



AMENDED

**CITY COUNCIL/PLANNING COMMISSION JOINT WORK SESSION
SEPTEMBER 3, 2019 AT 6:00 PM
505 EAST 2600 NORTH
NORTH OGDEN, UT 84414**

Welcome: Mayor Chugg

Invocation & Pledge of Allegiance: Council Member Stoker

CONSENT AGENDA

- [1.](#) Discussion and/or action to consider June 25, 2019 City Council meeting minutes
- [2.](#) Discussion and/or action to consider July 9, 2019 City Council meeting minutes

ACTIVE AGENDA

- [3.](#) Discussion and/or action to consider an Ordinance amending the North Ogden City Employee Personnel Policy
Presenter: Jon Call, City Manager/Attorney; Jami Jones, City Treasurer

LEGISLATIVE ITEMS

4. Public Comments*
- [5.](#) Discussion on future of 1700 North area
Presenter: Rob Scott, City Planner
 - a. Discussion on Village at Prominence Point Commercial corner Elevations/Site Plan
 - b. Discussion on Property South of 1700 North
6. Discussion on North Ogden City Code rewrite project
Presenter: Jon Call, City Manager/Attorney
- [7.](#) Discussion on Housing Types comparison
Presenter: Brandon Bell, Associate Planner
- [8.](#) Discussion on goats and increase of dogs allowed
Presenter: Council Member Swanson
9. Discussion on Y2 Analytics, and potential for hiring an outside surveying company
Presenter: Council Member Swanson
10. Public Comments*
11. Council/Mayor/Staff Comments
12. Adjournment

****Please see notes regarding Public Comments rules and procedure***

The Council at its discretion may rearrange the order of any item(s) on the agenda. Final action may be taken on any item on the agenda. In compliance with the American with Disabilities Act, needing special accommodation (including auxiliary communicative aids and service) during the meeting should notify Annette Spendlove, City Recorder at 782-7211 at least 48 hours prior to the meeting. In accordance with State Statute, City Ordinance, and Council Policy, one or more Council Members may be connected via speakerphone or may by two-thirds vote to go into a closed meeting

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the North Ogden City limits on this 30th day of August, 2019 at North Ogden City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, at <http://www.northogdencity.com>, and faxed to the Standard Examiner. The 2019 meeting schedule was also provided to the Standard Examiner on December 28, 2018 S. Annette Spendlove, MMC, City Recorder

Public Comments/Questions

- a. Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business.
- b. When a member of the audience addresses the Mayor and/or Council, he or she will come to the podium and state his or her name and address.
- c. Citizens will be asked to limit their remarks/questions to five (5) minutes each.
- d. The Mayor shall have discretion as to who will respond to a comment/question.
- e. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks.
- f. Some comments/questions may have to wait for a response until the next Regular Council Meeting.
- g. The Mayor will inform a citizen when he or she has used the allotted time.

NORTH OGDEN CITY COUNCIL MEETING MINUTES

June 25, 2019

The North Ogden City Council convened in an open meeting on June 25, 2019 at 6:01 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on June 21, 2019. Notice of the annual meeting schedule was published in the Standard-Examiner on December 28, 2018.

PRESENT:	M. Brent Chugg	Mayor	
	Ryan Barker	Council Member	
	Blake Cevering	Council Member	
	Cheryl Stoker	Council Member	
	Phillip Swanson	Council Member	
	Carl Turner	Council Member	(excused)

STAFF PRESENT:	Jon Call	City Administrator/Attorney
	Annette Spendlove	City Recorder/HR Director
	Rob Scott	Planning Director
	Evan Nelson	Finance Director
	Brandon Bell	Associate Planner
	Kai Johnsen	Planning Technician

VISITORS:	Jake Tate	Kevin Burns	Aaron Christensen
	Kim Christensen	Terry Bexell	Sean Casey
	Janae Terry	Julie Anderson	Rod Barker
	Janis Christensen	Stefanie Casey	Melanie Barker
	Bob Buswell	Meg Sanders	Steve Eyre

Mayor Chugg called the meeting to order. Council Member Barker offered the invocation and led the audience in the Pledge of Allegiance.

PRESENTATION(S)

Swearing in of new Police Officer, Mark Steele.

City Recorder Spendlove administered the Oath of Office for new Police Officer, Mark Steele. Mayor Chugg then welcomed him as a member of City staff.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Aaron Christensen, 2428 Barker Parkway, read from the following document submitted to the City Recorder.

“Council,

I sent a letter to you earlier today to share thoughts about the proposed amendment to the noise ordinance at Barker Park.

To summarize that letter, it is discouraging when city departments try to justify decisions with partial information. I shared with you what I found when researching where movies in the park are held. In short, many of the locations cited by the staff report are in areas that do not resemble Barker Park or any other park in North Ogden. There are ski resorts, golf courses, sports complexes, and other large facilities that don't immediately impact residential neighborhoods. Citing places like Snowbasin and the Olympic Oval complex as an argument for starting movies later should be an obvious mismatch.

There are other locations cited that do have movies in residential neighborhoods, and many of them do start at dusk or later. They could be legitimate comparison if all things were equal; however, a major concern that the city continues to ignore is by building the amphitheater in a residential neighborhood, then allowing 90 dBC, Barker Park has been singled out. It has been said it is unique, and it truly is. We have no other park that combines the later hours with louder sound, volume, whatever you want to call it.

It is true that currently the city can sponsor or co-sponsor events that are allowed to go later than 10pm. But at no other park is 90dBc allowed at the property line.

First of all, the city should play by the same rules as the citizens. To think the city is better prepared or equipped and thus more deserving of a later curfew is a dangerous approach as it becomes subject to the opinion of whoever then holds the rubber stamp of approval in the Parks and Recreation Department.

Second, the sound/noise/volume/whatever from my loudspeakers should be regulated the same as the city's. It has the same effect and runs the same risk of being a nuisance whether it comes from my backyard or the city park in my front yard. Yes, the city is looking at radio broadcasting the movies, but amending the noise ordinance as presented (Option 1) opens up additional nights of noise that will not be radio broadcast.

Third, I fail to see how a noise ordinance regulating noise at one park can set a reasonable limit at 75 dBC and claim 90 dBC is reasonable at another park. I would like to invite you as a council to my front porch to experience 90 dBC at the property line across the street. Rather than throw out random levels, let's conduct a controlled study and base decisions upon clinical evidence.

Try out the radio broadcasting this week. See if it works. Beyond that, please consider leveling the playing field. Give citizens the same rights as the city, and treat all our parks the same-as shown by the city's map presentation, they are all in residential neighborhoods and as we grow, every one of them will affect residents nearby.”

Julie Anderson, 940 E. 2600 N., addressed the agenda item dealing with streetscapes; the proposed streetscape policy calls for medians that are landscaped, but it is necessary for the Council to consider how those medians will be maintained and whether they may devolve to being used for undesirable purposes. She understands the need for medians that serve a purpose, but is concerned about requiring medians for beautification reasons only. She added she feels that the streetscape policy is similar to the proposed form-based code, which was denied by the City Council. She is worried that the policy is a different form of the form-based code and it will not work in this City. The staff report for the agenda item contains information about the policy’s conformance with the General Plan; goal four of the Plan is to “adopt a complete streets policy that will require future improvements to public rights-of-way to accommodate all users (elderly, young, bikers, runners, etc.) and to increase walkability and bikeability.” This is a reasonable goal, but she is concerned about the strategies included in the staff report for accomplishing this goal. These strategies essentially limit a property owner’s ability to develop and use the types of trees they would otherwise select for their landscaping. The document also provides direction regarding the manner in which a home should be placed on a property. The Council should think of those that already live in the City when determining whether these types of policies are necessary; she feels the proposed policy is overreaching in the fact that it dictates to a property owner how they can use that property. She concluded she feels the City is already beautiful enough and these types of policies may not be necessary. In fact, this type of policy may place a financial burden on existing citizens as they are forced to pay for new sidewalks, trails, or other streetscaping components.

Janae Terry, 2509 W. 5175 S., Roy, stated that she is employed by Weber Human Services and she is the Weber County Communities that Care Coalition Coordinator. The Coalition has received a mini grant from Parents Empowered, which is an organization focused on preventing underage drinking. The Coalition has money that can be used to install building wraps and other messaging items to communicate the goals of Parents Empowered to the community. She asked if the Council would be interested in allowing the Coalition to perform this type of project in North Ogden; she provided the Council with photographs illustrating how the building wraps or signage could look. Council Member Swanson stated he would like to see an agenda item on a future Council meeting agenda to allow meaningful discussion on this proposal. Mayor Chugg stated City Administration will coordinate that.

Steve Eyre, 2971 N. 1300 E., stated that he has lived in the City for 35 years and loves it here, but he has one concern about the roadway configuration on 2600 North at the intersection with 1050 East. He asked if the turning lane on 2600 North could be shifted to the right side because its current placement makes it difficult for motorists on 1050

North to make a right-hand turn onto 2600 North. Mayor Chugg stated he will ask the City's Public Works and Police Departments to investigate the matter.

Melanie Barker, 2524 Barker Parkway, stated she sent each Council Member an email about the City's noise ordinance specific to the Barker Park Amphitheater; she is concerned about the noise curfew being extended past 10:00 p.m. for the Movies in the Park program. This is not a longstanding program and she can remember past discussions about the reasons that the program was previously discontinued. She added that residents living near the park can be penalized if they produce noise that bothers the amphitheater, yet the City can produce noise at the amphitheater that is detrimental to the residential properties nearby. She stated she is greatly concerned about the noise ordinance and indicated it should not be changed.

Sean Casey, 2444 Barker Parkway, stated that he has performed some research about projects that have been completed in North Ogden. When roads are constructed, they are built in a manner that will accommodate the growth of the City 20-years into the future. He suggested that the same approach should be taken when considering an appropriate noise ordinance for the community. In 10 years, every park in North Ogden will have at least 100 residents within 600 feet of it. The only exception is Bicentennial Park. The perimeter of Barker Park is so great, yet it will have 350 homes within 600 feet of it.

Kim Christensen, 2428 N. Barker Parkway, also addressed the noise ordinance and stated that if the Council does decide to extend the noise curfew to 11:00 p.m., she is hopeful that curfew will be limited to the Movies in the Park program and not other theatrical performances and City sponsored events.

2. **DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO THE FISCAL YEAR 2018-2019 BUDGET**

A staff memo from Finance Director Nelson explained Administration is proposing several final amendments to the City Budget as well as an amendment to the Redevelopment Agency Budget for Fiscal Year 2019. This report provides a summary of the proposed changes. The attached spreadsheet outlines the specific changes by general ledger account. The amendments may be approved using the attached ordinances, following the public hearings.

Proposed Amendments

- \$8,500 moved from the Police Department Salaries line to the Police Department Highway Safety Wages line. These grant expenditures are now tracked separately from regular wages.
- \$1,000 added to Donation revenue and \$1,000 added to Services Not Classified expenditure. This is for the expenditure of an unanticipated donation for the Night Out Against Crime event.

- \$1,000 added to the Highway Safety Grant line in the Police Department because the amount received was greater than anticipated.
- Allow an additional transfer of up to \$1,000,000 from the General Fund to the Capital Improvement Fund to ensure compliance with State law regarding maximum fund balance in the General Fund. The law allows the General Fund to hold an end-of-year balance of up to 25% of the following fiscal year's budgeted revenues.
- \$18,000 of impact fee expenditure added to Engineering Services in the Storm Water Impact Fee Fund to pay for the update to the Storm Water Impact Fee Facilities Plan.
- \$9,522 added to the Capital Improvement Fund to pay for the settlement in the Public Works Facility property line dispute. Funded using fund balance.
- \$6,000 added to the Capital Improvement Fund to pay for the retaining wall at the Skateboard Park. Funded using fund balance.
- \$12,000 added to the Rental Property Expense line to allow for additional expenditures on the 400/450 East Widening rental properties. Rental revenues support the proposed expenditures. Expenses were underestimated in the original budget due to lack of history and unanticipated repairs.
- \$5,800 added to the Police Motor Pool Vehicle Maintenance line due to a vehicle accident. The City received approximately \$4,800 from the insurance company of the at-fault driver. The remaining \$1,000 is funded through an increase to the interest revenue line.
- \$17,160 transferred from the RDA Fund to the General Fund. The State Legislature passed a law that reduces our sales tax revenue to fund the State's homelessness initiatives. A provision in the law allows the City to utilize RDA funds to replace the lost revenue. The amount of this transfer equals the amount withheld by the State from the effective date in January, through June 2019.
- \$12,000 added for bailiff expenses in the Judicial Department. This amount was inadvertently left out of the original budget. The RDA transfer supports this expense.
- \$1,000 added to the Police Training Budget for Police Academy expenses. The RDA transfer supports this expense. Also, two separate Travel and Training lines are proposed to be consolidated into one.
- \$4,160 is proposed to be added to General Fund balance as excess revenue.
- \$6,000 moved within the Police Department to the proper account for the purchase of a new copy machine.
- \$150,000 added to the Community Development Area budget to be a contribution for an access easement for the development of the storm basin property on 2600 North. It is proposed that the CDA Fund will borrow this money from the RDA Fund bringing the total owed to \$550,000. Revenues are expected to begin flowing into the CDA Fund next fiscal year and are expected to eventually pay back the debt owed to the RDA Fund.

Mr. Nelson reviewed his staff memo.

Council Member Swanson inquired as to why the bailiff expense is being supported by RDA funds. Mr. Nelson stated that RDA funds are used to replenish sales tax funds that were taken by the State of Utah to fund homelessness outreach efforts. The RDA funds are being transferred to offset that General Fund obligation, not necessarily for the bailiff expenses.

Council Member Cevering asked for more information about the \$150,000 CDA contribution for the access easement for property on 2600 North. City Administrator/Attorney Call stated this budget amendment is related to the discussion taken by the Council a few weeks ago for the property behind the Walgreens and America First properties. The subject property is one of the major funding components for the CDA and the idea is that if development of the property starts sooner, the City will be able to begin collecting tax increment sooner. The access easement provides two points of access to the subject property to address the fact that the Utah Department of Transportation (UDOT) will not grant access onto 2600 North.

Mayor Chugg invited public comments regarding the proposed budget amendments at 6:36 p.m. There were no persons appearing to be heard.

b. Discussion and/or action to consider an Ordinance to amend the Fiscal Year 2018-19 Budget.

Council Member Barker motioned to approve Ordinance 2019-11 to amend the Fiscal Year 2018-19. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

3. DISCUSSION AND/OR ACTION TO RECESS THE REGULAR MEETING AND CONVENE IN THE REDEVELOPMENT AGENCY.

Council Member Swanson motioned to recess the regular meeting to enter into an RDA Meeting. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting recessed at 6:37 p.m.

RDA AGENDA

4. DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO THE FISCAL YEAR 2018-2019 REDEVELOPMENT AGENCY BUDGET

Finance Director Nelson stated that the amendments to the RDA and CDA funds were explained above as part of the City Council action to amend the City budget.

Mayor Chugg invited public comments regarding the proposed budget amendments at 6:38 p.m. There were no persons appearing to be heard.

a. Discussion and/or action to consider an Ordinance to amend the Fiscal Year 2018-2019 Redevelopment Agency Budget.

Board Member Swanson motioned to approve Ordinance RDA 2019-11 to amend the Fiscal Year 2018-2019 Redevelopment Agency Budget. Board Member Stoker seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Stoker	aye
Board Member Swanson	aye

The motion passed unanimously.

5. DISCUSSION AND/OR ACTION TO ADJOURN AND RECONVENE IN THE REGULAR CITY COUNCIL MEETING

Board Member Barker motioned to adjourn the RDA meeting and reconvene in the regular City Council meeting. Board Member Swanson seconded the motion.

Voting on the motion:

Board Member Barker	aye
Board Member Stoker	aye
Board Member Swanson	aye

The motion passed unanimously.

The meeting reconvened at 6:39 pm.

ACTIVE AGENDA

6. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE

A staff memo from Finance Director Nelson explained Administration recommends approval of the attached resolution, amending the Consolidated Fee Schedule. The proposed changes are summarized below:

PLANNING

Minor Subdivision – Reduce the fee for minor subdivisions that do not require a technical review from \$750 to \$500 because the Planning Commission is no longer involved in the review.

Boundary Line Adjustment – Reduce fee from \$350 to \$200 because of a simplified process.

ANIMAL CONTROL

Clarification of some fees. Also added higher fines for repeat offenses. Fees for livestock boarding, animal trap rental, and trapped animal sheltering are proposed to be eliminated.

PUBLIC WORKS

Utility Rates – Increases to utility rates were discussed as part of the budget process. The proposed increases are included in the table below, but greater detail is shown in the attached redline version of the amended Fee Schedule.

FY 2020 Proposed Utility Rate Increases	
	Total Increase
Water	\$1.05
Central Weber	\$0.45
Sewer	\$.073
Storm	\$0.57

Solid Waste	\$0.06
Transportation	\$0
TOTAL	\$2.86

Additionally, it is proposed:

- That the leak rate be made equal to the lowest tier water rate, \$1.62 per thousand.
- That each tier in the Central Weber Sewer, Non-residential fees be increased by \$0.25. This is in an effort to not unfairly burden residential users, as rate increases in recent history have always been applied to the base rates and not usage rates. Such changes have shifted more of the burden to residential users.
- That all customers be subject to tiered water rates. Previously only residential customers were subject to the tiered rates. The proposed fee schedule adds tiered rates to non-residential users. This change is proposed in order to increase equity among different types of water users. This change will also bring the City into compliance with a State law requiring tiered water rates be utilized as a conservation tool.

Mr. Nelson reviewed his staff memo. He noted relative to the first bullet point proposal to make the leak rate equal to the lowest tier water rate, Administration is no longer recommending proceeding with that recommendation because application will be more difficult than previously believed. Staff will continue to investigate options for adjusting the leak rate and bring an updated proposal back to the Council in the future. He then addressed the proposed adjustments to the City's sewer rate schedule, noting that each tier has been increased by \$0.45; the City is simply the collection agency for the Central Weber Sewer District and is passing fees charged by that District onto users.

Council Member Stoker motioned to approve Resolution 03-2019 amending the Consolidated Fee Schedule. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

7. DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO THE NOISE ORDINANCE FOR "MOVIES IN THE PARK".

A staff memo from City Administrator/Attorney Call explained this is a follow up discussion regarding the noise ordinance provision amendments requested to

accommodate Movies in the Park. As a reminder, City Administration has already cancelled the June 7th Movies in the Park because of noise ordinance questions.

