

NORTH OGDEN PLANNING COMMISSION

MEETING MINUTES

March 5, 2014

The North Ogden Planning Commission convened in a regular meeting on March 5, 2014 at 6:31pm in the North Ogden City Municipal Building, 505 E. 2600 N. North Ogden, Utah. Notice of time, place and agenda of the meeting was furnished to each member of the Planning Commission, posted on the bulletin board at the municipal office and posted to the Utah State Website on February 28, 2014. Notice of the annual meeting schedule was published in the Standard-Examiner on December 30, 2012.

COMMISSIONERS:

Eric Thomas	Chairman
Don Waite	Vice-Chairman
Joan Brown	Commissioner
Blake Knight	Commissioner
Dee Russell	Commissioner
Phillip Swanson	Commissioner

STAFF:

Jon Call	City Attorney
Rob Scott	City Planner
Stacie Cain	Community Dev. Coord./Deputy City Recorder

VISITORS:

REGULAR MEETING

Chairman Thomas called the meeting to order at 6:31pm. Commissioner Knight offered the invocation and led the audience in the Pledge of Allegiance.

CONSENT AGENDA

1. **CONSIDERATION TO APPROVE THE FEBRUARY 5, 2014 PLANNING COMMISSION MEETING MINUTES.**
2. **CONSIDERATION TO APPROVE THE FEBRUARY 12, PLANNING COMMISSION MEETING MINUTES.**

Commissioner Swanson made a motion to approve the consent agenda. Commissioner Knight seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Russell	yes
Commissioner Swanson	yes

The motion passed.

ACTIVE AGENDA

1. PUBLIC COMMENTS.

There were no public comments.

2. DISCUSSION AND/OR ACTION TO AMEND ZONING ORDINANCE 11-2-1, DEFINITIONS, BUILDING HEIGHT EXCEPTIONS.

A staff memo from City Planner Scott explained when the Planning Commission is acting as a recommending body to the City Council, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use text amendments. Legislative actions require that the Planning Commission give a recommendation to the City Council. Typically the criteria for making a decision, related to a legislative matter, requires compatibility with the general plan and existing codes. The memo provided a short background of this issue explaining that on February 5, 2014 the North Ogden Planning Commission (NOPC) held a hearing to discuss allowing exceptions to the city building height standards. The focus of the discussion was on the definition section of the code. Staff has since identified there are other code sections that already have standards for building height exceptions. The NOPC had previously identified chimneys, false mansards, parapet walls, belfries, spires, church steeples, radio and microwave towers, and flagpoles as needing some type of exception. The term church steeple includes both belfries and spires. All of the listed exceptions are addressed in the zoning ordinance except for parapets and false mansards. Staff is recommending that two new subsections be added under 11-10-6 (B) Additional Height Regulations as follows:

6. False mansards in any residential zone may extend 5 feet above the maximum zone building height.
7. Parapets in any commercial or manufacturing zone may extend above the maximum zone building height.

11-2-1 Definitions, Building, Height Of

BUILDING, HEIGHT OF: The vertical distance measured from the natural grade level to the highest point of the structure directly above the natural grade when such structure is not located in a platted subdivision. If the structure is located in a platted subdivision, the building height shall be the vertical distance measured from the finished grade as shown on the subdivision grading plans or finished grade as shown on the individual lot's grading plans (whichever is lower), to the highest point of the structure directly above the finished grade. In the event that terrain problems prevent an accurate determination of height, the zoning administrator shall rule as to height. An appeal from that decision shall be to the administrative law judge.

