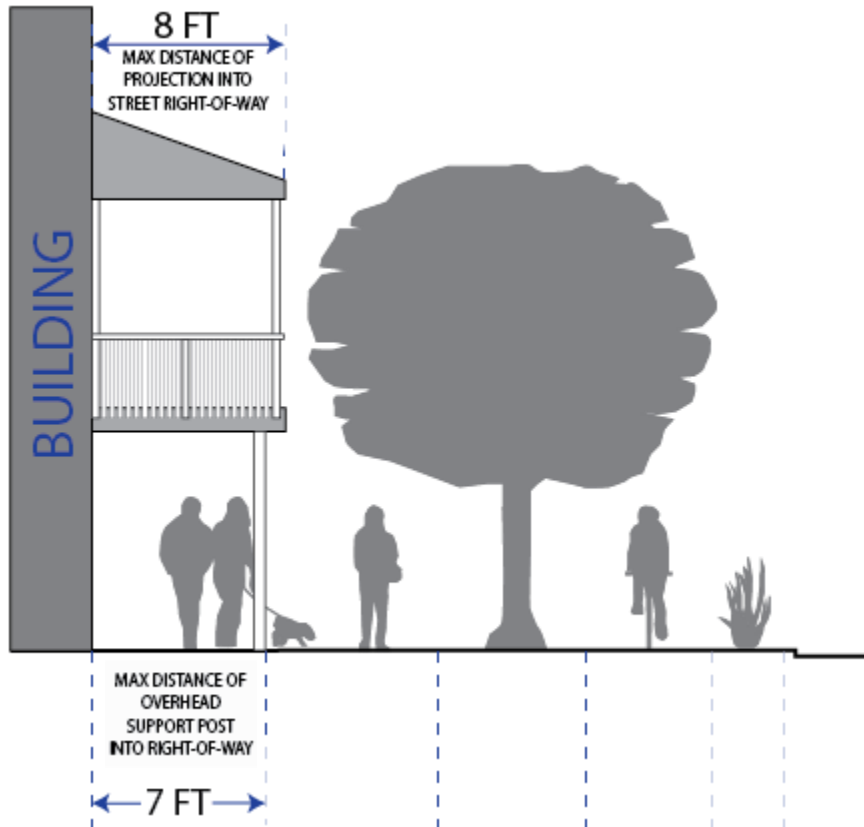
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- (f) **Curb, gutter, and drainage facilities.** Curb, gutter, and drainage facilities shall be installed along each street and internal [Alley](#) in accordance with the County's standard curb and gutter cross sections

and in a manner that accommodates the street designs herein.

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

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



- (2) **Amenities and furniture.** Non-permanent street amenities such as street furniture for outside dining, benches, bike racks, planters, and street sales and displays are permitted between street trees and along sidewalks as long as they do not cause any hazard to the use of the bike lane; and they are located in a manner that leaves a continuous seven-foot wide pedestrian walkway.
- (3) **Street Lighting.** Street lighting shall be installed as part of the required street improvements within this zone. Street lighting shall complement the architectural design theme of the area.
- (4) **Overhead utilities.** All new development shall move all existing overhead utilities underground, and install all new utilities underground as well.

- (h) **Round-a-bout.** A round circle along any street intersection on the street regulation plan indicates a planned round-a-bout. As development occurs, street right-of-way shall be dedicated to the County to accommodate at least a 110-foot diameter round-a-bout. Round-a-bout improvements shall be installed when required by the County Engineer. Otherwise, all improvements installed shall be installed in a manner that does not create an undue burden on the construction of a future round-a-bout.

Sec 104-22-7.030 Pathway Location and Design Standards

(a) **Pathways and sidewalks, generally.**

(1) Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-motorized modes of transportation.

(2) Pathways shall connect using the shortest distance reasonably possible.

(3) Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks in the general area, and for future planned pathways, as shown on an adopted pathway plan, general plan, master trails plan, or other applicable adopted planning document.

~~(3)~~(4) Except for development along a Rural Residential or Estate Lot Residential street, each development shall be configured so that the maximum pathway or sidewalk walking-distance between a pathway or sidewalk intersection is 400 feet.

a. This distance may be increased for a segment of a pathway that travels through a permanently preserved open space area or an area very unlikely to ever develop.

b. A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another pathway, sidewalk, or street that has pedestrian facilities.

(5) A pathway or sidewalk stubbed from an adjacent property shall be connected to a pathway or sidewalk within the subdivision.

(6) Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a stub to the subdivision boundary.

(7) Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating convenient and efficient access to nearby parcels that are likely to eventually be developed.

(b) **Street-adjacent pathway.** Along each arterial, collector, and major neighborhood street, as provided in an adopted general plan, master streets plan, or similar adopted document, a 10-foot wide hard-surfaced pathway shall be installed.