North Ogden City has offered the Movies in the Park program for the past 10+ years. Admittedly the movies in the park may have been in violation of City ordinance, which requires all sound amplification to be less than 65 dBC at residential property lines after 10 p.m. (NOC 5-3-4). The current code allows for parks to be used after 10 p.m. if it is a City sponsored event (8-6-2), except in the Amphitheater where the 10 p.m. limit was added to the ordinance last year to separate that facility from the other parks facilities in the City. (8-6-5(C)).

Movie in the Park Research

Staff has reached out to the following 36 jurisdictions in Utah to find out when they begin their movies in the park programs. Two jurisdictions start at 7:30 but have rented LED screens for their facility for the entire season and so they don't have to rely on projectors and ambient lighting issues to go away. We have looked into renting a screen for our movies in the park and it is \$2500 for a lower resolution screen for a 1 time use or \$3500 for the higher resolution screen. Both screens would be 19' X 12' and would require residents to sit 30' to 75' away so the pixels on the screen don't ruin the viewing experience.

Brigham City	9pm/Dusk	Orem	Dusk
Centerville	Dusk	Park City	Dusk
Clearfield	Dusk	Pleasant Grove	9pm/Dusk
Cottonwood Heights	9:15pm	Provo	9pm/Dusk
Draper	9:15pm	Riverton	Dusk
Farmington	Dusk	Roy	Dusk
Herriman	9:15pm	Salt Lake	8:45pm
Hyde Park	Dusk	Sandy	Dusk
Kaysville	Dusk	Sevier	9pm/Dusk
Kearns	Sundown	Snowbasin	Dusk
Layton (LED screen)	7:30pm	Snowbird	Dusk
Lehi	Dusk	Pleasant View	9:15pm
Lindon	Dusk	Harrisville	9:00pm
Magna	Sundown	South Jordan	9:30pm
Manti	Dusk	Springville	9:00pm
Murray	9pm/Dusk	St. George	Dusk
Ogden (LED screen)	7:30pm	Vernal	Dusk
South Ogden	9:30pm	Willard	Dusk

Staff doesn't see renting a screen as a viable option based on the cost, but if the council wanted to authorize the rentals, staff can begin scheduling it and would recommend the cheaper screen to reduce expenditures.

Screen Distances from Homes

Staff has done some research on all the parks in the City with the number of homes within certain distances from where a screen would be located to see where Movies in the Park would be the least impactful. The pictures are attached to this staff report showing the homes and measured distances. Not all distances are exact, but they are the best approximates based on our software. There are some trends in proximity of homes at some of the parks. The following table shows the number of homes and grouping of distances for each Movies in the Park location. The detail in the table focuses on homes closer than 500 feet, but the pictures have more information about those homes greater than 500 feet away.

	Number of Homes Measured	100-150 ft.	151-200 ft.	201-250 ft.	251-300 ft.	301-350 ft.	351-400 ft.	401-450 ft.	451-500 ft.	501-1000 ft.
Orton Park	9	3	2	1	1	2				
Mountain View	17		4	2	1	4	6			
North Ogden Park	25		2	1	2	3	2		2	13
Lomond View Park	15		1		3	3		1	4	3
McGriff Park	19		1		10	4	3		1	
Oaklawn Park	14			2	1	2	2		3	4
Wadman Park	18				1	4	5	4	2	2
Barker Park	13						1	3	3	6

Staff has also been asked to research the possibility of doing a silent movie broadcast and have found a few viable options. Staff would like to try the option of doing a silent broadcast with individuals using their phones to capture the audio signal and play it through their personal headphones. This will still require the movies to be started after 9 p.m. but there would not be any sound emitted from any loudspeaker. This option may cause some issues and could affect attendance. Individuals will be required to download a 3rd party app and several families with small children may not have the capability to have multiple kids connected to one phone or tablet and stay still for the entire movie. This also will not eliminate noise from individuals talking or other normal activities while in the park.

Staff has moved forward with purchasing a broadcasting system so we can try out the technology to see if it will work for the movie scheduled for Friday June 28th. The vendor has a 30-day trial period so we will be able to see if the system will work in our facility. There will be a steep learning curve with the silent movie option to make sure individuals remember to bring headphones, are able to connect to the wi-fi, and have fully charged electronic devices to listen to the movie.

Ordinance Amendment at the Amphitheater

To allow for Movies in the Park to function this year we will still need to amend the ordinance to allow for city sponsored events to occur after 10:00 p.m. at the amphitheater, with options related to sound equipment usage outlined below. Here is the new proposed language in 8-6-5(C) which regulates the amphitheater usage.

Option 1

C. End Time: All events, productions, concerts, festivals, etc., held at the amphitheater must end by ten o'clock (10:00) P.M. Sunday through Thursday, and eleven o'clock (11:00) P.M. Friday and Saturday. with the exception of the 4th of July fireworks and corresponding show. All loudspeakers must be turned off by this time and patrons begin exiting the facility.

Option 2

C. End Time: All events, productions, concerts, festivals, etc., held at the amphitheater must end by ten o'clock (10:00) P.M. with the exception of the 4th of July fireworks and corresponding show. All loudspeakers must be turned off by this time and patrons begin exiting the facility. City sponsored events may continue until eleven o'clock (11:00) P.M. provided no loudspeakers or audible broadcasting occurs after ten o'clock (10:00) P.M.

Administration needs the Council to make a final decision on which direction they would like to go with this ordinance. There are several options for the council to consider and staff appreciates any guidance on making the movies in the park a success this year as in years past.

Mr. Call reviewed his memo and asked each Council Member to download an application on their smart phone to allow him to demonstrate the manner in which the silent movie option would function. He then facilitated discussion among the Council regarding their feelings about the options provided in his staff memo.

Council Member Barker stated it would be his preference to allow the Movies in the Park program to continue at another park in the City.

Council Member Cevering inquired as to the cost to secure the rights to a movie that will be played at the park and if there have been problems in the past with unsupervised youth who may cause problems at an event. Parks and Recreation Director Staheli indicated the cost to secure the rights to a movie ranges between \$300 and \$450 and over the past few years, the location of the program has rotated between parks and there have been no significant issues with unsupervised youth. Council Member Cevering asked if there have been issues with the movie program at the Aquatic Center. Ms. Staheli stated that she uses a blow-up screen at the pool and there is some noise associated with the blower for the screen. This is in addition to the noise from the movie. A temporary screen would be required at any other park besides the Barker Park Amphitheater. Council Member Cevering stated he is of the opinion that the Barker Park Amphitheater is the only facility in the City that was built after residents moved into the area; some that live there have

indicated they would not have built their homes there if they had known about the plans for the Amphitheater. He stated he feels that the noise curfew of 10:00 p.m. should be maintained for Barker Park and he would support moving the program to another park.

Council Member Stoker stated that when the Movies in the Park program first started, there was a lot of concern about trash in the parks and unsupervised youth; she asked if both of those are still issues. Ms. Staheli stated that she has not encountered that issue in the past few years after the decision was made to move the program to different locations.

Council Member Cevering asked if it would be best to limit the program to the Aquatic Center. Ms. Staheli stated that there are just two movies per year at the Aquatic Center and those wishing to see the movie must pay an entrance fee to get into the pool. The Movies in the Park program would be free to all in attendance.

Council Member Swanson stated he can support Council Member Barker's suggestion to move the program to another park. Mr. Call stated he feels that suggestion can be accommodated by option two listed in the staff memo. Council Member Barker suggested that Administration proceed in that direction with a 30-day trial period and report back to the Council to determine if additional adjustments are needed. Council Member Cevering stated he supports this direction as well. Ms. Staheli stated that she will visit each park in the City to determine which is most suitable to host the program depending on the availability of electrical infrastructure, parking, and open space. All Council Members offered their support and directed Ms. Staheli to choose the most suitable location for the program.

8. **DISCUSSION AND/OR ACTION TO CONSIDER REZONING PROPERTY LOCATED AT APPROXIMATELY 2550 NORTH AND 250 EAST FROM RESIDENTIAL RE-20 TO COMMERCIAL C-2**

A staff memo from Associate Planner Bell explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. 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, require compatibility with the general plan and existing codes.

BACKGROUND

The applicant represents the owner of a parcel at approximately 2550 North and 250 East. The owner of this parcel has applied for a boundary line adjustment for this parcel and an adjoining parcel. The property that will be within the boundaries of the northern portion of property (once the proposed boundary line adjustment is complete), is the portion desired to be rezoned by the applicant (see Attachment A of Exhibit B). That portion of the property is 2.046 acres. Any approval to rezone this portion of the property should be

subject to completion of the boundary line adjustment, in order to comply with the City's Zoning and Land Use Policy guidelines.

CONFORMANCE WITH GENERAL PLAN

The General Plan map for the Downtown area calls for this property to be mid-box commercial; the C-2 zone would allow that type of development.

Zoning and Land-Use Policy

The following policy consists of general statements to be used as guidelines. Such guidelines may on occasion conflict, when several are compared. In such cases, the Planning Commission should prioritize the guidelines as they pertain to the specific parameters of the issue which is pending. All zoning requests should first be evaluated for their compliance with the General Plan.

General Guidelines:

- A definite edge should be established between the types of uses to protect the integrity of each use, except where the mixing of uses is recommended in the General Plan.

Staff Comment: This type of development would be consistent with the use that has been approved to the East of this property. No differing or incompatible uses are currently proposed for this area. Mixing of uses is recommended in the General Plan in this area.

- Zoning should reflect the existing use of property to the greatest extent possible, unless the area is in transition or is in conflict with the General Plan.

Staff Comment: This is an area that is in transition, with recently approved commercial uses. The proposed zoning would allow development that is consistent with the General Plan for this specific property.

- Where possible, properties which face each other across a local street, should be the same or a similar zone. Collector and arterial roads may be sufficient buffers to warrant different zones.

Staff Comment: If rezoned, the property would be in the same zone as the property across the street going into the east. The property would have a differing zone than the property across the street to the north. However, there is an arterial type street between this property and the property to the north.

- Zoning boundaries should not cut across individual lots or developments (i.e., placing the lot in two separate zones). Illogical boundaries should be redrawn to follow property or established geographical lines.

Staff Comment: The proposed zone change would not cause the boundaries of the new zone to cross property lines, assuming that the change in zones is not effective until the boundary line adjustment is completed.

Commercial Guidelines:

- Generally, commercial zones should be located along Washington Boulevard and 2700 North streets, avoiding local streets which serve residential zones. Access to

commercial zones should avoid local streets within residential zones.

Staff Comment: *The property that is proposed to be rezoned is along 2600/2700 North.*

- Adhere to the General Plan recommendations for the Downtown and Southtown.

Staff Comment: *The proposed application area is consistent with this guideline.*

- If compatible with the General Plan, existing businesses on collectors and arterials should be allowed to expand while providing an adequate buffer with adjacent residential zones.

Staff Comment: *The proposed rezone does not itself expand any businesses. The Commission can decide if this provides an adequate buffer from the residential zones to the North and to the South.*

- Encourage commercial uses to be developed with a focus toward walkable streets, with buildings approaching the sidewalk, rather than as standard strip commercial with parking adjacent to the road.

Staff Comment: *The Planning Commission should determine if this guideline is met, or if they should prioritize the other guidelines listed in this report.*

- Consider development agreements to assure higher quality development.

Staff Comment: *Application of this zone would not preclude the use of a development agreement in the future.*

- Promote mixed use developments.

Staff Comment: *The proposed zone does not require mixed-use developments.*

The memo offered the following summary of potential Planning Commission considerations:

- Is the proposal consistent with the General Plan?
- How does the proposal relate to the Zoning and Land Use Policy guidelines?

The memo concluded the Planning Commission voted 6-0 to recommend that the property be rezoned, with the condition that the rezone not be effective until the associated boundary line adjustment has been recorded. The City Council should consider the Zoning and Land Use Guidelines and determine if the proposed rezone from Residential RE-20 to the Commercial C-2 zone is appropriate for this property.

Mr. Bell reviewed his staff memo and used the aid of aerial images of the property to illustrate the portion that is subject to the rezone petition; a boundary line adjustment will be made to divide the property into two parcels and one of the parcels will receive the C-2 zoning designation. He noted that staff recommends that any approval of the rezone be subject to approval of the boundary line adjustment and plat recordation. He also reviewed the plat map associated with the proposed rezone to illustrate the recommendation to extend the zoning lines to the center of 2600 North/2700 North to cause the R-1-10 and C-2 zoning lines to meet at the center of the street. He also identified the zoning of parcels adjacent to the subject property.

Mayor Chugg invited public comments regarding the proposed rezone.

Jake Tate, 2010 N. Redwood Road, Salt Lake City, stated he is representing the applicant America First Credit Union (AFCU). They have purchased the subject property from the Howell Family, and he is in attendance this evening to answer any questions about the proposal. He stated he has nothing to add to staff's analysis of the rezone petition.

a. Discussion and/or action to consider an Ordinance an Ordinance to rezone property located at approximately 2550 North and 250 East from Residential RE-20 to Commercial C-2

Council Member Cevering motioned to approve Ordinance 2019-12 to rezone property located at approximately 2550 North and 250 East from Residential RE-20 to Commercial C-2. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

9. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE FOR A COMPLETE STREETS POLICY

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. 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, require compatibility with the general plan and existing codes.

On May 1, 2019 the Planning Commission reviewed the draft Complete Streets Policy and asked that a public hearing be set. At the June 5, 2019 public hearing, there were no comments from the public.

As North Ogden continues to grow, the City's transportation network is becoming increasingly complex. The City coordinates transportation planning with other outside agencies, e.g., UDOT, WFRM, and UTA. The network includes streets, walkways, sidewalks, and trails. As with most cities, car traffic dominates transportation planning.

As part of the form-based code project, North Ogden conducted workshops on a new innovation – establishing a complete streets policy that identifies the process and guiding principles for transportation planning.

The time is ripe to consider adopting a complete streets policy in conjunction with streetscape standards.

The draft North Ogden City Complete Streets Policy amendment and Policy are attached.

CONFORMANCE WITH THE GENERAL PLAN

The North Ogden General Plan was adopted on September 22, 2015. The General Plan in the Transportation chapter references the desirability of adopting a Complete Streets Policy, ***Goal #4 - Adopt a complete streets policy that will require future improvements to public rights-of-way to accommodate all users (elderly, young, bikers, runners, etc.) and to increase walkability and bike-ability.***

There are several strategies within the General Plan that give guidance to implementing Goal #4 Adopt a Complete Streets Policy:

- Modify City ordinances to require new development site plan review to include a review of the Complete Streets Policy.
- Adopt new cross sections and standards for streets to assure sufficient room for pedestrians, bikes, street trees, and “dark sky” approved lighting fixtures. Increase minimum sidewalk widths to 5 feet. Consider narrowing the asphalt width of local roads to reduce travel speeds and increase pedestrian safety.
- Develop an approved street tree list and encourage tree plantings by block. Also create planting guidelines/ordinances to require street trees on new residential and commercial projects and find ways to plant trees on existing streets.
- Consider drought friendly landscaped decorative medians on major collector and arterial streets.
- Continue to front single family homes where appropriate on major collectors and minor arterials but require alley loading or circular drives or deeper front yards to increase safety and compatibility of such uses.

ANALYSIS

The Complete Streets Policy has 8 sections:

1. Vision and Intent – This section is similar to the purpose statement in our zoning chapters.
2. Objectives – This section provides the parameters for making multi-modal travel a reality.

3. Guiding Principles – This section identifies how the context and needs are balanced throughout the City.
4. Jurisdiction and Scope – This section states that all transportation improvements fall under this policy.
5. Exceptions – An exception process is provided.
6. Design Standards – Design standards are identified.
7. Performance Measures – This section identifies various statistical measures to success of the Policy.
8. Policy Implementation – Implementation responsibilities, authority, and processes are listed.

The memo offered the following summary of potential Land Use Authority Considerations:

- Is the Complete Street Policy appropriate for North Ogden City?
- Is the Complete Streets Policy consistent with the streetscape amendment?
- Is the Complete Streets Policy consistent with the General Plan?

The memo concluded the Planning Commission found that the Complete Streets Policy is consistent with the general Plan and they make a recommendation that the City Council adopt this policy.

Mr. Scott reviewed his staff memo.

Council Member Swanson stated that during the public comment period, one resident mentioned that she felt the complete streets policy will dictate to residents what types of trees they can plant in their own yards. Mr. Scott stated that is not correct; an additional amendment recommendation will be provided to the Council regarding streetscape standards for properties along different types of streets in the City and those standards will only apply to the public right-of-way, not interior residential yards.

Council Member Cevering asked if adoption of this policy will result in an automatic requirement for drought-friendly medians in City roadways. Mr. Scott answered no and indicated that as each street in the City is designed, the City will have the opportunity to determine the appropriate components of that design. This could include medians, but medians will not necessarily be required. He referenced a table illustrating the proposed components for the Washington Boulevard right-of-way and noted the Council will have the ability to determine the overall look of streets in the City. He concluded he personally feels adoption of this policy would be a step in the right direction for the City.

Council Member Stoker motioned to approve Ordinance 2019-13 for a Complete Streets Policy. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

10. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE FOR STREETSCAPE STANDARDS

A staff memo from Planning Director Scott explained when the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. 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, require compatibility with the general plan and existing codes.

The Planning Commission has discussed options for creating streetscape standards for Washington Boulevard and 2700 North on several occasions. The template for these streets will be used in establishing standards for the other arterial, collector, and local streets within North Ogden. This public hearing will examine the standards for Washington Boulevard and 2700 North.

This area is referred to as the Downtown and Southtown Commercial Districts. The General Plan vision is to transition the existing developed and undeveloped properties into a cohesive look that emphasizes a walkable, pedestrian-friendly environment.

Since the General Plan was adopted in 2015 there have been a number of projects in this area that have developed according to the code's general landscape standards. Conditions have been placed on several projects that have delayed the implementation of the streetscape pending adoption of new streetscape standards.

City staff has been working on two concurrent projects, the Washington Boulevard Streetscape and Complete Streets Policy. The Complete Streets Policy is addressed in a separate agenda item.

The first step for the Streetscape project was to conduct a land survey that identified the components of the streetscape area from behind the curb to property line; namely the dimensions of the park strip, sidewalk, and landscape area. It also included the existing infrastructure, i.e., power poles, pedestrian lights, street trees, and street furniture (bus shelters, bus benches, trash containers).

The City has designed and constructed street furniture including benches and trash receptacles. New pedestrian lights have been installed along Washington Boulevard from 2600 North to 2300 North. Additional pedestrian lights will be installed southward once the streetscape design is completed.