11-10-6: ADDITIONAL HEIGHT REGULATIONS:

- A. Generally: No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except as otherwise specifically provided.
- B. Exceptions: Height regulations established elsewhere in this title shall not apply:
 - 1. In any district, to church spires, monuments and water towers; provided, that such structure shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.
 - 2. In any nonresidential district, to noncommercial radio or television antennas.
 - 3. In the MP-1 zoning district, to conveyors or similar structures wherein the industrial process involved customarily requires a height greater than otherwise permitted; provided, that such structure shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property on which it was constructed.
 - 4. Chimneys in residential zoning districts may be two feet (2') above the roofline of the residential structure, even if the roofline is at the maximum building height. However, there shall be no height exception allowed for a chimney if there is a two foot (2') or greater vertical clearance within a ten foot (10') radius of the chimney.
 - 5. Wireless communications towers and antennas as approved in accordance with the requirements and provisions stated in chapter 21 of this title. Exception: Maximum height of twenty five feet (25') if set back twenty feet (20') from the property line and sixty feet (60') from a neighboring dwelling.
- C. Prohibited Heights: No dwelling shall be erected to a height less than ten feet (10'), except as permitted by conditional use, and no accessory building in a residential zone shall be erected to a height greater than twenty five feet (25'). (Ord. 2011-07, 5-10-2011)

11-22-9: FLAGS AND FLAGPOLES:

- A. Height: No flagpole may be higher than the maximum building height limitation permitted in the zoning district where the flagpole is located.
- B. Location: No flagpole shall be located closer to a property line than its reclining length.

11-21 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

This chapter provides standards for all telecommunications towers and antennas in all zones.

The memo explained the above described application conforms to the North Ogden City General Plan due to its being compliant with city ordinances and the following Plan goal: All existing and new development should be required to fairly and uniformly provide improvements according to city standards. When considering the application the Planning Commission should consider the following:

- Is the proposed amendment consistent with the North Ogden City General Plan?
- Does the proposed use meet the requirements of the applicable City Ordinances?
- Is the proposed amendment a reasonable solution to address the issue of height restrictions within the city?

The memo concluded that Staff recommends that two new subsections be added to 11-10-6: Additional Height Regulations:

6. False mansards in any residential zone may extend 5 feet above the maximum zone building height.
7. Parapets in any commercial or manufacturing zone may extend above the maximum zone building height.

Mr. Scott reviewed his staff memo.

Chairman Thomas referenced the building, the Smith's Marketplace project, and stated the parapets that are above the building entrances are not used for signage, but they do extend beyond what is permitted in the City ordinance. He asked if those situations would be handled on a case-by-case basis moving forward. Mr. Scott stated that during the site plan review process of the development application process the Planning Commission has the ability to identify specific features of a building that could potentially create an issue; for the most part, he does not foresee many issues relative to the basic building height standard. Commissioner Brown stated it is her understanding that only one of the parapets on the Smith's Marketplace building will extend above the height allowed in the City's ordinance. Mr. Scott agreed and added one reason that parapets are added to a building is to hide HVAC equipment that may be located on the roof of a building. Chairman Thomas stated it was his understanding that the current ordinance does not provide an exception for church steeples. Mr. Scott stated that is incorrect; 11-10-6(B)(1) calls out an exception for church spires.

Vice-Chairman Waite asked if he is correct in his understanding that the staff recommendation is to not place a height limit on parapets in any commercial or manufacturing zone. Mr. Scott stated that is correct and noted he does not anticipate that a developer would add a building feature that would add additional costs but that would not add any benefit to the business located in the building.

Vice-Chairman Waite made a motion to forward a positive recommendation to the City Council regarding the proposed amendment to zoning ordinance 11-2-1, Definitions, Building Height Exceptions. Commissioner Swanson seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes

Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Russell	yes
Commissioner Swanson	yes

The motion passed.

3. **DISCUSSION AND/OR ACTION TO AMEND ZONING ORDINANCE 11-2-1, DEFINITIONS, BUILDING HEIGHT.**

A memo from Building Official Kerr explained he met with Chairman Thomas about his ideas about height of building for residential homes for uphill and downhill building lots. He included in the Planning Commission packet renderings to illustrate the ideas discussed by the two. If the Planning Commission determines which method they would like to use to determine building heights, staff will draft an ordinance that can be voted upon at the Planning Commission meeting scheduled for March 19, 2014.