(1) When determining which side of the street the pathway is required, preference shall be given to the side of the street that has optimal sun exposure during winter months.

(2) The Planning Director may require a pathway be located on the other side of the street to support pathway connectivity based on other factors such as existing or planned future pathways in the vicinity and potential pedestrian conflicts.

(3) The pathway shall be located within the street right-of-way unless expressly authorized otherwise by the County Engineer. If not located within the street right-of-way, a pathway easement is required.

(4) Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of at least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with the top of asphalt travel surface. The pathway shall be constructed of three inches of asphalt on eight inches of base-course. Greater thickness may be required where it intersects a vehicle-way.

(5) Example: *Street-Adjacent Pathway*



- (c) **Non-street-adjacent pathway.** Where generally depicted on a map or in the text of an applicable street regulating plan, general plan, master streets plan, or when otherwise required herein or in a development agreement, a 10-foot wide hard-surfaced pathway shall be installed through the development.
- (1) Where a pathway runs between buildings or fenced Lots, a minimum 30-foot pathway public right-of-way is required. The pathway shall run down the center of the 30-foot right-of-way.
 - (2) The pathway right-of-way may be reduced to 15 feet if both of the adjoining Lots or parcels are or will be single-family residential, and are deed-restricted to:
 - a. Only allow a solid fence that is no greater than four-feet; or
 - b. Only allow a fence that is 30 percent open with the openings evenly distributed.
 - (3) The adjoining land owners are responsible for the maintenance and upkeep of vegetation and waste on the half of the pathway right-of-way that is adjacent to their Lot or Parcel.
 - (4) Example: Non-Street-Adjacent Pathway




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Sec 104-22-8 Street Regulating Plans





(a) 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~~ ~~mid-block~~ ~~Alley~~ ~~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~~ A street's placement shall be within 200 feet of the location depicted on these maps. A ~~mid-Block~~ ~~Alley~~, denoted on the maps with thinner line types intersecting with Governmental/Institutional, Vehicle Oriented Commercial, Mixed Use Commercial, and Multi-Family Residential streets, shall be provided as specified in Section 104-22-7.010. A land owner proposing development in an area that a street or ~~Alley~~ ~~alley~~ is planned shall be responsible for dedicating the land and constructing the street or ~~Alley~~ ~~alley~~ improvements.

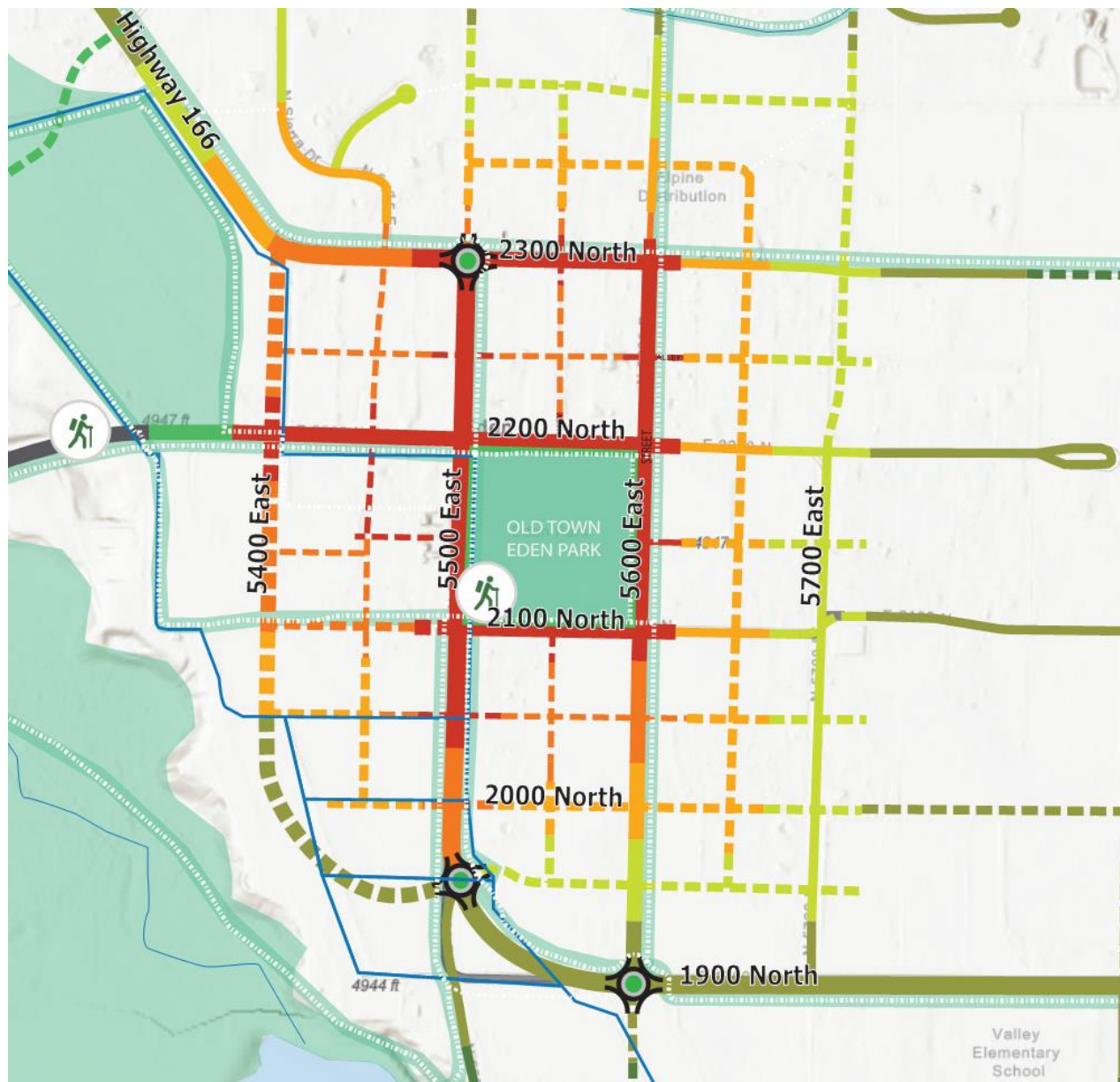
(b) The legend for each street regulating plan is as follows:

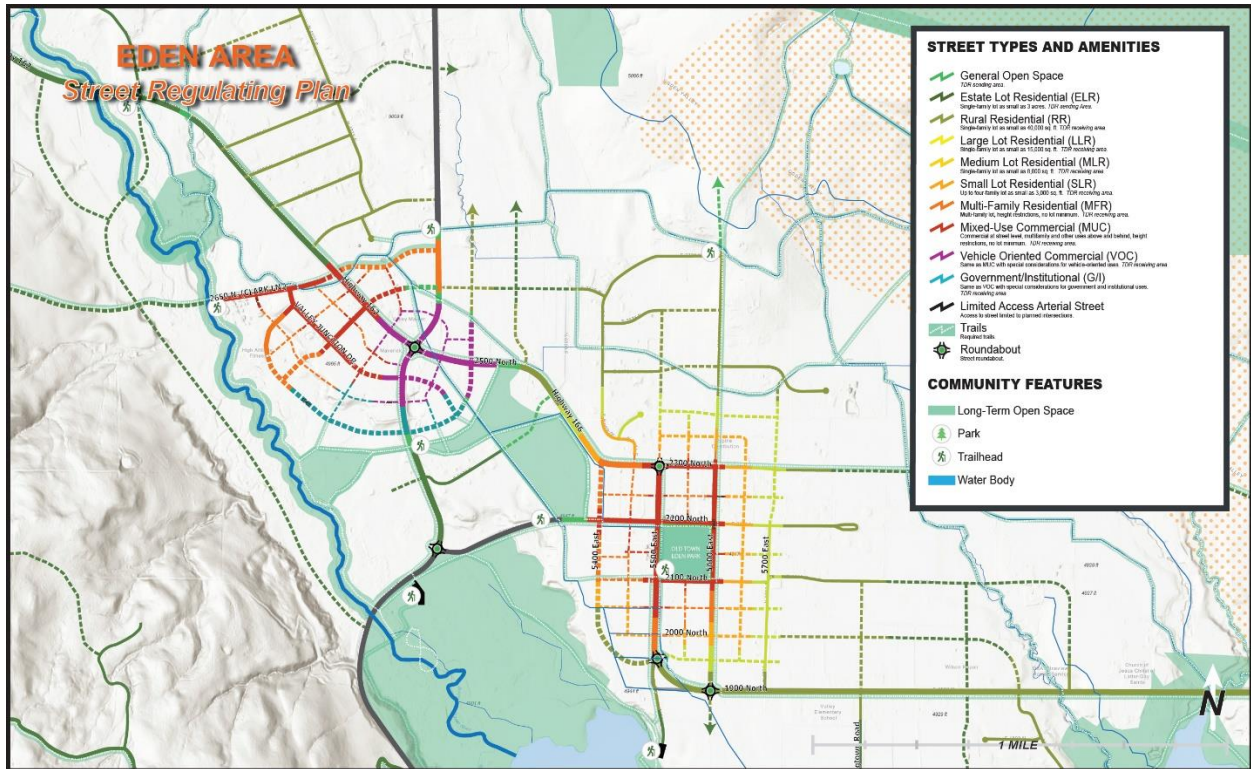
STREET TYPES AND AMENITIES

-  **General Open Space**
TDR sending.
-  **Estate Lot Residential (ELR)**
Single-family lot as small as 3 acres. *TDR sending.*
-  **Rural Residential (RR)**
Single-family lot as small as 40,000 sq. ft. *TDR sending in WWPA and receiving in OVPA.*
-  **Large Lot Residential (LLR)**
Single-family lot as small as 20,000 sq. ft. *TDR receiving.*
-  **Medium-Large Lot Residential (MLLR)**
Single-family lot as small as 12,500 sq. ft. *TDR receiving.*
-  **Medium Lot Residential (MLR)**
Single-family lot as small as 8,000 sq. ft. *TDR receiving.*
-  **Small Lot Residential (SLR)**
Up to four-family lot as small as 3,000 sq. ft. *TDR receiving.*
-  **Multi-Family Residential (MFR)**
Multi-family lot, height restrictions, no lot minimum. *TDR receiving.*
-  **Mixed-Use Commercial (MUC)**
Commercial at street level, multifamily and other uses above and behind, height restrictions, no lot minimum. *TDR receiving.*
-  **Vehicle Oriented Commercial (VOC)**
Same as MUC with special considerations for vehicle-oriented uses. *TDR receiving.*
-  **Government/Institutional (G/I)**
Same as VOC with special considerations for government and institutional uses. *TDR receiving.*
-  **Limited Access Arterial or Collector Street**
Access to street generally restricted to planned intersections.
-  **Trails**
Required trails.
-  **Roundabout**
Street roundabout.