The Planning Commission has met with the Economic Development Committee twice to receive their input. Their recommendations will be presented independently of the Planning Commission recommendation to the City Council.

The Planning Commission discussed this amendment on January 23, 2019. A follow-up field trip to the Ogden City downtown occurred on March 28, 2019. Some policy questions were identified. The Planning Commission conducted additional discussions at their April 17, 2019, and 9 May 1, 2019, meetings where Staff reviewed a policy questionnaire with the Planning Commission. A public hearing was held on June 5, 2019 and no comments were made.

ANALYSIS

Washington Boulevard and 2700 North have a variety of streetscape designs. The draft amendment divides the cross section into two design zones, the Vehicular Zone and the Pedestrian Zone. Both zones specify the design standards.

Washington Boulevard and 2700 North are both state highways and are jointly administered by North Ogden and the Utah Department of Transportation (UDOT). UDOT officials have communicated that the City standards need to be adopted in order for UDOT to consider them in their design review processes.

The Vehicular Zone specifies ROW width, travel lanes, center turn lane, lane widths, center median, parking lanes, and bicycle lanes.

The Pedestrian Zone has standards for walkways, street trees, and furnishings that are located behind the curb. This area varies along Washington Boulevard from 17 feet to 25 feet with one block having 36 feet at 2640 North.

The City is also coordinating with Rocky Mountain Power to identify strategies to bury the overhead power lines in the City including Washington Boulevard. Staff will report back regarding these negotiations.

Street Tree Species. The flowering cherry tree, *Prunus serrulata* Akebono and *Prunus serrulata* Yoshino were identified as a preferred species. Research has identified that the cherry tree species is highly susceptible to salt and therefore is not recommended. A new list of alternative trees is provided. The Planning Commission should determine if there is a desired theme and color scheme for the approved tree species. A PowerPoint presentation will give examples of the tree species. The existing Parks and Recreation Department, Trees and Park Strips Guide is also attached.

Some of the principles to consider are: is there enough room (are there overhead power lines); having a variety of species; disease tolerance; community identity (cherry trees); and the spacing of trees. The pedestrian lights are spaced 120 feet apart with an offset of 60 feet on the opposite side. It is recommended that either 2 large or medium trees or 4 small trees be placed in between the pedestrian lights. The ordinance gives flexibility to the Planning Commission regarding these standards after receiving a recommendation from the Parks and Recreation Department.

11-10-37 Streetscape Standards requires that streetscape designs are to be included. This amendment allows the Planning Commission to adjust specific standards based upon the unique characteristics of each property.

Staff recommends the review each of the standards prior to making a decision.

CONFORMANCE WITH THE GENERAL PLAN

The North Ogden General Plan was adopted on September 22, 2015. The General Plan has references to Washington Boulevard in the Transportation chapter, and the Downtown and Southtown district chapter descriptions. (See Exhibit A)

The memo offered the following summary of potential Land Use Authority considerations:

- What is the image that North Ogden wants to project as individuals drive or walk along Washington Boulevard?
- What are the design options for the area from back of curb to property line?
- Should there be a park strip; if so, how wide should it be?
- If there is a park strip, should plants other than turf be employed to be more conscience of water conservation? Should bioswales be utilized to support water conservation and storm water design?
- Trees should be looked at not only from a lineal standpoint but how they interface to the building fronts, e.g., if the building is against the sidewalk what tree dimension and location will best suit this space?
- What are the acceptable street components, e.g., bus canopies, bus benches, trash enclosures, pedestrian streetlights, banners, street trees, plantings vs. turf, hanging plants, planter boxes, statues, art, brick pavers, cross walks, moveable tables and chairs, utility cover design, etc.?
- What tree species is acceptable?
- What strategies should be used to work with Rocky Mountain Power to get undergrounding of overhead power lines? How should overhead power lines impact tree selection? What strategies can be employed to underground the power lines?
- Are there other issues that the Planning Commission would like addressed?
- Is the proposal consistent with the General Plan?

The memo concluded the Planning Commission found that the amendment is consistent with the General Plan. The Planning Commission unanimously recommended the City Council adopt this amendment.

Mr. Scott introduced the City's Planning Intern, Kai Johnsen, and noted that he has worked diligently on the assignment of evaluating the need for a streetscape standards policy.

Mr. Johnsen then summarized a table that has been created to provide recommendations regarding design options for various streetscape elements. The table addresses matters such as right-of-way width, the number of travel lanes and other types of lanes, pedestrian zones, street tree species, and street furnishings.

Council Member Cevering asked if the streetscape standards will be implemented on 2700 North. Mr. Johnson answered yes and added they will also be implemented on Washington Boulevard. Council Member Cevering stated that he understood there were some concerns about street trees obstructing the view of commercial properties along Washington Boulevard. Mr. Johnson stated that matter will be addressed in the site plan review step for a development application. The standards provide a plan that require trees, but allows for some flexibility regarding the placement of the trees to allow business properties to be visible.

There was a brief discussion about the street tree species that have been recommended and whether a crab apple tree that is non-fruiting at the onset will remain non-fruiting throughout its life.

Council Member Barker asked if the action before the Council is to consider standards that will require street trees only. Mr. Johnson stated that the document addresses trees, walkways, and street furnishings. Mr. Scott added that the City will work with UDOT regarding any future decisions to locate landscaped medians along Washington Boulevard. Council Member Barker stated that he is opposed to medians, but understands that is not part of tonight's action. This led to a brief discussion about potential problems associated with medians in wide streets, such as Washington Boulevard.

Council Member Barker motioned to approve Ordinance 2019-14 for Streetscape Standards. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

11. DISCUSSION AND/OR ACTION TO CONSIDER AN AMENDMENT TO THE MERIDIAN ENGINEERING AGREEMENT A3-2016.

A staff memo from City Administrator/Attorney Call explained that in 2016 the City completed a Request for Proposals (RFP) process to identify and select a surveying company to survey the 400/450 East road expansion project area. Meridian Engineering was selected to perform the work and they completed much of the work back in 2016. As the planning for the project has moved forward there have been some areas identified which require additional surveying work because they were not anticipated in the original scope of the project. To move forward with the proposed expanded scope, Administration is seeking Council approval of an amendment to the original agreement A9-2016. The additional cost to the City will be \$16,815.00. The original contract was for \$64,794 for surveying plus \$1,099.70 per parcel for the paperwork required to complete the acquisition process. The memo concluded the Utah Department of Transportation (UDOT) has hired the same surveying company to make sure that all the data points correlate precisely to each other. Staff recommends approval of the amended agreement.

Mr. Call reviewed his staff memo and discussed some of the properties that were not included in the original project scope; these are identified as task number three in the agreement document.

Council Member Swanson motioned to approve Agreement A13-2019, an amendment to the Meridian Engineering Agreement A3-2016. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

12. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING ICMARC PROFIT SHARING AGREEMENT

A staff memo from City Recorder/HR Director Spendlove explained the City Council recently adopted the Fiscal Year (FY) 2019-2020 budget and the ICMARC agreement needs to be modified to reflect certain decisions made as part of the budget adoption:

- Page 2 - adds the employer fixed contribution of three percent;
- Page 6 - shows what the City already provides a three percent contribution match;

- Page 7 - shows the vesting period for employees changed to four complete years, to align with URS vesting period

The memo concluded the proposed agreement needs to be adopted by resolution.

Ms. Spendlove reviewed her staff memo.

Council Member Barker motioned to approve Resolution 04-2019 amending ICMARC Profit Sharing Agreement A14-2019. Council Member Cevering seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

13. DISCUSSION AND/OR ACTION TO CONSIDER AN ORDINANCE AMENDING THE PERSONNEL POLICY

A staff memo from City Recorder/HR Director Spendlove explained the City Council recently adopted the Fiscal Year (FY) 2019 -2020 budget and so the personnel policy needs be updated to reflect certain decisions made as part of the budget adoption. Also, language responsive to House Bill 163 needs to be added to the current policy to address this new legislation:

- Page 1 – date changed to June 2019
- Page 47 – is to include permanent part-time employees who may receive merit increases.
- Page 58 – is to add the additional three percent for 401(k) contribution for full-time employees, not to exceed a total of six percent of the employee's annual salary.
- Page 59 – is to reduce the vesting period for the City's contribution to employees 401(k) from five years to four years. This is to align with URS vesting period of four years.
- Page 72 – HB 163 takes effect on July 1, 2019. This bill is relating to offenses against the misuse of government property. This is to protect those employees assigned a city vehicle and have permission to take the vehicle home.

Ms. Spendlove reviewed her staff memo and City Administrator/Attorney Call expounded on the amendments related to HB 163.

Council Member Cevering motioned to approve Ordinance 2019-15 amending the Personnel Policy. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

14. DISCUSSION AND/OR ACTION TO CONSIDER A RESOLUTION AMENDING THE FLEXIBLE BENEFITS PLAN.

A staff memo from City Recorder/HR Director Spendlove explained the Internal Revenue Service (IRS) raised the maximum medical limit on January 1, 2019 to \$2700 per year IRS Code Section 125(i)(2). Instead of the actual wording for the maximum medical limit to say up to \$2700 per year, we are adding “Current IRS limit”, this is so we don’t have to amend the plan every time the IRS changes this amount.

National Benefit Services, the holder of our plan wants all of the past amendments in one document, instead of five (5) different plan documents. The agreement needs to be passed by resolution.

Previous amendment:

- July 2009 SCHIP (State children’s Health Insurance Plan which allowed for special enrollments rights in the event a participant or his or her eligible dependent loses coverage under Medicaid or a state child health program or becomes eligible for stat assistance with respect to paying his or her contributions to the plan and COBRA provisions.
- 2010 Michelle’s Law, the Mental Health Parity and Addiction Equity Act of 2008 and the Genetic Information Nondiscrimination Act of 2018 and also reflects certain provisions of the Affordable Care Act of 2010 (the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act (PPACA).
- 2013 Plan year amendment from January through December to July through June.
- July 2014 Cost of Living Adjustment raised the medical limit to not exceed \$2500 and the carryover amount was adjusted to \$500.

Ms. Spendlove reviewed her staff memo.

Council Member Swanson motioned to approve Resolution 05-2019 amending the Flexible Benefits Plan. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

15. PUBLIC COMMENTS

Bob Buswell, 962 E. 3025 N., stated he is present representing the Kiwanis Club this evening. He noted that on July 23, Weber County will begin mailing ballots for the 2019 Primary Election. The Kiwanis Club wishes to hold a “Meet the Candidates” event prior to the ballots being mailed. They have organized a meeting for Monday, July 22, 2019, at 6:30 p.m. He acknowledged that is one of the nights of the Ogden City Pioneer Days Rodeo, but residents have other options for attending the rodeo on a different night. He will work with City Administration to get the names of all candidates in order to reach out to them to ensure they are appropriately invited.

Julie Anderson stated she is concerned about holding the event the same week as the Pioneer Days rodeo as attendance will be much lower and some candidates may not be able to attend. Mr. Buswell stated he will work with Administration to identify other meeting date options.

16. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Cevering asked City Administration to follow up on options for installing signage near The Creamery at the Cannery regarding pedestrian crossing at the intersection of 2000 North and Washington Boulevard. The owners of that business are very concerned about the safety of their customers. He then added that a business owner asked him about the value of the City’s Aquatic Center using Groupon as a tool for enticing business at the pool. He asked Administration to look into the costs associated with partnering with Groupon.

Council Member Stoker referenced an email from Carly Barker regarding requested use of the Amphitheater as a starting point for a moonlight bike ride in honor of a deceased family member. She asked if that is allowed. City Administrator/Attorney Call stated that there has been no firm decision regarding this type of use, and he asked the Council if they would like to discuss the issue in a future meeting. The Council briefly discussed the

matter and concluded to include an item on a future agenda to make a formal decision. Mr. Call stated he will conduct research regarding the matter and the potential to create an independent entity that would enforce rules associated with use of the Amphitheater facility.

Finance Director Nelson referenced the earlier discussion about street tree species; he noted the trees in front of the City Hall building are non-fruiting crab apple trees and while they are not messy, they are very beautiful.

City Engineer Gardner reported the debris basin project at white rock is substantially complete.

17. ADJOURNMENT

Council Member Cevering motioned to adjourn the meeting. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Cevering	aye
Council Member Stoker	aye
Council Member Swanson	aye

The motion passed unanimously.

The meeting adjourned at 8:31 p.m.

M. Brent Chugg, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved

NORTH OGDEN CITY COUNCIL MEETING MINUTES

July 9, 2019

The North Ogden City Council convened in an open meeting on July 9, 2019 at 6 p.m. at the North Ogden City Office at 505 East 2600 North. Notice of time, place, and agenda of the meeting was posted on the bulletin board at the municipal office and posted to the Utah State Website on July 3, 2019. Notice of the annual meeting schedule was published in the Standard-Examiner on December 28, 2018.

PRESENT:	M. Brent Chugg	Mayor
	Ryan Barker	Council Member
	Blake Cevering	Council Member (excused)
	Cheryl Stoker	Council Member
	Phillip Swanson	Council Member
	Carl Turner	Council Member

STAFF PRESENT:	Jon Call	City Manager/Attorney
	Annette Spendlove	City Recorder/HR Director

VISITORS:	Kevin Burns	Leonard Looney	Julie Anderson
	Lynn Satterthwaite	John W. Hansen	Randy Winn
	Michael Anaya	Benj Becker	Stefanie Casey
	Susan Clements	Brenda Ashdown	Dale Anderson

Mayor Chugg called the meeting to order. Council Member Swanson offered the invocation and led the audience in the Pledge of Allegiance.

ACTIVE AGENDA

1. PUBLIC COMMENTS

Lynn Satterthwaite, 1143 E. 2250 N., thanked the Mayor and Council for their service.

Julie Anderson, 940 E. 2600 N., thanked the City for the Cherry Days Celebration and she thanked those who cleaned the posse arena.

Leonard Looney, 2527 N. 525 E., echoed Ms. Anderson's gratitude for the Cherry Days Celebration. He then referenced the agenda item relating to the Police Department

providing officers in local schools; it appears that the School District will pay the salary of these Officers and he asked if that means the City will have funding available to hire additional officers to be assigned to other matters. Mayor Chugg answered no; there are no plans to hire additional Officers.

2. **MAJOR PROJECT: 2550 DETENTION BASIN PRESENTATION BY ZION'S PUBLIC FINANCE ON THE POTENTIAL IMPACT OF CONVERTING THE EXISTING BASIN TO COMMERCIAL USE.**

Benj Becker, Zions Bank Public Finance, used the aid of a PowerPoint presentation to discuss the potential impact of converting the existing basin on 2550 North to commercial use. To determine these impacts, it is important to consider the highest and best use of the property, any fiscal impacts, and the retail market trends. The definition of highest and best use is the reasonably probable and legal use of vacant land or an improved property that is physically possible, appropriately supported, financially feasible, and that results in the highest value. The first consideration is what is physically possible, and Mr. Becker noted the site has desirable visibility and exposure characteristics, includes frontage on two rights-of-way, and is adequately configured for multiple use options. Neighboring uses do not present notable developmental barriers. Relative to what is legally permissible, the site is zoned RE-20, which is the City's suburban residential zone providing for single-family residential and agricultural uses. The City's ownership of the property allows for zoning flexibility. A change of use would be considered financially feasible if the anticipated value is greater than the expected cost of construction; feasibility is a reflection of current market conditions, which suggest the following:

- Residential – strong support for apartments, townhomes, and single-family homes;
 - Low vacancies, increasing rental rates, limited concessions, short rollover periods.
- Office – healthy employment growth leading to office demand in key areas.
 - Suburban office use primarily limited to professional users needing less than 5,000 square feet.
- Retail – healthy demand for specialty retail options in key locations.
 - Generally considered to be overbuilt with retail in most submarkets;
 - Retail would need to be flexible for a variety of users.

The maximally productive use is that which creates the greatest return to the land. This subject property has some unique characteristics that influence the maximally productive uses, including the desire/potential to maximize fiscal benefits to the City and the ability of the City to influence feasibility by providing land and/or tax increment financing.

Mr. Becker then provided a scenario for residential development of the property; this scenario called for 200 units consuming four acres or 220,000 square feet. There would

be two buildings, each three stories in height, with surface parking at 1.5 parking spaces per unit. The average unit size would be 1,000 square feet. The capitalization rate would be 6.0 to 6.5 percent with expected profit ranging between 18 and 28 percent. The fiscal impact to North Ogden would be approximately \$25,000 annually in property tax revenue and a population distribution of \$49,000. A second scenario entails an office space use; the property could accommodate two buildings of professional office space; the capitalization rate for this type of project is higher than residential and the expected profit would range between nine and 16 percent for a developer. The project would generate \$15,500 in property tax annually for the City. Scenario three is retail development, including multiple uses in 50,000 square feet. The capitalization rate would be 8.0 to 8.5 percent with an expected profit of 11 to 17.5 percent. The fiscal impact for the City would be \$15,000 in property tax and \$94,000 in sales tax revenue for a total of \$109,000 annually. He offered a comparison of the fiscal impacts for each of the three scenarios; developers would likely pursue residential development as the likely profit for them would be greater than for office or retail. He discussed other impacts of the potential projects, such as the increased population associated with a residential use and the impact of higher daytime population of the City if the professional office use were selected. Options available to the City relative to increasing profitability and investment desirability for the property include reducing the “cost of land” by lowering perceived value as portion of equity, making tax increment financing tools available to potential developers, providing financing options, and/or providing equity (in addition to the land).

Mr. Becker then briefly discussed the retail characteristics for properties on 2600 North; there are strong traffic counts on Washington Boulevard and 2600 North. Additionally, there is a significant population support within a three and five mile range; the average income of the population within the three-mile range is \$82,000 annually. This translates to strong ‘capture’ characteristics. The cons of a retail development include changing market trends, a decline in the demand for space as some areas have been overbuilt, and a focus on areas of major planned growth. He then expounded on retail conditions in Utah from 2017 to 2019 as well as the trends in retail development and what retailers are doing to adjust. Retailers want the following:

- Strong traffic counts – multiple points of access;
- Growing populations counts in 0.5, 1.0, 3.0-mile radii;
- Daytime populations – typically requires an office presence;
- Destination locations – customer draws (parks, stadiums, entertainment options, etc.);
- Retailers are looking more closely at which demographics are more likely to online shop, and are looking for areas which support traditional retail activity.

He discussed the top retailers and considerations that these retailers make before determining whether to locate in a community. Retailers are so different from one another and it is important for a City to consider the impact of various retailers and their average sales per square foot as this is what translates to the fiscal impact for the City.