Chairman Thomas reviewed Mr. Kerr's memo and the associated renderings. He stated during their discussion they focused on the purpose of an ordinance regarding building heights and the means by which to measure the building height. The City's current ordinance states a residence cannot exceed 35 feet in height, but it does not provide a method to take that measurement. He and Mr. Kerr are recommending that the front of the home be 35 feet and the measurement will be taken of the above-ground portion of the home. He stated the back of the home could be taller, especially on a down-hill lot, but the recommendation to take the measurement of the front of the building will give staff a tool to use to provide consistency in measuring building heights. Also included in the recommendation is that homes will not exceed 40 feet in height from the road.

Vice-Chairman Waite stated the concern he had previously related to the fact that people were building their lots up in a manner that would result in a home that would sit far above the road, but the recommendation that the building height not be taller than 40 feet above curb would address that concern. Chairman Thomas agreed. There was a general discussion regarding the recommendation with a focus on the method of measuring homes constructed on the hillside areas of the City with Chairman Thomas noting there is not a reason to limit the height of the back of a home. Commissioner Russell inquired as to the downside of allowing three or four building levels in a home to be visible from the backside. Mr. Scott stated a home constructed in that manner may obstruct the view of residents living below that home and it is up to the City to determine what is reasonable. Chairman Thomas stated the Planning Commission has viewed photographs of homes located in the hillside areas of the City to understand the manner in which different homes styles constructed in the same neighborhood can provide a perceived large contrast in building heights. He stated the main purpose of this recommendation is to provide staff a tool by which to measure building heights to provide consistency throughout the City. Commissioner Russell stated it is naïve for someone to move into a neighborhood that may contain undeveloped ground and think that ground will never change.

Commissioner Knight made a motion to direct staff to draft an ordinance that would amend zoning ordinance 11-2-1, Definitions, Height. Commissioner Russell seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Russell	yes
Commissioner Swanson	yes

The motion passed.

4. PUBLIC COMMENTS.

There were no public comments.

5. PLANNING COMMISSION/STAFF COMMENTS.

Mr. Scott provided the Planning Commission with an update regarding his progress to submit a grant application that would assist in the general plan update process.

Chairman Thomas stated the Planning Commission has received a copy of the general plan map and it is not completely accurate in the southeastern portion of the City. He asked Mr. Scott to review the map to ensure it is accurate before it is widely distributed.

Commissioner Brown stated she is concerned about information she recently received from a City staff member regarding the Planning Commission's recent action to recommend the allowance of accessory dwelling units (ADUs) in the RE-20 zone of the City. She stated the Planning Commission was of the understanding that one water connection would be allowed for a primary and ADU on one property, but she was told by the staff member that the City already has an ordinance in place that requires separate water connections. She stated the issue has been forwarded to the City Council for a recommendation. Chairman Thomas stated the Planning Commission was made aware of that issue during a meeting and the City Engineer and previous Community Development Director stated they were comfortable with amending the ordinance relative to ADUs. There was a brief discussion regarding the current ordinance and how it relates to the proposal regarding allowing ADUs in the RE-20 zone, with a focus regarding whether knowledge of the ordinance would have changed the Planning Commission's position regarding the allowance of ADUs.

Mr. Scott then provided the Planning Commission with information regarding some imminent applications that the City will be considering soon.

6. ADJOURNMENT.

Commissioner Russell made a motion to adjourn the meeting. Commissioner Swanson seconded the motion.

Voting on the motion:

Chairman Thomas	yes
Vice-Chairman Waite	yes
Commissioner Brown	yes
Commissioner Knight	yes
Commissioner Russell	yes
Commissioner Swanson	yes

The motion passed.

The meeting adjourned at 7:11 pm.

Planning Commission Chair

Stacie Cain,
Community Dev. Coord./Deputy City Recorder

Date approved