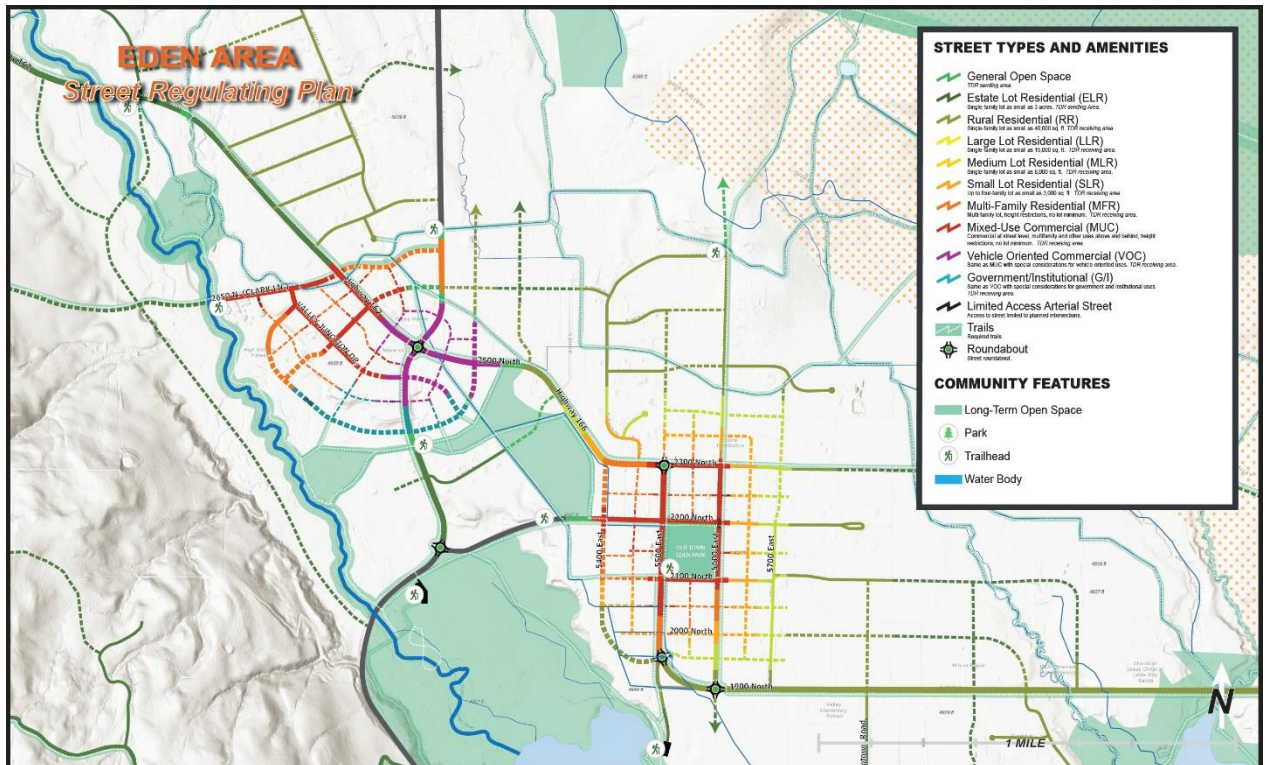