Council Member Swanson inquired as to the total fiscal impact per square foot for existing commercial development in the City. Mr. Becker stated that would be good information for the City to have, but he did not calculate that information for his presentation. City Manager/Attorney Call stated that the major uses in the City are its grocery stores and the total per square foot fiscal impact is likely approximately \$20. Mr. Becker stated that number is derived by dividing the total amount of retail square footage by the City's population. However, it is also important to consider that residents from other communities shop in North Ogden.

Mr. Call stated that this information was pursued in order to aid the Council in making their decision regarding whether to proceed with relocating the 2550 North detention basin and repurposing the subject property.

3. **DISCUSSION AND/OR ACTION TO CONSIDER AN AGREEMENT WITH WEBER SCHOOL DISTRICT FOR LAW ENFORCEMENT SERVICES**

A staff memo from City Manager/Attorney Call explained that for the past several years the City has contracted with Weber School District to provide an in-school resource officer. In order to accomplish this, the City must periodically execute a new agreement to provide for the administration over the position as well as reimbursement for the officer's time. The City's Officer spends a significant amount of time with the students assisting with everything from criminal complaints to basic social interaction. From the City's perspective, there are real benefits associated with having a uniformed officer in the schools. Staff recommends the adoption of this agreement.

Mr. Call reviewed his staff memo.

Council Member Turner inquired as to which school the Officer will be assigned. Mr. Call stated the North Ogden Officer will be assigned to North Ogden Junior High; other cities have assigned officers to Orion Junior High and Weber High School. He then briefly reviewed the terms of the agreement.

Council Member Swanson motioned to approve Agreement A15-2019 with Weber School District for Law Enforcement Services. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

4. **DISCUSSION AND/OR ACTION TO CONSIDER MEMBERS FOR THE GENERAL PLAN COMMITTEE**

Mayor Chugg noted that during the last City Council meeting, he recommended appointments to the General Plan Committee. During that meeting, there were three individuals who indicated they would also like to be appointed to the Committee: Meg Sanders, Stefanie Casey, and Julie Anderson. He submitted their names to the Council for consideration of appointment to the Committee.

Council Member Swanson motioned to approve members for the General Plan Committee. Council Member Stoker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

Mr. Call noted the first meeting of the Committee is scheduled for July 31, 2019.

5. **MAJOR PROJECTS UPDATE**

A staff memo from City Manager/Attorney Call provided updates on several Major Projects coming up in the next few years in the City.

- Monroe Boulevard (2016- 2018): All Voluntary Purchases have been made – Final Report.
- 3100 Debris Basin (2018- 2019): This debris basin is 95% complete. All the excavation work is complete and all that is left is the reseeding of the new slopes with a natural seed mixture and the installation of a few silt fences further up the hill to catch as much debris flow further up the hill as we can to keep this facility clean.
- Street Projects (2018- 2019): Annually the City resurfaces, restripes, and reseals various roads across the City. The Council has approved roughly 500k of funds this coming year (summer 2019 – spring 2020) to maintain our current roads.
- Culinary Water Storage Facility (2018-2019): The City Council has approved a budget to begin the design of this project to increase the culinary water storage capacity by 1 million gallons. This project has been delayed based on some soil issues at the proposed site. Staff is now evaluating a different site near another

existing tank to see if the soils are better for the project, which we hope will keep the new tank on budget. We are exploring using the new tank site as a trailhead location for some future trails to help connect the various subdivisions in the City.

- Amphitheater (2018-2020): Construction has begun to finish the majority of the inside of the building. We expect to have almost everything completed by the beginning of August, though we do have a few long lead time items which may be installed as late as the end of August because they are being fabricated at the manufacturer. As identified earlier, this will complete all the plumbing, electrical, restrooms, changing rooms, green room, and office space. We plan on ordering and installing ourselves the curtains the Council had approved after Wadman is finished with their work. Our desire was to finish out all the construction invoices and then evaluate exactly the money left over for curtains to make sure we stay within the prescribed budget. As of June 30, 2019, we have spent \$153,263.02 We had originally planned to complete the entire project by June 30, 2019 but delays in budget approvals and things caused the project to span fiscal year 2019 and fiscal year 2020. We will need to bring back a budget amendment to show that the \$603,150.98 remaining to be spent for this phase will be spent in the 2020 budget year. The total for the two years will remain the same at \$756,414. Originally, we had only planned on carrying over \$378,207 from fiscal year 2019. That will be a future budget amendment in August.
- 2550 Detention Basin (2018 – 2020): The Council will be looking at this facility again based on a request from Pineview and the design engineer related to storm water capacity and irrigation water storage. This discussion is scheduled for July 23, 2019.
- 400/450 East Widening (2020-2021): The Council has selected a 92-foot right of way model with parking on both sides of the street and bike lanes for the project. The designer has been working with a few unique properties to come up with the best solutions for each of those properties. We should begin acquiring the right of way in the next couple months and still plan to start construction in the Spring of 2019.
- Other Projects without start dates, or funding approved: Police Station, Barker Park, Park Rehab projects, other street widenings.

Residential Project Requests

- Cooper's Towne: Approx. 1500 N. and Washington Blvd. – the City has been approached about the approval of an apartment complex on Washington Blvd. just south of the Walker Cinemas. The Planning Commission has done an initial review but has not scheduled any additional meetings as of yet while the landowner prepares his information for submittal.
- Village at Prominence Point: 1700 N. Washington Blvd. - We have received an initial request from the landowner for the next phase of townhomes which would go on the east side of the assisted living facility (The Lodge) and connect to 1700 North. This will be addressed at an upcoming Planning Commission meeting in the next month or so.

- The Ranches: 200 E. 2300 N. – We have received a request for a rezone to MPC for a townhome/twin home/apartment project just west of The Ranches townhome development. We have not scheduled a Planning Commission meeting yet.
- The North Cove: 800 E. 4400 N. – The Council was approached by this landowner with the idea of putting some twin homes and possibly town homes in some limited areas of the roughly 200 acres to be annexed into the City. The Council has not given any official review or approval of the proposed project and the landowner has not submitted anything firm as far as a proposal. The possibility was discussed of doing some connected units to preserve some additional open space.

Mr. Call reviewed his staff memo and facilitated brief high-level discussion among the Council regarding certain components and budgeting for various projects included in the report.

6. **DISCUSSION AND/OR ACTION TO CONSIDER APPROVING CHANGES TO THE NORTH OGDEN CITY ORGANIZATIONAL CHART**

A staff memo from City Manager/Attorney Call explained that Administration has been reviewing the organizational structure of the City and is recommending a few changes. Specifically, there are employees who have two job titles who report to different supervisors, or to the Council directly and Administration wants to clarify for those employees they do in fact have two supervisors. For example, Annette Spendlove is the Human Resources Director and City Recorder; the HR Director should report through the City Manager and Mayor to the Council, but the City Recorder should report directly to the Council for the respective job-related duties.

There is at least one significant change in that the City Treasurer will now be reporting directly to the Mayor/Council, though the day to day functions of that position will not change. The reasoning behind this is to have all the individuals appointed by the Mayor and Council under Utah statute report directly to the Mayor and Council.

With this change, Administration wants to emphasize that in no way does this require a City Council member to speak with the Mayor or City Manager prior to making direct contact with a Department Head or front-line employee. The only thing Administration asks is that all Council Members speak with the Department Heads with requests for work to be completed or process changes for front line employees. It can cause a significant amount of confusion for employees to be given direction from Council members because they have typically been given direction at the daily department meetings with specific goals outlined for the day. Administration wants any policy changes to go through the Department Head to avoid friction between employees or departments.

Mr. Call reviewed his staff memo and facilitated a high-level review of the City's organizational chart. Mayor Chugg asked that the Council review the chart and provide any feedback to him in order to work with Mr. Call to implement further changes.

7. **DISCUSSION AND/OR ACTION TO CONSIDER GIVING NORTH SHORE POOL PASSES TO INDIVIDUAL FAMILIES IN THE FAMILY PROMISE PROGRAM**

Council Member Swanson facilitated discussion among the Council regarding the concept of offering pool passes to families participating in the Family Promise program; this is an idea that was brought forth by Julie Anderson on Facebook and that idea was echoed by other residents. He stated he is supportive of the idea and asked if other Council Members feel the same.

Council Member Barker asked if the pass would be a one-time pass or a season pass. Council Member Swanson stated he initially thought it would be a one-time pass, but he indicated he was not opposed to a season pass. Council Member Barker stated he feels a season pass would be better.

Council Member Swanson motioned to approve giving North Shore pool season passes to individual families in the Family Promise Program that are in our facility. Council Member Barker seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

8. **PUBLIC COMMENTS**

Julie Anderson, 940 E. 2600 N., reported the North Ogden Junior Posse won their competition on July 3 and they will compete again this coming Saturday.

Randy Winn, 2412 Barker Parkway, stated that he has concerns about allowing tall buildings that could be three to four stories in height and he asked that those concerns be considered as the Council proceeds with discussions about the Cooper's Towne project. These taller buildings may impact the profile of the City and the flavor of the suburban nature of the City.

9. COUNCIL/MAYOR/STAFF COMMENTS

Council Member Barker asked if the application period for the Events Coordinator position has closed. City Manager/Attorney Call answered yes and indicated there were 18 applicants.

Council Member Swanson asked that Mr. Call provide the City with data relative to population densities that was used to develop the Zion's Bank presentation. He then asked about the outcome of locating the parade entries with horses at the beginning of the Cherry Days parade. Ms. Anderson stated it was great and there were no problems at all. She expressed her gratitude for allowing the Posse to be at the beginning of the parade.

Council Member Stoker asked if anything has been done about the lighting on the assisted living facility at the Village at Prominence Point project. Mr. Call stated he has visited with the owner of the facility and he indicated that some shields could be added to the lights, but that would void the warranty. They feel that the brightness of the lights may be naturally mitigated by the construction of the cottage structures around it, but that the occupants of those structures may also complain about the lights. He concluded the lights comply with the ordinance so there is nothing the City can really do about them, but the owner has not indicated he is unwilling to work with the City to address the concerns that have been expressed by residents of the neighborhoods to the west. Council Member Stoker then thanked all City employees and volunteers who were involved in the Cherry Days events. Mayor Chugg stated that Council Member Stoker and her husband should also be commended for the role they play in making the annual Cherry Days event a success.

Mr. Call stated that he is working to develop a list of topics to be discussed relative to the successes or problems encountered throughout the Cherry Days celebration. This list will be used to inform adjustments to the schedule of events next year. He discussed some of the complaints that he has heard since the celebration concluded. He then reported on free community events that will be held in the City through the remainder of the summer and briefly discussed the most recent Movies in the Park event; the speaker system was not too loud and did not violate the sound ordinance, but the headphone program that was made available was not a great success and he will continue to work with Parks and Recreation Director Staheli to determine the best broadcasting options for future events.

Mayor Chugg reported that Lieutenant Bill Aeschlimann will retire at the end of the month and there will be an announcement forthcoming about the manner in which his position will be filled.

10. ADJOURNMENT

Council Member Stoker motioned to adjourn the meeting. Council Member Swanson seconded the motion.

Voting on the motion:

Council Member Barker	aye
Council Member Stoker	aye
Council Member Swanson	aye
Council Member Turner	aye

The motion passed unanimously.

The meeting adjourned at 7:29 p.m.

M. Brent Chugg, Mayor

S. Annette Spendlove, MMC
City Recorder

Date Approved



NORTH OGDEN CITY STAFF REPORT

TO: MAYOR & CITY COUNCIL
FROM: ANNETTE SPENDLOVE, CITY RECORDER/HR DIRECTOR
DATE: AUGUST 21, 2019
SUBJECT: AMENDMENTS TO PERSONNEL POLICY

City Treasurer, Jami Jones reviewed and cleaned up the Personnel Policy. Items were brought to the Mayor and Department Heads for review. The changes reflect items required by Utah Retirement Systems and Federal Fair Labor Standards. There are additional policies that were added and clarified for your review and language and grammar errors were corrected.

ORDINANCE 2019-

AN ORDINANCE OF THE NORTH OGDEN CITY COUNCIL TO ADOPT PERSONNEL POLICY AMENDMENTS

WHEREAS; North Ogden City has maintained a personnel policy for several years and routinely updates the policy; and

WHEREAS; the City Council believes it is necessary to review and revise the entire policy to ensure compliance with any recent changes in state and federal laws as well as to accommodate best practices to provide a quality working environment for the city employees; and

WHEREAS; the City Council has reviewed the proposed changes to the personnel policy; and

WHEREAS; the City Council wishes to stay maintain a positive work environment and to continue to attract quality employees for vacant positions with the City; and

WHEREAS; the City Council has determined that the changes suggested by the personnel policy committee are in the best interest of the City, though they may be revised from time to time in the future as seen fit by the City.

NOW THEREFORE BE IT ORDAINED by the Council of North Ogden City, Utah that attached personnel policy be adopted and incorporated as the official personnel policy of North Ogden City.

PASSED and ADOPTED this 27th day of August 2019.

North Ogden City:

**Brent Chugg
North Ogden City Mayor**

CITY COUNCIL VOTE AS RECORDED:

	Aye	Nay
Council Member Barker:	_____	_____
Council Member Cevering:	_____	_____
Council Member Stoker:	_____	_____
Council Member Swanson:	_____	_____
Council Member Turner:	_____	_____
(In event of a tie vote of the Council):		
Mayor Chugg	_____	_____

ATTEST:

S. Annette Spendlove, MMC
City Recorder

Personnel Policies and Procedures



Dear Employees:

On behalf of the City Council and myself, we welcome you to employment with North Ogden City. You join an elite group of employees and managers who are dedicated to high values and performance in making our city a success. Your responsibility is to make North Ogden City a great place to live and raise a family.

Each employee contributes to the success and growth of this community and should take pride in the contribution they make. Your input on how to make things better is always welcome.

This hand book was developed as a guide to let you know the expectations of your employment. It also outlines the policies, programs, and benefits available to you as an employee of the City. You should familiarize yourself with the contents of the employee handbook as soon as possible, for it will answer many questions about your employment. Please understand that no employee handbook can address every situation in the work place. If you have additional questions about your employment, feel free to discuss them with your supervisor or contact our Human Resource Director. We will have training sessions on these policies on a regular basis and if you have suggestions related to these policies or procedures, please feel free to discuss them with us.

We hope your employment with North Ogden City will be challenging, enjoyable, and rewarding.

Sincerely,



M. Brent Chugg
North Ogden, City Mayor

Table of Contents

INTRODUCTION	1
ORGANIZATIONAL CHART	3
DEFINITIONS.....	4
CHAPTER 1 EMPLOYEE RECRUITMENT AND HIRING	6
Policy 1.1 POSTING OF JOB OPENINGS.....	6
Policy 1.2 EMPLOYEE RECRUITMENT AND HIRING.....	7
Policy 1.3 CLASSIFICATION AND JOB DESCRIPTION.....	11
Policy 1.4 EMPLOYMENT OF RELATIVES.....	12
Policy 1.5 EMPLOYMENT TYPES.....	12
Policy 1.6 INDEPENDENT CONTRACTORS	13
CHAPTER 2 EMPLOYEE CONDUCT	16
Policy 2.1 EMPLOYEE CONDUCT	16
Policy 2.2 EMPLOYEE DISCIPLINE.....	24
Policy 2.3 SUBSTANCE ABUSE AND DRUG FREE WORKPLACE.....	27
Policy 2.4 SMOKING POLICY	32
Policy 2.5 HARASSMENT	33
Policy 2.6 ELECTRONIC RESOURCES.....	35
Policy 2.7 FIREARMS AND WEAPONS	40
CHAPTER 3 GRIEVANCES AND APPEALS	41
Policy 3.1 EMPLOYEE GRIEVANCES AND APPEALS	41
CHAPTER 4 TERMINATION AND EMPLOYEE STATUS.....	45
Policy 4.1 TERMINATION	45
Policy 4.2 EMPLOYEE CHANGE OF STATUS.....	46
CHAPTER 5 SALARY PLANNING AND COMPENSATION.....	47
Policy 5.1 PAY PLAN AND ADMINISTRATION.....	47
CHAPTER 6 PERFORMANCE EVALUATIONS	51
Policy 6.1 EVALUATIONS.....	51
Policy 6.2 PROBATION	51
CHAPTER 7 DAYS, HOURS OF WORK AND COMPENSATION	54
Policy 7.1 DAYS, HOURS OF WORK AND COMPENSATION.....	54
Policy 7.2 OVERTIME PAY AND COMPENSATORY TIME OFF	56

Policy 7.3	PUBLIC WORKS DEPARTMENT AND PARKS DIVISION ON-CALL POLICY	57
CHAPTER 8	BENEFITS	59
Policy 8.1	BENEFITS.....	59
Policy 8.2	LEAVE OF ABSENCE.....	62
Policy 8.3	TRAVEL.....	71
Policy 8.4	USE OF CITY EQUIPMENT	74
Policy 8.5	EDUCATIONAL ASSISTANCE PROGRAM.....	75
CHAPTER 9	SAFETY PROCEDURES AND REQUIREMENTS	78
Policy 9.1	GENERAL SAFETY	78
Policy 9.2	UOSHA REQUIRMENTS.....	81
CHAPTER 10	FAMILY AND MEDICAL LEAVE ACT	82
Policy 10.1	FAMILY AND MEDICAL LEAVE ACT	82
EXHIBITS.....		87

INTRODUCTION

The City Council has established the following policies and procedures to require the use of merit principles in all City activities related to personnel so that all personnel actions are as fair and impartial as possible.

As a matter of long-standing policy, North Ogden City is an equal opportunity employer. The City shall not discriminate against any applicant or employee on the basis of political or religious opinions or affiliations or based on race, [color](#), national origin, sex ([including pregnancy, childbirth, or pregnancy-related conditions](#)), age ([40 or above](#)), [religion, gender identity or expression, sexual orientation, genetic information](#), ~~or~~ physical or mental disability, ~~or~~ [veteran status, or any other protected class](#), except where specific age, sex, physical or mental requirements constitute bona fide occupational qualifications ([BFOQ](#)) necessary to the proper and efficient administration of City services as determined by the Mayor and the City Administrator/Manager.

The rules and regulations contained in this policy manual shall be administered uniformly and apply to all North Ogden City employees and others including (1) elected officials, (2) members of volunteer boards, committees, and commissions, (3) Independent Contractors, (4) employees hired for temporary positions (six months or less in a calendar year), and (5) job applicants.

Individual policies or procedures contained herein are intended to be in harmony with federal and state laws, AND shall be interpreted in a way to comply with such laws, and shall be subordinate to such laws whenever any conflict is shown to exist.

Department policies are intended to be in harmony with this policy manual and shall be subordinate to such laws whenever any conflict is shown to exist.

While the City believes that the policies and procedures are in the best interest of the City and its employees, these policies and procedures are not conditions of employment. The City Council reserves the rights to modify, amend, revoke, suspend, terminate, or change any or all of these policies and procedures, in whole or in part, at any time, with or without notice. Because the City's work requirements, programs, funding, and service needs are subject to change, employment conditions and status are subject to change at any time. Therefore, although an employee may have been hired to fill a specific position, with specified hours, pay duties, etc., all of these may be reduced, increased, or terminated without advance notice and for any reason. An employee also has the right to terminate ~~his/her~~ employment with the City in the same manner, at any time and for any reason.

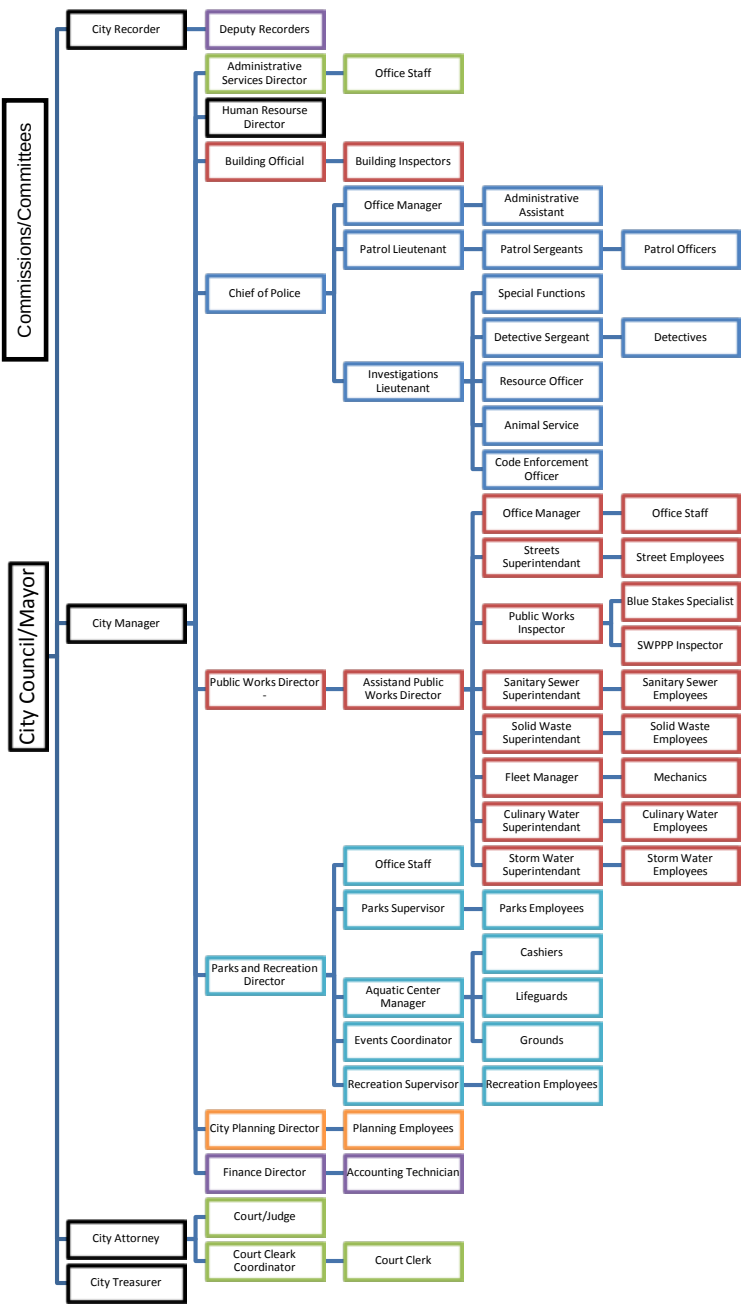
Notwithstanding anything to the contrary that may appear herein, the policies and procedures of this policy manual do not constitute an employment contract (explicit or implied) and shall not modify the City employee's status as an at-will employee, except as otherwise provided by Utah State code Annotated §10-3-1106 and/or federal law. This absence of an employment contract or guarantee also applies to other benefits, privileges, and working conditions at North Ogden City.

Nothing herein shall be construed as preventing the City from entering into employment contracts with specific individual employees when the City Council and Mayor believe that such an employment contract will be in the best interest of the City. Employment contracts with individual employees must be in writing to be binding upon the City, and shall be drafted by the Mayor or his designee, and must be

individually approved by the City Council. In case of any conflict between an employment contract with an individual employee and the policies and procedures in this manual, the terms of any fully executed employment contract shall control.

If any part or provision of this personnel policy shall be determined to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, then such a decision shall not affect any other part or provision of this Policy except that specific provision determined to be unconstitutional, invalid, or unenforceable. If any condition, covenant, or other provision of this Policy shall be deemed invalid due to its scope or breadth, such provision shall be deemed valid to the extent of the scope or breadth permitted by law.

ORGANIZATIONAL CHART



DEFINITIONS

The following words, terms, and phrases shall have the following meanings when used in this personnel policy manual:

Appointed Employee - An employee position required by the laws of the State of Utah or of the City of North Ogden and is only granted by appointment of the City Mayor with advice and consent of the City Council. Currently, North Ogden City is required to have a [City Treasurer](#) and [City Recorder](#).

Department Head - An Employee who is hired to manage and lead a specific department in the City. This Employee reports directly to City Administration and is hired with the advice and consent of the City Council.

Elected Official – [The elected official. See Policy 1.5.D](#)

Emergency employment - Employment during an emergency that does not typically continue past the duration of the emergency. The purpose of emergency employment is to prevent undue delay or serious interference of the provision of vital city services during the emergency.

Fair Labor Standards Act (FLSA) - The Federal Fair Labor Standards Act (29 U.S.C. §201-219, 251-262), together with any regulations promulgated under authority granted by the FLSA to any executive officer or department.

Full-time employee or full-time employment - See Policy 1.5.

Harassment - Unwelcome conduct that is based on [a person's](#) race, color, religion, sex (including pregnancy-related conditions), national origin, age (40 or ~~older~~[above](#)), [mental or physical](#) disability, genetic information, [sexual orientation, gender identity or expression, veteran status, or any other legal protected class](#). Harassment becomes unlawful when (1) enduring the offensive conduct becomes a condition of continued employment or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Immediate family member - A spouse, child, or parent of the employee as defined in the "Family Medical Leave Act".

Independent Contractor - See Policy 1.6.

Mayor - The elected Mayor. In the absence of the elected Mayor for any reason, the term "Mayor" shall include the "Mayor Pro Tem".

Non-exempt employee - An hourly employee.

Part-time employee or part-time employment - See Policy 1.5.D and 1.5.E. ~~Permanent part-time employees will only be eligible to receive benefits in the form of COLA's and bonuses.~~

Permanent part-time employee or permanent part-time employment - See Policy 1.5.E.

Planning Commission Member – Recommended by Mayor with Council approval. [See Policy 1.5.D.](#)

Probationary employee - See Policy 1.5.B.

Public safety employee - An employee of the North Ogden Police Department who works various shifts according to a schedule produced by the employee's departments.

Retaliation - Any adverse action that a company takes against an employee because he or she filed a complaint about harassment or discrimination. Adverse action can include actions such as firing the employee, giving them negative evaluations, disciplining them, demoting them, reassigning them, or reducing their pay.

Retirement – As defined by Utah Retirement Systems at www.urs.org.

Seasonal employee or seasonal employment - See Policy 1.5.F.

Selection Committee - The committee determined by the Department Head and Human Resource Director under the direction of the City Administrator/Manager.

Sexual harassment - According to the federal Equal Employment Opportunity Commission (EEOC), sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of a sexual nature or sex based nature where:

- A. Submission to such conduct is made either explicitly or implicitly as a term of condition of an individual's employment
- B. An employment decision is based on an individual's acceptance or rejection of such conduct
- C. Such conduct interferes with an individual's work performance or creates an objectively intimidating, hostile, or offensive work environment

Temporary employee or temporary employment - See Policy 1.5.C.

Weapons - Any item that, in the manner of its use or intended use, is capable of causing death or serious bodily injury. The following factors shall be used in determining whether any item, object, or thing not commonly known as a weapon is a weapon:

- A. The character of the instrument, object, or thing
- B. Other lawful purposes for which the instrument, object, or thing may be used

CHAPTER 1 EMPLOYEE RECRUITMENT AND HIRING

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 1.1 POSTING OF JOB OPENINGS

North Ogden City encourages current employees to apply for current job opportunities within the City for which they are qualified.

- A. Department Heads shall consult with the City Administrator/Manager regarding staffing needs and shall not advertise any job opening until the City Administrator/Manager has approved recruitment. At the discretion of the City Administrator/Manager, Mayor, or Mayor Pro-Tem, some positions (excluding Department Heads) may be advertised in-house for a period of three (3) business days in the following manner: an email will be sent to all current employees' email addresses and each department will post a copy of the announcement in a conspicuous place within the department for all employees to see. After three (3) business days, if there are no qualified employees who have met all minimum requirements and/or completed an interview process, then the position will be advertised for open recruitment.
- B. The Human Resource Director will post all job positions for open recruitment for the employees and general public on the City's website, Utah League of Cities and Towns website, and other sites that are deemed appropriate. Current City employees who meet the minimum job qualifications will be encouraged to apply.
- C. An employee applying for a job opening shall submit an application. All applications received from internal and external applicants will be given equal consideration.
- D. An employee's current Department Head will be informed when an employee has been accepted for a new position.
- E. The transfer of a full-time employee to a different salary range normally will not be considered until after one year of continuous employment. Where it is in the best interest of the City, and if both Department Heads concerned agree, then an earlier transfer may be negotiated with the approval of the City Administrator/Manager.
- F. The City may fill a position by transferring an employee from another position of the same or similar salary range after the employee has completed six months employment in their current position. If it is in the best interest of the City, and if both Department Heads concerned agree, an earlier transfer may be negotiated with the approval of the City Administrator/Manager.
- G. Interdepartmental transfers must be approved by the City Administrator/Manager after consultation with both Department Heads and the employee concerned.
- H. Part-time employees can be transferred from one position to another when it is in the best interest of the City if both Department Heads concerned agree and if the City Administrator/Manager approves the transfer. If the transfer is involuntary, the employee can appeal the decision by following the procedure in Chapter 3.

Policy 1.2 EMPLOYEE RECRUITMENT AND HIRING

It is the policy of North Ogden to comply with all applicable laws regarding discrimination on the basis of race, color, national origin, sex (including pregnancy, childbirth, or pregnancy related conditions), age (40 years or above), race, ethnicity, religion, and gender identity or expression, sexual orientation, genetic information, physical or mental disability, veteran status, or any other protected class in its hiring decisions. To help hiring departments meet their equal employment opportunity (EEO) responsibility, all Department Heads and employees shall comply with this policy with regard to all recruitment and hiring actions.

A. APPLICATIONS

1. All personnel selection decisions shall be made by a selection committee, which shall evaluate applicant responses using a sound decision making method that weighs the importance of advantages in each of the evaluation factors, as decided on and developed by Department Heads and the Human Resource Director.
2. The Human Resource Director will draft an advertisement for the position. The advertisement shall contain all of the relevant information regarding the job that is reasonably necessary and appropriate to generate a qualified applicant pool. The advertisement shall be published on the City website for at least five (5) days prior to the closing of the time to submit applications.
3. The qualifications required of applicants will be related to the duties of the specific job and reviewed for compliance with all City policies.
4. As a condition of employment, any Law Enforcement applicant shall be required to live within a radius of 15 miles of North Ogden City. In the event the applicant resides outside of the 15 mile radius, he/she will they will be allowed 90 days from their hire date to meet said requirement. This residency condition shall be ongoing and continuous through the employment term.
5. As a condition of employment, any Public Works Maintenance applicant shall be required to live within a 30-minute response time of North Ogden. In the event the applicant resides outside of the 30-minute response time, he/she will they will be allowed 90 days from their hire date to meet said requirement. This residency condition shall be ongoing and continuous through the employment term.
6. As a condition of employment, any Parks Division applicant shall be required to live within a 30-minute response time of North Ogden. In the event the applicant resides outside of the 30-minute response time, he/she they will be allowed 90 days from their hire date to meet said requirement. This residency condition shall be ongoing and continuous through the employment term.
7. In order to be considered for employment with the City, an applicant must file an application and submit it to the Human Resource Director on or before the closing date of the announcement. The application form will essentially be in the same format contained in "Exhibit A, B, or C". The City will immediately reject all unsigned applications.

B. REVIEW OF APPLICATIONS

1. After the end of the time for submitting applications, the Human Resource Director and Department Head shall review all of the applications which have been received for the position. The Human Resource Director and Department Head shall eliminate all applicants who, on the basis of information provided in the applications, do not meet the necessary qualifications and shall transmit the remaining applications to the Selection Committee.
2. In reviewing the applications, the Selection Committee, consisting of the Department Head(s), Human Resource Director, Mayor and City Administrator/Manager, will consider each applicant individually and will not consider an applicant to be unqualified if the individual is able to perform the essential functions of the job with reasonable accommodations.

C. INTERVIEWS AND REFERENCES

1. The Selection Committee shall interview and rank the applicants using a sound decision making process.
2. The Human Resource Director will contact references provided by an applicant. The Human Resource Director will keep records of all contacts with references and keep the records as part of the applicant's file. With exception to the Sworn Officers only the Human Resource Director or ~~his/her~~ designee will be permitted to perform reference checks. (See #3)
3. The Police Department will provide their own reference checks and background checks for Sworn Officers. The Human Resource Director will keep records of all contacts with references and keep the records as part of the applicant's file.

D. RECOMMENDATION AND HIRING FOR ALL EMPLOYEES EXCEPT DEPARTMENT HEADS AND APPOINTED EMPLOYEES

1. At the conclusion of the interviewing process, the Department Head shall recommend one candidate to the City Administrator/Manager to fill the position. The recommendation shall include a recommendation for the salary to be paid to the applicant upon hiring.
2. After receiving the recommendation of the Department Head, the City Administrator/Manager together with the Department Head, may interview the recommended applicant. The City Administrator/Manager shall have discretion regarding whether an additional interview is necessary.
3. The City Administrator/Manager shall then concur with the recommendations of the Department Head or reject the recommendation. If the City Administrator/Manager rejects the recommendation, the Department Head shall recommend a different applicant for the position and the City Administrator/Manager shall review the new

recommendation and may, at his or her discretion, interview the person who has been recommended to fill the position.

4. All offers of employment shall be conditioned upon a background check and drug testing prior to commencing employment with the City. For Sworn Police Officers positions, the offer of employment may also be conditioned upon the results of a medical examination, polygraph testing, job related physical ability testing, and psychological testing. All applicants must consent to this testing by executing "consent" in essentially the same form as the "Drug Testing & Background Check" attached as "Exhibit D".

Testing under this paragraph will occur only after a conditional offer of employment has been made and accepted.

- a. All medical, psychological, physical, or polygraph examinations that are specifically required prior to commencing employment shall be conducted by duly licensed or otherwise qualified individuals approved by the City.
 - b. If the individual performing the testing deems any candidate medically, emotionally, or otherwise unable to perform the duties of the position applied for without reasonable accommodations which are available, the individual(s) administering the testing shall state in writing the reasons for the inability and the accommodations necessary to allow the applicant to fill the position.
 - c. The City shall bear all costs of any required pre-employment testing.
5. Job offers made to Department Heads shall be made in writing by the Mayor. Job offers for hourly employees shall be made in writing by the City Administrator/Manager. The offer shall instruct the applicant to sign the letter and return it to the City office to indicate acceptance of the offer. Offers which are not returned within two weeks shall be deemed to be rejected.
6. For those positions requiring certifications, including CDL, and for which the City will be required to incur expense to facilitate the employee obtaining the needed certification, the applicant shall be required to sign an agreement which stipulates their commitment to work for the City for a minimum of one calendar year after such certifications are acquired. Failure to complete the one-year minimum shall result in a charge against the employee to cover the cost of certification unless waived at the consent of the City Administrator/Manager. Re-certifications are not subject to this requirement. In the case of a Department Head position or City Administrator/Manager position, the City Council must approve any decision to change the offer.
7. If the initial job offer is not acceptable to the applicant or if the applicant makes a counter-offer of employment by modifying any of the substantive terms of the City's offer, the City Administrator/Manager must approve any decision to change the offer.
8. Upon accepting an offer for employment, the selected applicant must receive a copy of the Personnel Policies and Procedures Manual and must sign a "Receipt of Personnel Policy Manual" attached as "Exhibit E" upon receipt of the manual.

E. RECOMMENDATION FOR DEPARTMENT HEADS AND APPOINTED EMPLOYEES

1. Department Head positions shall be filled with advice and consent of the City Council.

F. DISPOSITION OF NON-SELECTED APPLICATIONS AND NOTIFICATION LETTERS TO APPLICANTS

1. When an applicant is not selected, all forms and information relating to the applicant must be returned immediately to the Human Resource Director who will file them according to the State's Retention Schedule.
2. After the job offer has been accepted, the Human Resource Director shall notify the non-selected applicants within a reasonable length of time.

G. YOUTH EMPLOYMENT

1. Individuals under 14 years of age cannot be hired.
2. Requirements for employing 14 and 15-year old minors as follows in the Fair Labor Standards Act Child Regulation No. 3, 29 C.F.R. § 570.35:
 - a. Must not work during school hours, except as provided for in Work Experience and Career Exploration Programs
 - b. Must not work before 7am or after 7pm, except between June 1 and Labor Day when the evening hour is extended to 9pm.
 - c. No more than 3 hours per day on school days (including Fridays)
 - d. No more than 18 hours per week during a school week
 - e. No more than 8 hours a day on non-school days
 - f. No more 40 hours per week during non-school weeks
3. Youth 16 years and older are not limited in the number of hours they may work except as covered under the Fair Labor Standards Act.
 - a. Are not permitted to drive
4. Youth 17 years and older may work in occupations involving the use of motor vehicles if licensed to operate the vehicle pursuant to State Vehicle Laws and Regulations and is incidental to the job.
5. Ages of prospective applicants cannot be asked until after an offer of employment has been made. Job offers made to individuals who do not meet minimum age requirements by the FLSA will be withdrawn.

Policy 1.3 CLASSIFICATION AND JOB DESCRIPTION

All positions shall be classified under a plan that is composed of a list of positions. Each position shall be supported by written specifications setting forth the duties and responsibilities of the position and the qualifications necessary for designation to the position. These specifications will be periodically reviewed and updated by the Department Heads at the request of the Human Resource Director.