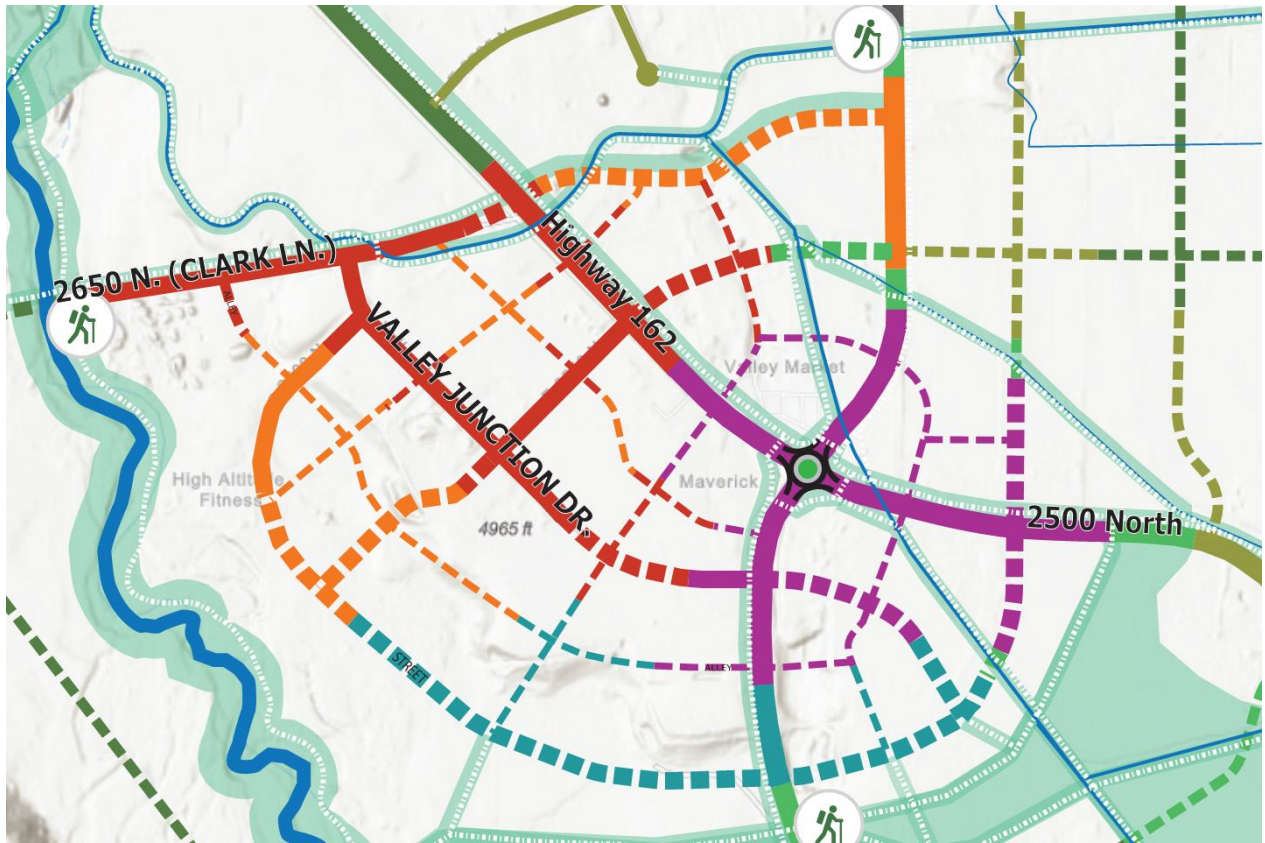
COMMUNITY FEATURES