A. CLASSIFICATION PLAN

1. The purpose of the classification plan shall be to:
 - a. Provide fair and equitable compensation for services
 - b. Establish minimum qualification standards for recruiting purposes. (This includes minimum requirements of training and experience as well as minimum requirements of skills, knowledge, abilities, and other qualifications necessary for entry into the position)
 - c. Provide Department Heads and supervisors with a means of analyzing work distribution, areas of responsibility, lines of authority, and other important relationships between positions
 - d. Provide a basis for establishing standards of work performance
 - e. Indicate training needs
 - f. Provide uniform titles for positions

B. JOB DESCRIPTION

1. When a new position is created the Department Head shall send the City Administrator/Manager a request for classification of the position with a description of the applicable duties and responsibilities to be assigned to the position.
2. The Human Resource Director shall then create a formal job description for the position after analysis and evaluation of the duties and responsibilities without regard to the personal characteristics, abilities, or qualifications of the prospective incumbent.
3. The job description shall describe the department in which the position is located, the position's direct supervisor, the salary range for the position, the duties of the position, and the qualifications for the position.

Policy 1.4 EMPLOYMENT OF RELATIVES

- A. See Utah Code Ann. §52-3-1 attached as “Exhibit F”

Policy 1.5 EMPLOYMENT TYPES

- A. **Full-time employment** is the employment type of most City employees. For employees who have not been classified as exempt under FLSA, full-time employment shall begin on the date of hire. Appointed positions are full-time. Full-time employment is a minimum of 30 hours a week. Full-time employees qualify for all regular benefits.
- B. **Probationary employment** means the employment status of all new employees during the first six months of employment with the City with the possibility of an extension of the probation period if necessary. Sworn Police Officers have a required year-long probationary period. An employee who is transferred shall commence a new probationary period, which shall last six months from the transfer. Issues surrounding probationary employment are more fully described in Policy 6.2.
- C. **Temporary employment** means employment by the City, which cannot exceed 6 months in any calendar year. Applicants for temporary employment must meet the minimum qualifications of the position for which they are employed. Temporary employees do not qualify for regular benefits.
- D. **Part-time employment** means employment by the City, which cannot exceed more than 29 hours per week. Applicants for part-time employment must meet the qualifications of the position for which they are employed. Elected Officials and Planning Commission Members are part-time. Part-time employees do not qualify for regular benefits.
- E. **Permanent part-time employment** means employment which cannot exceed more than 29 hours per week for a position that is currently permanent. Applicants for permanent part-time employment must meet the qualifications of the position for which they are employed. Permanent part-time employees may qualify for COLA, merit pay as stated in Policy 5.1.E.3.a, and retirement benefits as stated in Policy 8.1.A.1.-
- F. **Seasonal employment** may mean full-time employment by the City for a period between three (3) to twelve (12) months if the average hours worked during the employment period does not exceed twenty-nine (29) hours per week. Seasonal employees may be hired by Department Heads without following all of the procedures described in Policy 1.2 provided the creation of the seasonal position has been approved by the City Administrator/Manager. Applicants for seasonal employment must meet the minimum qualifications of the position for which they are employed. Seasonal employees do not qualify for regular benefits.
- G. **Emergency employment** (other than Declaration of Emergency) means employment during an emergency, which will not typically continue past the duration of the emergency. The purpose of emergency employment shall be to prevent undue delay or serious interference with the provision of vital City services during the emergency. In an emergency, Department Heads may hire emergency employees for a period not to exceed thirty (30) calendar days. Such employees may be hired using the most expedient methods that are practicable and reasonable under the circumstances and without following the procedures of Policies 1.1 and 1.2, although the City

Administrator's/Manager's approval shall be necessary to hire an emergency employee. The City Administrator/Manager must also approve the hourly rate of pay for all emergency employees prior to the hiring of the emergency employee. No emergency employee will remain employed with the City past the duration of the emergency unless the emergency employee completes the hiring process as described in Policy 1.2 and the retention of the emergency employee is approved by the City Administrator/Manager. [Emergency employees do not qualify for regular benefits.](#)

Policy 1.6 INDEPENDENT CONTRACTORS

Because North Ogden retains a skilled and qualified work force, there should be little need for the hiring of Independent Contractors. This policy describes the procedure for hiring Independent Contractors. This policy does not apply to the letting of contracts for public improvements or for repair of streets, water lines, sewer lines, storm sewer lines, or other utilities.

As a guide for Department Heads and other employees, the City believes that it will be beneficial to describe the differences between employees and Independent Contractors. Employees who will be working with Independent Contractors should understand these differences in order to appreciate the reasons that Independent Contractors are treated differently than employees and to avoid committing errors which might transform an Independent Contractor relationship into an employee relationship.

In general terms, an employee is one who is hired and paid a salary, a wage, or a fixed rate to perform the employer's work as directed by the employer. An employee is subject to a comparatively high degree of control in performing those duties. In contrast, an Independent Contractor is one who is engaged to do some particular project or piece of work, usually for a set total sum, ~~where~~[which](#) may do the job in ~~his/her~~[the person's](#) own way, is subject to only minimal restrictions, or controls and is responsible only for the satisfactory completion of a project or piece of work.

A number of factors may be considered in determining whether an individual is an employee or an Independent Contractor. No one of these factors is determinative; it is necessary to examine all of the circumstances in order to determine whether an individual is an employee or an Independent Contractor. Factors that are commonly examined are control, opportunity for profit or loss, investment, permanency and skill.

- A. A Department Head who believes that he has a project that requires the hiring of an Independent Contractor shall inform the City Administrator/Manager, in writing, of the need for an Independent Contractor. The Department Head shall describe the project for which the Independent Contractor is needed and the skills which the Independent Contractor should have. The Department Head shall also describe the steps ~~he/she has~~[taken](#) to locate a person with the necessary skills among the City's existing employees.
- B. The City Administrator/Manager shall review the request from the Department Head to hire an Independent Contractor. If the City Administrator/Manager believes the request is unjustified, ~~he/she shall notify~~[the Department Head shall be notified](#) of ~~the his~~[his](#) decision and no Independent Contractor shall be hired. If the City Administrator/Manager believes the request to retain an Independent Contractor is justified, ~~he/she~~[the City Administrator/Manager](#) shall consult with the Mayor regarding the hiring of an Independent Contractor.

- C. No Independent Contractor shall be hired without the consent of both the Mayor and City Administrator/Manager.
- D. If the Mayor and City Administrator/Manager decide to hire an Independent Contractor, they shall place an advertisement, interview applicants, and choose an Independent Contractor to fill the position. The Department Head who requested the Independent Contractor may participate in the selection process, but the decision regarding which applicant to retain shall be made by the Mayor, City Administer/Manager, and City Council as required by the procurement policy.
- E. All Independent Contractors must be hired by contract in order to ensure compliance with specific protection provisions of the Fair Labor Standards Act and to protect the City from potential financial liabilities. The City Administrator/Manager, working with the City Attorney and with the participation of the Mayor, will negotiate the terms of the contract and draft the specific terms of the contract. The Mayor shall execute these contracts as required by law.
- F. Each contract with an Independent Contractor MUST contain the following provisions:
 - 1. All contracts must contain indemnity and liability defense provisions in which the contractor assumes all liability arising out of ~~his/her~~their work and agrees to assume all of the costs of defending any claims brought against the City as a result of the Independent Contractor's work for the City.
 - 2. All contractors must provide evidence of comprehensive general liability insurance, including contractual liability covering the contract concerned including listing the City as a "named insured" where required by the City Administrator/Manager, and provide evidence of workers' compensation insurance prior to the execution of the contract.
 - 3. The City, City officials, employees, agents, and volunteers must be named as additional insured on the Independent Contractor's liability insurance policy.

G. CONTROL

- 1. Independent Contractors are largely independent of their manager's control. The right to hire helpers and the right to set one's hours are indicative of Independent Contractors. Control is especially helpful to determine if a person is an Independent Contractor when it appears that an individual exerts control over a meaningful part of ~~his/her~~all activities and operates as a separate economic agency.

H. OPPORTUNITY FOR PROFIT OR LOSS

- 1. Independent Contractors have opportunities for financial profit and loss. For instance, if an Independent Contractor completes a project, ~~he/she~~the Independent Contractor will make a profit. On the other hand, if an Independent Contractor does not complete a project or does not have a sufficient number of projects at any one time, ~~he/she~~the Independent Contractor will experience losses. If an alleged Independent Contractor has no such opportunities, the individual's status as an Independent Contractor must be closely examined.

I. PERMANENCY

1. Independent Contractors usually have the ability to terminate the relationship according to guidelines of the contract and perform their operations elsewhere. If it is not possible for the Independent Contractor to terminate the relationship pursuant to the contract, it is likely that the individual is dependent on the organization and is therefore not an Independent Contractor. In addition, Independent Contractors usually are hired to perform a specific task or project. When that task or project is completed, the Independent Contractor's relationship with the City is usually terminated.

J. SKILL

1. Routine work that requires industry and efficiency is not indicative of independence and non-employee status. Operators should have the ability to initiate all major components of their work, including advertising, pricing and the hiring of subcontractors necessary to complete the work.

K. METHOD OF PAYMENT

1. An Independent Contractor is usually paid in one lump sum at the conclusion of the job or in a number of lump sums as the work progresses. In contrast, an employee is typically paid by the hour or on a salary basis.

CHAPTER 2 EMPLOYEE CONDUCT

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 2.1 EMPLOYEE CONDUCT

Employees of North Ogden City are expected to accept and adhere to high standards of personal and professional conduct at all times. This not only involves sincere respect for the rights and feelings of others, but also demands that an employee refrain from behavior that might be harmful or threatening to themselves, their co-workers, and/or North Ogden City, or that might negatively impact the perception of the City held by current or potential residents, and/or the public at large. Should an employee's performance, work habits, overall attitude, behavior, or demeanor become unsatisfactory in the judgment of the Mayor, City Administrator/Manager, or Department Head, an employee may be subject to disciplinary action which may include termination.

An employee of North Ogden City is expected to faithfully perform all the duties and responsibilities required by ~~his/her~~ the employee's job description and all additional duties and responsibilities assigned by the Department Head or supervisor in a timely manner. Should an employee fail to perform these job duties and responsibilities at prescribed levels, ~~he/she~~ the employee may be subject to disciplinary action which may include termination.

A. RECEIPT OF GIFTS

1. The City shall adhere to the provisions of Utah Code Ann. §10-3-1304 attached as "Exhibit G".
2. In addition to this provision, City employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or any item of monetary value from any person seeking to obtain or to continue business with the City, or from any person within or outside City employment whose interests may be affected by the employee's performance or non-performance of official duties. Non-monetary gifts of less than \$50.00 per year from any one person or entity are excluded from the prohibition in this paragraph.
3. City employees shall not solicit or accept any gift, gratuity, favor, entertainment, loan, or other item of monetary value on behalf of their family members. For purposes of this paragraph, the term "family members" includes spouses, children, step-children, grandchildren, siblings, aunt, uncles, first cousins, grandparents, and domestic partners.

B. OUTSIDE EMPLOYMENT

1. Employees wishing to enter into outside employment shall notify the City of this fact and give all relevant information to the City using the "Employee's Notice of Outside Employment" form attached as "Exhibit H".

2. Upon written authorization or approval of the City Administrator/Manager and the Department Head, a full-time employee may engage in outside employment. Employees whose requests for approval of outside employment are denied by the City Administrator/Manager or Department Head may appeal that decision to the Mayor.
3. No employee may engage in additional employment which in any manner interferes with the proper and effective performance of the employee's official duties, takes place during the employee's assigned hours of employment with the City, or results in a conflict of interest, or a perceived conflict of interest.
4. If the City Administrator/Manager, in consultation with the Department Head, determines that an employee's outside employment is disadvantageous to the City's interests, the employee shall terminate the outside employment upon receiving reasonable notification in writing by the Department Head or the City Administrator/Manager. An Employee may appeal the decision requiring termination of the outside employment to the Mayor.
5. Public Safety employees are covered under the "Off-duty Employment" Standard Operating Procedures #15.
6. Under no circumstances shall any of the City's equipment be utilized for outside employment, for personal financial gain, or for the personal financial gain of any family member.

C. PRIVILEGED INFORMATION

1. City employees who are involved with information of significant public interest may not use this privileged information for personal gain and not to benefit friends, family members, or acquaintances. Violation of this provision regarding use of City information for private gain shall be cause for disciplinary action which may include termination.
2. If an employee has any interest, which could be affected by any proposed City plan or activity, the employee shall disclose all of the relevant facts to ~~his/her~~their supervisor immediately upon learning of the possibility of a conflict of interest. The report shall include a description of the employee's interest that may be affected, the proposed City plan or activity that may affect the employee's interest, and the anticipated effect on the employee's interest. Failure to make this report in a timely manner shall be cause for disciplinary action which may include termination.
3. If any member of the public (including candidates for public office and the press) requests information held by the City from an employee, the employee shall refer the person to the City Recorder. Much of the information collected and retained by the City is private, controlled, or protected, and the City may be liable for improperly releasing that information. Under no circumstances should employees, who have not been designated by the City Administrator/Manager, attempt to determine which information the public is entitled to and which information is private, controlled, or protected. Violation of this provision may be the basis of disciplinary action that may include termination.

D. POLITICAL ACTIVITY

1. The following restrictions apply to the political activities of non-elected City employees:

- a. An employee shall not use official authority or influence for the purposed interfering with or affecting the result of an election or nomination for office
- b. An employee shall not directly or indirectly coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.
- c. An employee shall not use City work time to campaign for political office, to campaign for the election of any candidate, to campaign for the passage of any issue submitted to the voters for approval, or otherwise engage in political activity.
- d. An employee shall not use [his/her/their](#) position with the City to intimate that the City has endorsed any candidate for any local, state, or federal office or has endorsed any position regarding any issue, which has been submitted to the voters.

E. MEDIA RELATIONS POLICY

The goal of North Ogden City is to establish “transparency in government” by working cooperatively with the media to disseminate information of public interest and concern in an accurate, complete, and timely manner.

1. Policy

- a. The City Administrator/Manager is designated as the City Public Information Officer or “CITY PIO” for North Ogden City and shall be responsible for the implementation of this policy. When the City PIO is unavailable, [he/she/the City Administrator/Manager](#) shall designate one of the authorized City spokesperson as the “Acting City PIO.”
- b. The press should be treated like a customer of the City and all City employees or officials who engage with the press shall do so in a courteous, polite, and professional manner. Any media inquiries received by City staff will be referred immediately to their Department Head who, in turn, will immediately forward the contact to the City PIO for response.
- c. Inquiries from the news media are given a high priority by North Ogden City and should be responded to as quickly and efficiently as possible. Every effort should be made to meet media deadlines and to ensure that all information released is accurate and complete.

- d. When contacted by the City PIO for information to respond to a media inquiry, all Department Heads shall immediately provide the City PIO the most accurate and complete information available for the response.
- e. If the City PIO determines that the City's interest can best be achieved by having someone with more background or expertise speak for the City on a particular topic, he/she/the City PIO may designate one of the authorized spokespersons to assist with or give the City's response.
- f. To ensure that the City's elected officials have accurate, complete, and timely information to fulfill their responsibilities to represent the public in City affairs, they shall be immediately informed by telephone or email of the substance of every media inquiry and of the City's official response. They shall be notified of all official City press releases and other proactive media contact prior to release of information to the media.
- g. The City PIO shall keep a log of all media contacts indicating the date and time of the contact, the substance of the inquiry, the substance of the City's response, the identity of the person making the response for the City, and the date and time of the response.
- h. Verbal requests from the media to any City elected official or employee that are not public safety, crisis, or emergency inquiries shall be sent in writing to the City PIO and elected officials. Responses to the media shall be sent in writing and copied to the City PIO and elected officials. Copies may also be sent to other City spokespersons as needed.

2. City Spokespersons

- a. Authorized City spokespersons that the City PIO, in his/her/the PIO's best judgment, may designate for a particular response are:
 - 1. The Mayor and City Council members
 - 2. The City Attorney
 - 3. All Department Heads
 - 4. The Police Chief

3. Records Request

- a. Media /GRAMA requests for records will be handled in accordance with this policy, to the extent it is consistent with the Government Records Access And Management Act or "GRAMA" as contained in Utah Code Ann. §63G-2-101 et seq.

- b. The City PIO will be notified of all media records requests. ~~He/she will~~ then forward the request to the City Recorder, who is the official custodian of all the City records.
- c. The City Recorder will be responsible to see that media records requests are handled in accurate, complete, and timely manner.
- d. The City Recorder will immediately notify all elected officials by telephone or email of each media records request received by the City.
- e. The Police Department shall continue to respond to media requests for records concerning investigations according to police department policy.
- f. Media/GRAMA requests shall be made in writing on a form prepared by the City for that purpose; the form shall include:
 - 1. An accurate and complete description of the record(s) requested
 - 2. The name of the person and organization making the request
 - 3. The date and time of the request
 - 4. The telephone number and mailing address of the requestor
 - 5. The name of the City employee assigned by the City Recorder to respond to the request
 - 6. The date and time of the response.
- g. A copy of all records disclosed to the media in response to the request shall be attached to the completed form and archived by the City Recorder.
- h. The records produced in response to media/GRAMA requests shall be readily available for viewing at City Hall upon request by any elected official.

4. Privileged and Private Information

- a. The vast majority of the records and affairs of North Ogden City are public information which citizens, including the press, have the right to know. All public information should be provided to the press upon request without unnecessary delay.
- b. Some matters, however, like ongoing investigations, information regarding litigation or the threat of litigation, personnel issues, real estate transactions, medical and mental health matters, private data regarding citizens, documents in draft form, to name a few, are governed by privileges and laws intended to advance important public policy goals.

- c. When a media/GRAMA request for an interview or for records appears to involve subject matter that may be privileged or private, the City PIO, Police PIO or [City Recorder](#) should consult with the City Attorney. The City Attorney will review the request without delay and promptly provide counsel to the City PIO or [City Recorder](#).

5. Personal Points of View

- a. It is recognized that all employees have the right to express their personal points of view regarding matters of general public concern.
- b. However, personal points of view may conflict with the City's official policy.
- c. Therefore, City employees who write letters to the editor may not use official City stationery. If an employee chooses to identify [himself/herself](#) as a City employee in a letter or email to the editor, [he/she the employee](#) must state that the views set forth in the letter do not represent the views of the City but are the employee's personal opinions.
- d. A similar disclaimer must be given if an employee addresses a public meeting, participates in a radio talk show, or is interviewed for radio or television, unless the employee has been designated by the City PIO as a spokesperson for the City.