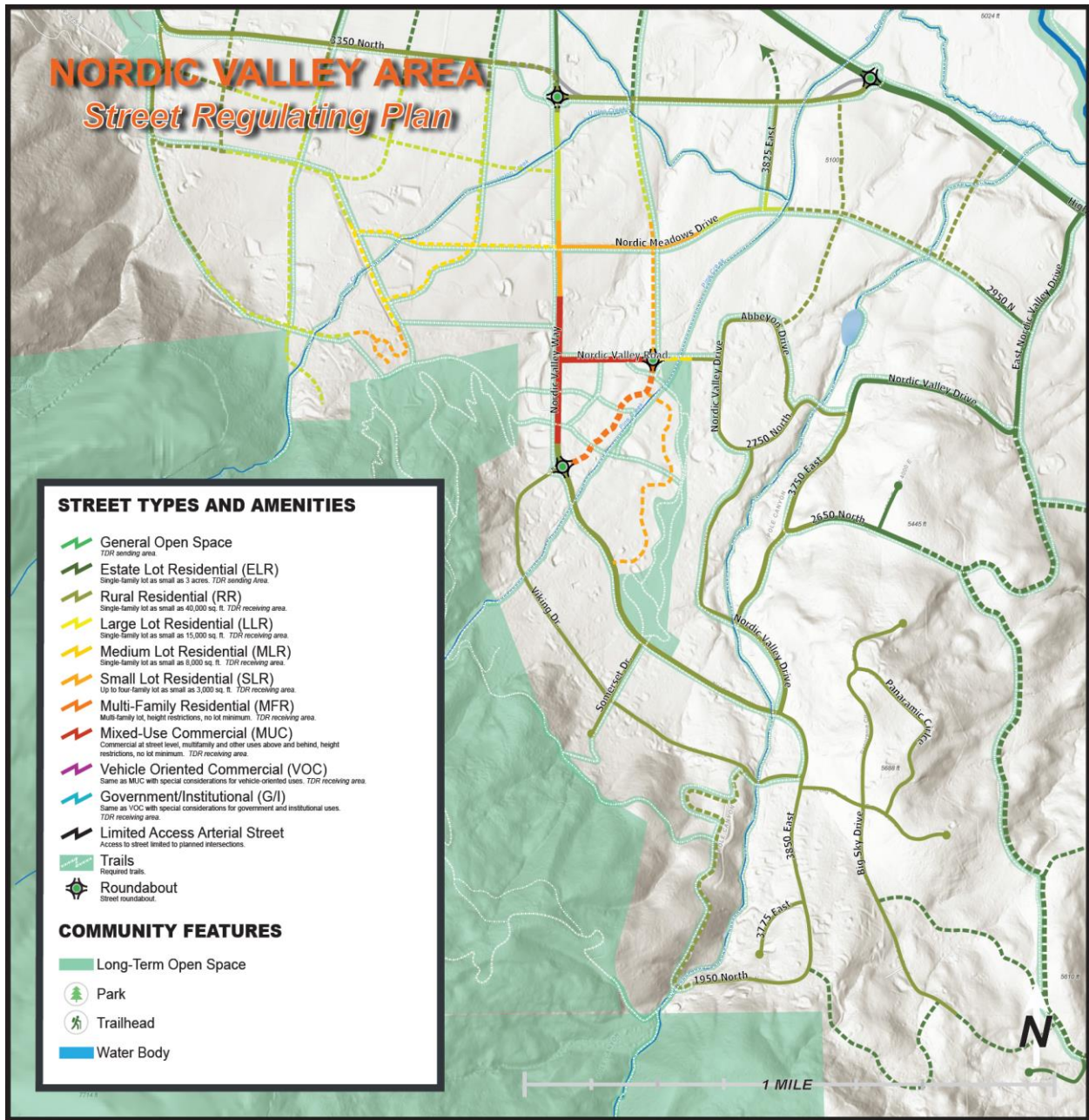
-  **Long-Term Open Space**
-  **Park**
-  **Trailhead**
-  **Water Body**





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(1) **Internal Street-Block shared public parking.** Each business or use that will have patrons, customers, clients, or similar, shall provide an off-street public parking lot or garage.

b. Each public parking area located within the Street-Block 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 adjoining 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. Cross access and cross access easements are required pursuant to Subsection (h) of this section.

(3) **Internal Street-Block private parking.** Nothing in this subsection (a) shall be construed to

prohibit a landowner from creating a private parking lot or garage as long as the shared public parking requirements, obligations, and opportunities specified herein are satisfied.

(b) **Employee and residential parking.** On-street parking shall not be included toward minimum parking needed for employees or for any residential use. Employee parking and the minimum required residential parking shall be located off-street within the same Street-Block as the use.

(a)(c) **Parking lot surface.** 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 Lot's street frontage shall not be counted in determining that sufficient parking has been provided.~~

(b)(d) **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.

(e)(e) **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.

~~Residential parking. The minimum required parking for a residential use shall be located off-street within the same block as the residential use.~~

(d)(f) **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.

(e)(g) **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~~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.

(f)(h) **Cross-access and cross-access easement.** For all ~~parcels or lots~~Lots or Parcels along a Governmental and Institutional street, Vehicle Oriented Commercial street, Mixed Use Commercial street, Multi-Family Residential street~~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~~mid-block alley, where shown on a street regulating plan,~~ or other Alley or shared driveway as may be deemed necessary by the ~~L~~and use Use authority~~Authority~~. ~~When If not in conflict with mid-Block Alley requirements herein, when~~ no new ~~alley~~Alley access is deemed necessary because an alleyAlley access or street access is already provided to the Lot or Parcel~~lot or parcel~~ through another Lot or Parcel~~lot or parcel~~, then a cross-access easement shall be provided along adjoining lot lines, as follows:

a. A cross access easement shall provide an easement to all landowners in the Street-Block ~~block~~ that develop along a Governmental and Institutional street, Vehicle Oriented Commercial street, Mixed Use Commercial street, Multi-Family Residential street~~governmental or institutional, vehicle-oriented commercial, mixed-use commercial, or multi-family residential street~~ that is framing the Street-Block~~block~~. The easement shall allow ingress and egress to these other ~~lots~~Lots or ~~P~~arcels, including ingress and egress infrastructure.

b. At a minimum, each developed Lot or Parcel~~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 private parking area is allowed to only provide a single access as long as it does not block the accessibility to other areas within the Street-Block~~block~~ that are or could be used for public parking.