6. City-initiated Information

- a. Proactive media contact on behalf of the City is processed through the City PIO. Proactive media contact includes press releases, media advisories and personal contacts with reporters and editors for coverage.
- b. Departments seeking publicity for events or activities, or needing to collaborate with the media to communicate important information to the public, will coordinate with the City PIO.
- c. Departments (except law enforcement on matters pertaining to investigations) may not unilaterally initiate media contacts.
- d. When the City PIO approves a proactive media contact, [he/she shall notify all](#) elected officials [shall be notified](#) of the substance of the contact by telephone or email, prior to the information being released.

7. Public Safety Issues

- a. Because the Police Department operates 24/7 and its work generates a high volume of media calls, it shall designate an officer or officers as Police Public Information Officers or "Police PIO's" and follow specific guidelines when releasing information.

- b. When the City PIO is notified by a City staff member of a media call regarding a Police investigation or general criminal activity, the City PIO will immediately forward the contact to the Police PIO for the appropriate response.
- c. All information released to the media by the Police PIO should be provided immediately to the City PIO, who will forward the information without delay by telephone or email to elected officials.
- d. Media inquiries concerning matters of police personnel, general police policies and procedures, or in any way reflecting upon the competency or integrity of police personnel or police administration will be routed to and handled directly by the City PIO as provided in this policy.

8. Crisis or Emergency Issues

- a. During a crisis or major emergency (i.e. flooding, earthquake, etc.,) the procedure for communicating with the media is highlighted in the City's Emergency Plan. The plan designates the City PIO as the main point of contact for the media. The City PIO is assisted by alternates, including the Police PIO, who prepare and disseminate emergency public information.

F. DRESS CODE AND APPEARANCE

- 1. As public servants, it is essential that City employees maintain high standards of personal appearance while performing the public's business. Clothing should be clean and appropriate for the job duties assigned. Reasonable grooming and hygiene standards should be followed. Extreme or immodest styles of clothing, hair, body piercings, and tattoos that draw attention to the employee and detract from the dignity of the public office are prohibited. An employee shall wear clothing that promotes high standards of personal and professional conduct at all times.

G. GROUNDS FOR DISCIPLINE

- 1. In addition to the matters addressed elsewhere in this policy and in this personnel policy manual, the following are some, but not necessarily all, of the causes justifying discipline or dismissal.
 - a. Falsification of City records
 - b. Knowingly marking the time slip of another employee, authorizing one's time slip to be marked by another employee, unauthorized alteration of time slip, and deliberately turning in a false time slip
 - c. With the exception of Sworn Police Officers, having explosives in City-owned vehicles is not permitted.
 - d. Carelessness that affects the safety of others

- e. Threatening, intimidating, coercing or interfering with others while in the course of employment
- f. Theft, removal, or the unofficial use of City property or property of any employee
- g. Gambling or engaging in a lottery at any City work area while on duty or during work hours
- h. Misusing, destroying, or damaging any City property or the property of another
- i. Deliberately restricting or slowing work or output
- j. Drinking any alcoholic beverage, taking or using any illegal drugs, or being under the influence of any such substance during work hours or while on duty
- k. Taking any drug or medication while on duty which impairs the employee's judgment or physical abilities, regardless of whether the employee has a prescription for the drug or medication; employees who operate heavy equipment or drive a city vehicle are required to bring a note from their doctor to the Human Resource Director if they are prescribed a controlled substance.
- l. Refusing to submit to drug testing
- m. Immoral conduct or indecency
- n. Unauthorized sleeping on the job during working hours
- o. Incompetence
- p. Inability or unwillingness to work with or get along with other employees
- q. Inability or unwillingness to interact acceptably with the public
- r. Conviction of any felony
- s. Conviction of any misdemeanor involving violence, use of alcoholic beverages, driving under the influence, or use of illegal drugs
- t. Unauthorized interference or participation in the City's personnel decisions or relations, including unauthorized interference or participation in hiring procedures or disciplinary procedures involving other employees
- u. Conducting unauthorized investigations into City affairs or matters
- v. Rudeness or intimidation of others, regardless of whether the others are members of the public or other City employees

- w. Taking and maintaining outside employment which interferes with the employee's performance of his/her and duties for the City or which creates a conflict of interest for the employee
- x. Using the City's information for personal gain, or to provide gains for friends, family members or acquaintances
- y. Releasing City information without authorization
- z. Engaging in political activities while on duty and/or with City equipment in violation of Policy 2.1.D
- aa. Committing acts of harassment which may be reasonably construed as creating or contributing to a hostile work environment
- bb. Conditioning any benefit of employment or intimating that any benefit of employment (including continuation of employment) on an employee's participation in, or toleration of, unwanted or unwelcome sexual advances
- cc. Committing any act of discrimination on the basis of another person's race, national origin, color, gendersex (including pregnancy-related conditions), sexual orientation, gender identity or expression, age (40 or above), religion, mental or physical disability, ~~or~~ veteran's status, or any other protected class regardless of whether the other person is another employee or a member of the public
- dd. Committing any act which may reasonably be construed as a denial of, or interference with, the civil rights of another person
- ee. Any violation of the City's drug-free workplace rules described in Policy 2.3
- ff. Any violation of the City's Internet policy
- gg. Any violation of the City's Cellular Phone policy
- hh. Any misuse of a City computer, copy machine, etc.
- ii. Any other action that may be detrimental to the City as determined by the Mayor or City Administrator/Manager
- jj. Damage to City property including vehicular accidents

Policy 2.2 EMPLOYEE DISCIPLINE

Employees of North Ogden City are expected to adhere to high standards of personal and professional conduct at all times. Employees who cannot or will not adhere to those standards may be subject to discipline up to and including termination of employment.

A. GENERAL POLICY

1. Although the City will usually use progressive discipline, it is not required to do so. Nothing in this policy or in this Personnel Policies and Procedures Manual shall be construed as a guarantee or contract that the City will follow any particular order of discipline or that any particular form of discipline will precede any other form of discipline.

B. VERBAL WARNING

1. Whenever grounds for disciplinary action exist, and the supervisor determines that more severe action is not immediately necessary, the supervisor shall verbally communicate to the employee the supervisor's observation of the deficiency demonstrated at the time of the action.
2. In addition to communicating with the employee at the time of the action, the supervisor shall document the verbal warning in the employee's records and shall notify the Department Head and City Administrator/Manager of the warning.
3. Documentation shall be provided to the Human Resource Director for inclusion in the employee's personnel file.
4. Whenever possible, sufficient time as determined by the Department Head, but no longer than six (6) months, for improvement after a verbal warning should precede disciplinary action by reprimand, suspension, demotion, or dismissal.

C. REPRIMAND

1. A Department Head or supervisor may, after consultation with the City Administrator/Manager, reprimand an employee. Such reprimand shall be in writing and be addressed to the employee and shall state the reason for the reprimand. The Department Head shall use the "Employee Written Reprimand Notification" attached as "Exhibit I" for the reprimand.
2. The employee shall be asked to sign the reprimand to verify that ~~he/she~~ the employee has received it. The employee's signature on the reprimand does not signify that the employee agrees with the reprimand.
3. A signed copy of the reprimand shall be delivered to the Human Resource Director for inclusion in the employee's personnel file.

D. SUSPENSION

1. A Department Head, with the concurrence of the City Administrator/Manager, may suspend without pay an employee for up to but not exceeding (1) 40 consecutive work hours, (2) 43 hours for Sworn Police Officers, or (3) 1 week for part-time employees.
2. On or before the effective date of the suspension, the City Administrator/Manager and the employee shall be furnished with a written copy of the Department Head's

statement setting forth the reasons for the suspension. The statement shall be in the format of the "Employee Suspension Notification" attached as "Exhibit J".

3. Upon receipt of a written statement of suspension, the employee may appeal as provided in Policy 3.1.
4. An employee suspended for disciplinary reasons shall continue to receive City contributions to retirement, health, dental and disability and life insurance programs. However, the employee shall pay his/her/their portion of benefits to continue coverage through the period of suspension.

E. DEMOTION

1. A Department Head may, with the approval of the City Administrator/Manager, demote or transfer any employee in the department for either the good of the City or as a disciplinary measure. The Department Head shall notify the employee of the demotion using the "Employee Demolition Notification" attached as "Exhibit K".
2. An employee (with the exception of an employee on probationary status) who is demoted, transferred, or reduced in grade shall have the right to appeal as provided in Policy 3.1.

F. DISMISSAL

1. A Department Head may, with the concurrence of the City Administrator/Manager and the approval of the Mayor, dismiss any full-time employee in the department by delivering a written statement of reasons to the employee concerned. The employee shall receive an "Employee Termination Notification" attached as "Exhibit L".
2. Upon receipt of such written statement of dismissal, the employee may appeal as provided in Policy 3.1. In any such case, a hearing shall be held that allows the employee to respond to the stated reasons for his/her/the dismissal and provide relate information before the dismissal takes place.
3. An employee (with the exception of an employee on probationary status) who is dismissed shall have the right to appeal as provided in Policy 3.1.
4. If the employee elects not to appeal, the employee shall have a separation interview with the Human Resource Director.

G. ORDER OF DISCIPLINE

1. A Department Head or supervisor may impose the forms of disciplinary action described above, either separately or in combination with other such disciplinary actions. No form of disciplinary action is a necessary prerequisite to the imposition of any other form of disciplinary action.

Policy 2.3 SUBSTANCE ABUSE AND DRUG FREE WORKPLACE

The City believes in the importance of a healthy and productive work force, safe-working conditions free from the effects of drugs and alcohol, and maintenance of the quality of services rendered. The abuse of drugs and alcohol creates a variety of workplace problems, including increased injuries on the job, increased absenteeism, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

Therefore, the City hereby adopts this Policy for testing employees and prospective employees as related to drugs and alcohol in the workplace. All employees are to sign that they acknowledge, understand, and agree to abide by the "Drug and Alcohol Testing Policy" attached as "Exhibit M".

A. DRUG AND ALCOHOL TESTING POLICY DEFINITIONS

For the purposes of this policy, the following definitions shall apply:

1. **Accident** - an incident involving physical injury in which any person involved is required to obtain medical care, or an incident involving a city vehicle in which property damage occurs whether on a city vehicle or other personal property.
2. **Alcohol** - alcoholic beverages and any other intoxicating substance.
3. **Drug(s)** - refers to and includes all drugs, paraphernalia, controlled substances, and mood or mind altering inhalants, any of which were not prescribed by a licensed physician/dentist in the United States for the person taking or in possession of the drug or substance, or which have not been used as prescribed or directed.
4. **Drug paraphernalia** - objects used to manufacture, compound, convert, produce, process, prepare, test, analyze, pack, store, contain, and/or inject, ingest, inhale, or otherwise introduce a drug into the human body.
5. **Employee** - any person, excluding elected officials, in the service of the City whether for compensation or as a volunteer.
6. **Prospective employee** - any person who has made application for employment with the City and to whom the City has offered employment, conditional upon the results of a drug and alcohol test.
7. **Conviction** - a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal statutes.
8. **Criminal Drug Statute** - a federal or state criminal statute involving the manufacture, distribution, dispensing, possession, or use of any controlled substance.
9. **MRO (Medical Review Office)** - charged with reviewing and interpreting test results and determining any alternate medical explanation.

10. **Drug Policy Coordinator** - The Human Resource Director, who will administer the Drug and Alcohol Testing Policy and through whom any procedures or disciplinary or rehabilitative action regarding this policy must be reviewed and approved. The Drug Policy Coordinator is the Human Resource Director or other person designated by the City Administrator/Manager.
11. **CDL (Commercial Driver's License)** - the license required to operate a commercial vehicle.

B. TESTING POLICY

1. It is the policy of the City to test employees and prospective employees for the presence of drugs or alcohol, according to the provisions set forth below, as a condition of hire or continued employment. Any employee or prospective employee failing or refusing to take the test will not be eligible for employment, or if employed, shall be subject to termination. The City shall consider as negative all confirmed positive drug and alcohol test results with a medically sufficient explanation.
2. The City shall require the testing of employees and prospective employees, including management, on a periodic basis under the following circumstances and purposes:
 - a. **Pre-employment testing** - offers of employment shall be made conditional upon submission to a drug and alcohol test. All prospective employees shall be tested for drug and alcohol usage prior to employment. All job applicants shall be informed of this policy at the pre-employment interviews. A copy of this policy shall be available for review by all job applicants. All prospective employees shall be required, prior to being hired by the City, to sign the acknowledgement form, agreeing to abide by the terms of this policy. The City will exclude from employment any job applicant or prospective employee who refuses to abide by the terms of this policy. Any prospective employee whose pre-employment drug and alcohol test results in a confirmed positive and who does not have a medically sufficient explanation (as determined in the sole, but reasonable, discretion of the MRO,) may reapply for employment with the City after six months from the date of such test. If the City hires a prospective employee, he/she/the person must have first successfully passed the above-referenced pre-employment drug and alcohol test, and thereafter he/she/the person will be subject to all the procedures and requirements for the drug and alcohol testing as set forth in this policy.

In addition, any employee who has taken an extended leave of absence of six months or longer must be retested under this section before returning to work.

- b. **Reasonable suspicion (for cause) testing** - certain supervisors shall be trained to look for behaviors which may indicate drug or alcohol usage. These behaviors include, but are not limited to, direct observation of drug or alcohol used; drug paraphernalia; abnormal or erratic behaviors such as accidents, stealing, or repeated errors on the job; or unsatisfactory time and attendance patterns, any of which are coupled with specific contemporaneous events that indicate probable drug or alcohol use. An employee will be required to provide a urine

sample, as defined below, when such reasonable suspicion arises and at least one supervisor or manager, and the designated Drug Policy Coordinator, concur that a reasonable suspicion of drug or alcohol use exists. The decision to test for drug or alcohol use by an employee is based on specific contemporaneous, physical behavior, and/or performance indicators. Once the authorized supervisor has determined that a reasonable suspicion exists, and after consent of City Administrator/Manager, testing is to be done immediately.

- c. **Return to duty testing** - if the City returns an employee to duty after ~~he/she/the~~ employee has voluntarily sought rehabilitation for drug or alcohol abuse and has successfully completed rehabilitation, such employee shall be entered into a program of unannounced drug and alcohol tests for a predetermined period of time at the sole discretion of the City.
 - d. **Post-accident testing** - Post-accident testing will be conducted on employees, officers, officials, and volunteers involved whenever a workplace injury or damage to municipal property occurs. For traffic accidents testing shall be completed even if the accident appears to be the fault of a third party. Such testing will occur as soon as possible, but not later than twelve hours after an accident has occurred.
 - e. **Random testing** - For public safety reasons all employees who routinely operate vehicles, heavy machinery, or carry firearms as part of their job description must inquire to the prescribing physician whether any work restrictions should be imposed during use of the prescribed drug. The City will make reasonable accommodations for such work restrictions. Any employee failing to inquire about work restrictions or to disclose any restrictions to the Human Resource Director may be subject to discipline.
3. Employees who are required to hold a Commercial Driver's License (CDL) and drive commercial vehicles as a condition of employment may be tested as a condition of employment and may be tested as required by federal and/or state law.
 4. Any drug or alcohol testing shall occur during or immediately after the regular work period of current employees and shall be deemed work time for the purposes of compensation and benefits for current employees.
 5. Individuals will be tested on City premises or sent to an outside clinic or testing facility licensed to perform such tests. If an employee is sent to an outside clinic for a "Reasonable Suspicion" test, the employee must be driven to the facility by the supervisor or ~~his/her~~ designee. The employee must then be put on administrative leave until the results of the test are available. The supervisor must make arrangements or help the employee make arrangements to get home without driving. ~~him/herself~~.
 6. The City shall pay all costs of testing and transportation associated with a test required by the City.
 7. All sample collection and testing shall be performed under the following conditions:

- a. The collection of samples shall be performed under reasonable and sanitary conditions.
 - b. Samples shall be collected and tested with due regard to the privacy of the individual being tested, and in a manner reasonably calculated to prevent substitutions or interference with the collection or testing of reliable samples.
 - c. The collection of samples shall be documented, and the documentation procedures shall include labeling of samples, to reasonably preclude the probability of erroneous identification of test results. An opportunity shall be provided for the employee or prospective employee to provide notification of any information that he/she/the person considers to be relevant to the test, including identification of currently or recently used prescriptions or non-prescription drugs or other relevant medical information.
 - d. Sample collection, storage and transportation to the place of testing shall be performed in a manner that reasonably precludes the probability of a sample misidentification, contamination or adulteration.
 - e. Sample testing shall conform to scientifically accepted analytical methods and procedures.
 - f. Testing shall include verification or confirmation of any positive initial screening test by gas chromatography, gas chromatography-mass spectroscopy, or other comparably reliable method.
 - g. In the case of urine testing, an employee or prospective employee will submit a split urine sample. A split urine sample shall consist of at least 45 ml of urine. The urine shall be divided into two specimen bottles, with at least 30 ml of urine in one bottle and at least 15 ml of urine in the other. If the test results of the of drugs, the donor of the test shall have 72 hours from the time he/she the person -is so notified to request, at his/her/the person's option that the 15 ml urine sample be tested for the indicated drugs, the expense of which shall be divided equally between the donor and the City. The test results of both samples may be considered at any subsequent disciplinary hearing.
8. Drug and alcohol testing will be conducted in compliance with federal, state, and local laws, including but not limited to Utah Code Ann. §34-41-104 et seq.
- a. **City action** - Upon receipt of a verified or confirmed positive drug or alcohol test result, which indicates a violation of this policy (and in the case of urine testing after providing the employee or prospective employee notice of the result of the initial test and the option to have the 15 ml urine sample tested), or upon the refusal of any employee or prospective employee to provide a sample, the City may use that test result or refusal as the basis for disciplinary or rehabilitative actions, which may include, but not be limited to, the following as determined by the Human Resource Director and the City Administrator/Manager or Mayor (See Policy 3.1):

1. Termination of employment
2. Refusal to hire a prospective employee.
3. Any other disciplinary measures in conformance with the City's practices, policies, or procedures.
4. Rehabilitation

b. **Confidentiality** - The information received from the drug testing results shall be the property of the City. Test results information may be released to the person who has been tested upon written request.

c. **Work place rules**

1. Employees who possess, dispense, manufacture, or distribute alcohol, drugs, or drug paraphernalia on City premises or on City time will be subject to disciplinary action, including termination.
2. Employees undergoing prescribed medical treatment with a drug that may alter physical or mental abilities must report that to the Human Resource Director.
3. Any employee convicted of violating a criminal drug statute must notify the City Administrator/Manager within five (5) days of conviction. The City may take appropriate disciplinary or rehabilitative actions as a consequence.
4. No employee may use or be under the influence of drugs or alcohol on the City's premises, in the City's vehicles, or any time the employee is representing the City on City business, except in cases involving a current prescription prescribed in the United States, or over-the-counter drug, taken as prescribed or directed.
5. Employees may continue to work while taking prescription drugs needed for the treatment of an illness, providing the medications prescribed do not affect the employee's ability to perform work safely, as determined by the City. The employee is required to notify North Ogden City any time they are placed on prescription medications that could affect their ability to perform their job functions. A valid prescription does not mean the medication is safe to use in the workplace, and a safety sensitive evaluation may be required if the medication(s) could affect the employee's ability to safely perform their job functions. The employee is responsible for awareness of all cautions associated with the use of prescription drugs.
6. Employees may continue to work while taking non-prescription or over-the-counter drugs needed for the treatment of an illness providing the medications do not affect the employee's ability to perform work safely

as determined by the City. Employees must notify North Ogden City when they are taking a non-prescription or over-the-counter drugs. Non-prescription or over-the counter drugs must be taken in accordance with the manufacturer's dosage recommendations and usage cautions. The employee is responsible for awareness of all cautions associated with the use of these types of medications.

d. **Miscellaneous.**

1. A copy of the City's Drug and Alcohol Testing Policy shall be distributed to and posted for all employees, and all employees shall be required to acknowledge receiving, reading, and acknowledging the policy. Copies shall be made available to prospective employees.
2. This policy applies to all employees as well as management, City Council, and volunteers. Though no Elected Official may be removed from office for violating this policy, restricting access to city vehicles and equipment shall be implemented
3. Employees wishing assistance with overcoming drug or alcohol abuse may contact their supervisor or the Human Resource Director for information about counseling and rehabilitation programs including, but not limited to the North Ogden City Employee Assistance Program.

e. **Acknowledgement of policy** - The City shall require each employee to read this policy and sign a form, acknowledging that they have received and read a copy of this policy and agree to abide by its terms as a condition of continued employment. The signed acknowledgment shall be kept in each employee's personnel file.

f. **Drug and alcohol policy not a contract** - This Drug and Alcohol Testing Policy is the unilateral action of the City and does not constitute an expressed or implied contract with any person affected by or subject to the policy. Neither this policy nor any action taken pursuant to this policy assures or guarantees employment or any terms of employment to any person for any period of time. The City may alter, terminate or make exceptions to this policy at any time, at the City's sole discretion.