~~c. 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~~Lot(s) ~~or parcel~~Parcel(s) ~~in a manner that allows the adjoining Lot or Parcel~~lot or parcel owner to extend that public parking area

~~seamlessly into their parcel.~~

~~d.c.~~ 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.

~~e.d.~~ The Planning Director may require the cross-access to be located in a manner that optimizes ~~internal block~~ traffic circulation within the Street-Block.

~~f.e.~~ 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~~lot or parcel~~, or a completion bond may substitute for completion if allowed by the County Engineer.

~~g.f.~~ When a Lot or Parcel~~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.

~~h.g.~~ If property owners fail to operate or maintain cross-access infrastructure that was required by the County under this section, the County may pursue enforcement measures as provided in this Land Use Code.

Sec 104-22-10 Signage

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

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

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

~~(a) For a lot or parcel rezoned to the Form-Based Zone from a zone that allows residential dwelling units, the base density, as defined in Title 101, Chapter 2, shall be the same as the density that was allowed in the prior zone. This shall be documented by recording a covenant to the lot or parcel that provides a calculation of the base density. The covenant shall run with land, and be between the owner and the County.~~

~~(b) Additional residential dwelling units are permitted on any lot that has street frontage on, or gains primary access from, any street type in the street regulating plan except an Estate Lot Residential street and a general open space street. However, no additional density is allowed unless the landowner has successfully negotiated the reallocation of an equal number of dwelling unit rights from another lot or parcel that has an available dwelling unit right, as determined by the lot or parcel's base density and adjusted for any previous dwelling unit right reduction or addition. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units already developed on the lot or parcel; the number of dwelling unit rights subtracted from, or added to, the base density by any means; and the number of dwelling unit rights remaining for the lot or parcel.~~

~~(c) Residential dwelling unit rights may be transferred to a lot or parcel in a FB Zone from any lot or parcel in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FB.~~

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

(a) **Transferable development rights, generally.** To increase or decrease Residential Development Rights on a Lot or Parcel in the FB Zone, the following apply:

(1) **Transferred density.**

a. **Rights to be transferred, location.** Additional Residential Development Rights are permitted to be transferred to any Lot or Parcel in the Form-Based zone, also known as the receiving property, that has street frontage on, or gains primary access from, any street type in the street regulating plan except an Estate Lot Residential street, a General Open Space street, and, in the Western Weber Planning Area, a Rural Residential street. In addition, no additional Residential Development Rights shall be transferred to a Lot or Parcel designated as open space on the street regulating plan.

b. **No right exists until transfer is complete.** No additional Residential Development Right exists on the a receiving property until after the landowner has successfully completed the transfer of an equal number of Residential Development Rights from another Lot or Parcel that has the available number of Residential Development Rights being pursued.

c. **Rights available for transfer.** A Residential Development Right is deemed available for transfer from a sending Lot or Parcel if the sending Lot or Parcel's Base Density calculation, together with adjustments for any previous Residential Development Right reduction or addition, demonstrates that the Residential Development Right could be developed on the lot or parcel in a manner that complies with the provisions of this Land Use Code. A Residential Development Right reduction or addition is any of the following:

i. Use of the Residential Development Right for construction of a residential unit onsite.

ii. Transfer of a Residential Development Right to another Lot or Parcel.

iii. Receipt of a Residential Development Right from another Lot or Parcel.

iv. Restriction of the construction, development, or subdivision of or on the Lot or Parcel for residential purposes as provided in County laws not otherwise in this Land Use Code, State or Federal laws, regulations, or restrictions; private contracts, covenants, or restrictions; conservation or preservation easements or agreements, or any other lawful development restriction or prohibition that clearly and specifically makes the Residential Development Right unbuildable on the Lot or Parcel. This shall include any lawful development restriction or prohibition applied to the property on or before January 1, 2022, regardless of whether that restriction exists at present.

d. **Completing a transfer.** The reallocation shall be completed by recording a Notice of Transfer Document to each affected Lot or Parcel.

i. Each Notice of Transfer Document shall run with the land.

ii. Each Notice of Transfer Document shall document the applicable Lot or Parcel's estimated initial density; the number of Dwelling Units already developed on the Lot or Parcel; the number of Residential Development Rights subtracted from, or added to, the initial density by any other means; and the number of Residential Development Rights remaining for the Lot or Parcel.

(2) **County review of transfer.** A landowner may submit a request for approval of a transfer of Residential Development Rights at any time. Planning Division Staff shall review each request for compliance with applicable regulations. If the transfer is merited by this ordinance, Planning Staff shall prepare a Notice of Transfer Document for each affect Lot or Parcel in a form as approved by the County Attorney's Office.

a. A transfer is not complete until a notice of transfer has been signed by each affected landowner of record for each affected Lot or Parcel, the reviewing staff, and the Planning Division Director, and then recorded to each affected Lot or Parcel in the Office of the County Recorder.

b. Approval of a Subdivision's preliminary plat or a Design Review that is based on the receipt of transferred Residential Development Rights is conditioned, by reference herein, on the applicable transfers being completed. Approval is void if the transfer is not completed.

c. No final plat application shall be approved or recorded and no building permit shall be submitted or approved until after the transfer(s) are complete.

(3) **Banking of Residential Development Rights.** A Lot or Parcel within the Form-Based Zone may be used to bank Residential Development Rights. These rights may be held on the Lot or Parcel until they are either constructed on the Lot or Parcel, or transferred to another eligible Lot or Parcel within the Form-Based Zone. There is no limit to the number of Residential Development Rights that can be transferred to a Lot or Parcel in the Form-Based Zone. However, the number of Residential Development Rights actually constructed on the parcel shall be limited by what can actually be constructed in compliance with the requirements and standards of this chapter, as well as any other applicable provision of this Land Use Code.

(b) Ogden Valley Planning Area Form-Based Zone transfers.

(1) **Initial density.** A Lot or Parcel rezoned to the Form-Based Zone from a zone that allow(s)(ed) dwelling units shall have an initial density that is equal to the Lot or Parcel's Base Density, as defined in Title 101, Chapter 2, that was allowed in the prior zone.

(2) **Transfer allowances and limitations.** Residential Development Rights may be transferred to a Lot or Parcel in a FB Zone from any Lot or Parcel in the following zones within the Ogden Valley Planning Area: RE-15, RE-20, AV-3, F-5, FV-3, S-1, FR-1, FR-3, RMH-1-6, CVR-1, and FB.

(3) **Transfer ratio.** The transfer ratio shall be one to one. This means for every one Residential Development Right transferred from a sending Lot or Parcel in the Ogden Valley Planning Area, one is allowed to be constructed on a receiving Lot or Parcel within the FB Zone in the Ogden Valley Planning Area.

(c) Western Weber Planning Area Form-Based Zone transfers.

(1) **Initial density.** A Lot or Parcel rezoned to the Form-Based Zone from a zone that allow(s)(ed) dwelling units shall have an initial density that is equal to the Lot or Parcel's gross area divided by 15,000 square feet.

(2) **Transfer allowances and limitations.** A Residential Development Right may be transferred to a Lot or Parcel in a FB Zone from any Lot or Parcel in the following zones within the West-Central Weber area: A-1, A-2, and A-3. Unless negotiated otherwise in a development agreement, a transfer from any Lot or Parcel is prohibited if the Lot or Parcel received a rezone after January 1, 2023 that increased the Base Density.

(3) **Transfer ratio.** The transfer ratio shall be one to three. This means for every one Residential Development Right transferred from a sending Lot or Parcel in the Western Weber Planning area, three are allowed to be constructed on a receiving Lot or Parcel within the FB Zone.

Sec 104-22-12 Workforce Housing

Participation in creating workforce housing is required as follows, except when developing along a Large Lot Residential, Rural Residential, or Estate Lot Residential Street.

(a) **No transfer required.** Workforce housing dwelling units will not be deducted from the Lot or parcel's Parcel's development rights and ~~is~~ are not required to be established through transferable development rights as long as the number does not equal more than 15 percent of the development's total number of market-rate dwelling units.

(1) Lot development standard reduced.

a. 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.

b. 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.

- (b) **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~~ 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 a Governmental and Institutional street, Vehicle Oriented Commercial street, Mixed Use Commercial street, Multi-Family Residential street, and Small Lot Residential street, 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.

- (c) **Workforce housing location.** The required housing units, lots, or floor area provided for workforce housing may be located outside of the proposed development as long as they are located along ~~but no greater than one quarter mile from a G&I, VOC, or MUC~~ a Governmental and Institutional, Vehicle Oriented Commercial, Mixed Use Commercial, Multi-Family Residential, Small Lot Residential, Medium Lot Residential, or Medium-Large Lot Residential street designation in an area governed by the same street regulating plan map, or within one mile of a commercial or manufacturing CV-1, CV-2, or CVR-1 zone in the same planning area.

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


PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS 16TH DAY OF MAY, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Gage Froerer	✓			
Jim "H" Harvery	✓			
Sharon Arrington Bolos	✓			

Presiding Officer

Attest


Gage Froerer, Chair


Ricky D. Hatch, CPA, Clerk/Auditor