Policy 2.4 SMOKING POLICY

Employees that smoke shall comply with the provisions of the "Utah Indoor Clean Air Act." This act prohibits the possession of lighted tobacco products or using e-cigarettes in enclosed indoor places of public access and publicly owned buildings and offices, in any City vehicle, or within 25 feet of any public building entrances, exits, air intakes, or windows.

Employees that smoke shall comply with the provisions of the Weber-Morgan Health Department's comprehensive secondhand smoke (SHS) regulation. This regulation prohibits smoking in any outdoor gathering place owned by the City that is open to the general public.

Policy 2.5 HARASSMENT

All employees of the City have the legal right (Title VII of the Civil Rights Act of 1964) to work in an environment free from harassment. In addition, all individuals making application for employment with the City have the right to expect an environment free from harassment.

Harassment is an unlawful activity, which violates City policy and is prohibited as a form of discrimination. It is unacceptable behavior that will not be tolerated at any level. Any employee who engages in any form of harassment shall be subject to disciplinary action.

It is also unlawful to retaliate or take reprisal in any way against anyone who has filed a complaint about harassment or discrimination.

The City and its supervisors, employees, and agents are under a duty to investigate complaints about such conduct and eradicate any form of harassment, or discrimination. In addition to prohibiting harassment by its employees, the City will not tolerate harassment towards its employees by its citizens, contractors and/or vendors.

The City's management is committed to vigorously enforcing this prohibition of harassment at all levels of the organization. This prohibition against harassment is in effect at all times and in all places.

A. STATEMENT OF PENALTIES FOR MISCONDUCT.

1. An employee's commission of acts of harassment and/or retaliation will result in disciplinary procedures. Discipline shall depend on the nature or severity of the misconduct. All records concerning sexual harassment complaints or the results of sexual harassment discipline actions shall be maintained and stored as protected files.

B. REPORTING VIOLATIONS OF HARASSMENT

1. Employees are encouraged to report violations of the City's Harassment Policy when they first feel they have been harassed. The following procedures will guide the investigation of harassment claims:
 - a. Employees shall file a harassment complaint in writing with one of the following individuals:
 - (1) Department Head
 - (2) Human Resource Director
 - (3) City Attorney
 - (4) City Administrator/Manager
 - (5) Mayor

- b. Identities and information from complainant, witnesses, and others will be kept confidential.

C. INVESTIGATION

1. The City will promptly conduct a thorough investigation of the alleged harassment complaint. The investigation will be handled in a confidential manner with information disseminated on a strict need to know basis. Every employee who is given information regarding the grievance will be informed of the need to preserve the confidentiality of the information they receive. The Human Resource Director, Mayor, and City Attorney will determine how the investigation will proceed.
2. Any employee of the City who is accused of harassment shall not question, coerce, intimidate, or retaliate in any way against the employee who has filed a complaint of harassment or against employees that have provided information concerning the complaint.
3. All employees shall fully cooperate in any investigation of harassment or retaliation. Disciplinary action up to and including termination will be taken against any employee that obstructs or does not fully cooperate with any investigation of harassment or retaliation.

D. RETALIATION

1. All employees should look for and prevent acts of retaliation against fellow employees, supervisors, or other individuals.
2. Any individual who is found to be participating in retaliation shall be subject to disciplinary action including termination.

E. EDUCATION AND TRAINING

1. As part of the City's employment orientation, new employees will be given a copy of the City's Personnel Policies, including the Harassment Policy and sign a statement that they have received both of these documents. The City strives at least annually to provide employees with training about the City's Harassment Policy and report procedures. The City shall post notices and inform employees about the law and reporting procedures.
2. Annual meetings with all City-elected Officials, Department Heads, supervisors, and related personnel of the City will be held to familiarize management with the contents of this policy and to further inform them of their specific and individual responsibilities.
3. All levels of management within the City organization are responsible for proper implementation of this program as outlined herein. Work performance of all levels of management shall be evaluated on the basis of the activity in promoting and insuring compliance with rules and regulations related to the implementation of such programs.

Policy 2.6 ELECTRONIC RESOURCES

Electronic resources are available to elected contractors, appointed officials, and employees of North Ogden City. These resources include access to the City's computers, Local Area Networks, Internet services, personal electronics, and e-mail. Our goal in providing electronic service is to promote efficiency and excellence in the workplace by facilitating resource sharing innovation, communication and collaboration.

Electronic resources, Internet access, personal electronics and e-mail have become critical components of efficient operations. With access to computers and people all over the world comes the availability of materials that may be considered to be inappropriate, illegal, obscene, or of no professional or business value. On a global network it is extremely difficult to control all materials. However, North Ogden City has taken precautions to restrict access to inappropriate materials. North Ogden City's access to/from the Internet is filtered and monitored. Users who access or attempt to access inappropriate or illegal Internet sites or who send inappropriate or illegal e-mail will be subject to disciplinary action, including the possibility of termination.

The smooth operation of the network relies upon the proper conduct of the end-users that must adhere to strict guidelines, rules, and regulations. Such are provided so that users are aware of the responsibilities they are about to accept. In general, these responsibilities necessitate efficient, ethical, and legal utilization of the network's resources.

A. COMPUTER/NETWORK/INTERNET/EMAIL ACCEPTABLE USE POLICY AND AGREEMENT

1. Electronic resources terms and conditions

- a. **Privileges** - The use of electronic resources is a privilege, not a right. Inappropriate use of these resources may result in disciplinary action, including the possibility of termination, and/or referral to legal authorities. The City may limit, suspend, or revoke Local Service and/or Internet access, Personal Electronic Devices, and/or e-mail.
- b. **Acceptable Use** - The use of an assigned account (user login) must be in support of City business, research and/or within the personal employment goals, roles, responsibilities and objectives of the City. Each user is responsible for this provision when using the electronic resources. Reasonable personal use of electronic resources is authorized. Personal use includes non-commercial research, education, and communication.
 1. Transmission, receipt, creation, or storing of any inappropriate material in violation of law or City policy is prohibited. This includes, but is not limited to: copyrighted materials, threatening, or obscene materials, materials protected by trade secrets, the design or detailed information pertaining to explosive devices, criminal activities or terrorist acts, sexism, sexual harassment, pornography, gambling, illegal solicitation, racism, inappropriate language, or political lobbying. Illegal or inappropriate activities, or activities of any kind that do not conform to

the rules, regulations, and policies of North Ogden City, are forbidden. The Police Department has additional policies in their manual.

2. It is advised not to reveal personal information, such as home address, phone numbers, password, credit card numbers, or social security number; this also applies to others personal information or that of organizations.
3. No software or data from any source may be loaded onto the City's computers without first being malware checked and approved by the system administrator.
4. Each account holder is expected to abide by the generally accepted rules of user etiquette. These rules include, but are not limited to the following:
 - a. Be polite. Never send or encourage others to send abusive messages. Use appropriate language. Always act properly as a City representative.
 - b. Use electronic mail appropriately. No sales advertisements or solicitations, etc.
2. North Ogden City owns all electronic resources in its facilities and on its equipment, including city cell phones. As owners of this electronic media, North Ogden City owns all data stored, created, transmitted, and received on these systems and media. North Ogden City reserves the right to monitor and inspect electronic activity on these systems and media, including any form of electronic messaging.
 - a. **Vandalism** - any malicious attempt to harm or destroy property of the user, another user of any agencies or networks that are connected to the network, or the Internet system. Vandalism also includes, but is not limited to deletion of necessary data, abusive overloading of data on the server, or the uploading, or creation of computer viruses or other malware.
 - b. **Security** - Security on any computer system is a high priority because there are multiple users. Do not use another individual's account or log on to the system as the system administrator. If you identify a security problem, notify the system administrator at once.

B. USERS' PERSONAL ELECTRONICS

1. Elected Officials may use personal electronics for municipal business and be compensated for a portion of the costs associated with those electronics as outlined below in subsection 3.
2. Department Heads may also use personal electronics for municipal business and be compensated for portion of the costs associated with those electronics as outlined below in subsection 3.

3. Reimbursement policies

- a. Any individual who would have been provided a municipal owned electronic device to perform the duties of their position or job may at the discretion of the City Administration be allowed to purchase their own electronic device and be compensated up to 50% of the cost of the device the City would have purchased to fulfill the technology requirements for the position, not necessarily 50% of the cost of the device purchased by the individual. The elected official or employee is required to pay for 100% of the replacement costs should the device become damaged, destroyed, or otherwise no longer work for the municipal purpose for which compensation was provided prior to the anticipated replacement schedule for city purchased devices.

1. At the time a device is considered for purchase for departmental needs the City Administrator/Manager shall establish a useful life for the device in terms of years, though the typical life of an electronic device is expected to be two (2) years.

~~b. Any individual who is required to have a data, wireless, cellular, or other similar plan to perform the municipal business tasks assigned to them may receive a cell phone allowance as authorized by the Mayor. The amount is intended to supplement the equipment and service costs of a personal device used for City purposes. Under this option, no further reimbursement for equipment or service would be provided. will be compensated up to 100% of the actual cost the City would have to pay had the individual been on the City's data, wireless, cellular, or similar plan. Any charges in excess of the municipal cost are the responsibility of the individual.~~

4. Use of Personal Electronics partially reimbursed by the City

- a. At any time, the personal electronics which are partially reimbursed by the City may be required to be given to the City for a maximum of 24 hours to extract any relevant municipal information including, but not limited to, emails, texts, documents, and other electronically stored items. Any such electronic information shall not be deleted from any device unless properly backed up on a City computer or server.
- b. Under no circumstances may the Personal Electronic Devices be used in a manner which violates any of the City's personnel policies while on City property, or during scheduled work hours, including breaks and lunch hours. This includes items identified in Policy 2.6.A.1.c.1 related to the transmission, receipt, creation or storing of any inappropriate material in violation of law or City policy.
 1. While on personal time, individuals may use Personal Electronic Devices as they best see fit. However, while at the workplace all personal

electric devices partially reimbursed by the City must comply with the City's Internet and Computer Usage Policy and unacceptable electronic information must be deleted from the device.

- c. No personal email accounts should be used on these Personal Electronic Devices to transact City business as these emails are subject to GRAMA requests and other requirements for public information.
 - d. All individuals who have cellular or data plans reimbursed by the city may select any provider, but are responsible for all costs which exceed the reimbursement allotment.
 - 1. If cellular or data services are interrupted for any reason, including non-payment, the Department Head and City Administration shall take appropriate steps to make sure the service interruption does not disrupt the employee's ability to perform their responsibilities.
 - e. All Personal Electronic Devices which are subject to any municipal reimbursement described above shall be password protected to reduce the risk of disclosure of non-public information.
5. Use of Personal Electronic Devices not partially reimbursed by the City
- a. No Personal Electronic Devices, regardless of reimbursement from the City, shall be used to access information which violates municipal policies during employees scheduled work hours, or on City property by any employee or City official.
6. Disposal of Personal Electronic Devices
- a. Municipal owned Personal Electronic Devices will be replaced in accordance with individual department standards and requirements.
 - 1. Some Devices may be sold to employees or the general public as determined by the City Administration. The City will establish a minimum price and devices will be sold as determined by the City Administration.
 - b. Personal Electronic Devices which were part of the reimbursement program described in Subsection 3 above, shall become the property of the employee who paid the 75% cost upfront as outlined below.
 - 1. In the event that an employee leaves the service of the City voluntarily or involuntarily, or transfers departments within the City to a position which does not require the use of a Personal Electronic Device the employee shall reimburse the City for 100% of the 25% of the device paid by the City if less than 26% of the useful life has expired.

- c. All software purchased by the City and installed on Personal Electronic Devices are the property of the City and may be removed upon employee termination, or the expiration of the useful life of the device.
- 7. All employees and Elected Officials who participate in the reimbursement for Personal Electronic Devices shall sign an agreement to reimburse the City based upon the City Reimbursement Policy, and agree to cover 100% of the replacement cost of the devices, during the useful life of the device as determined by the City Administrator/Manager in Subsection 3.a.1.
- 8. All employees and Elected Officials who participate in reimbursement for cellular or data services shall sign an agreement to keep all accounts current and paid in full, with the understanding that disciplinary action may be taken if the accounts are disconnected or turned off, and result in the inability of the employee to perform the duties their position requires.

C. USER SIGNATURE OF AGREEMENT

- 1. Each employee will sign the "Internet & Computer Usage Policy" attached as "Exhibit N" that ~~he/she~~the employee has read and understands that Internet sites are filtered. The employee understands that their Internet and electronic messaging use are monitored and hereby agrees to comply with the above-described conditions of acceptable use.

D. ELECTRONIC MAIL AND ELECTRONIC DOCUMENT RETENTION

1. Purpose

- a. Ensure that e-mail and electronic documents are maintained in accordance with the Utah Government Records Access and Management Act (GRAMA). Electronic documents and messages created, transmitted, or received on City owned resources are the property of the City. As a condition of employment and in the interests of furthering good order and discipline among City employees, employees may not have any expectation of electronic messaging privacy and must accordingly limit any personal or inappropriate use of such. A claim of an expressed or implied expectation of privacy shall not be considered a defense against a claim of invasion of privacy or illegal or unauthorized search of electronic messaging data in any form.

2. E-mail Retention and Deletion Policy

- a. To ensure that important information is not lost because of improper deletion or mismanagement of e-mail correspondence, North Ogden City employees are directed to adhere to the following e-mail use guidelines. Broadly speaking, e-mails fall into three main categories: (1) those that may be deleted; (2) those that must be saved for future reference or public/media access; and (3) confidential information.
- b. **E-mail that must be saved** - Business related messages that provide substantive information about City functions, policies, procedures, and programs must be

saved. These e-mails document the discussions and decisions made regarding City interests. *Note: the sender and direct recipient of program, policy, or decision-making e-mail are responsible for retaining the document.

- c. **Confidential information** - Generally speaking, confidential information should not be transmitted electronically.
- d. **E-mail that may be deleted** - All e-mail not falling into the above categories may be deleted when the user's need for the email has expired. Examples of e-mail messages that may be deleted at the discretion of the custodian, generator, or recipient of a particular e-mail are:
 - 1. Personal e-mail
 - 2. Routine correspondence
 - 3. Meeting agendas, broad e-mail pronouncements, and e-mails on which you are cc'd, if you have no further use for them.
- e. **Attachment Policy** - You are required to keep a copy of any attachments you send (e.g. Word, Excel, or PowerPoint files) if they fall under the category of 'E-mail that must be saved.'
- f. **Responsibility of the Sender** - Primary responsibility of retention of important e-mail rests with the sender.
- g. **Responsibility of the Recipient** - If you are the direct recipient (not cc'd) of e-mail containing policy, program, or decision-making information, you must save the e-mail.

3. Electronic Documents Policy

- a. All electronic documents produced by City employees are the property of the City and must not be deleted. All documents created in the course of City business that fall under the category of program, policy, or decision-making should be retained according to GRAMA and appropriate City guidelines.

Policy 2.7 FIREARMS AND WEAPONS

Except for Sworn Police Officers, it is outside the scope of employment for any employee or official to use a weapon or fire a firearm during work hours, on municipal property, or in municipal vehicles. For officer safety reasons, it is recommended that employees who desire to carry a concealed weapon during working hours report same to the Chief of Police.

CHAPTER 3 GRIEVANCES AND APPEALS

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 3.1 EMPLOYEE GRIEVANCES AND APPEALS

Any employee, who is aggrieved by any action which is related to working conditions, relationships, City rules, or regulations and which cannot be resolved through informal discussions with the employee's immediate supervisor, may file an "Employee Grievance Form" attached as "Exhibit O" under the provisions of this policy.

A. TIME FOR FILING A GRIEVANCE

1. An employee must file a written grievance within ten (10) business days after the occurrence of the action in question. This ten (10) business day limitation may be waived if, through no fault of the employee, ~~he/she~~ the person was unaware of the action before the time limit expired, provided the employee must file a written grievance within ten (10) business days upon learning of the action.

B. GRIEVANCE AND APPEAL – GENERAL PROVISIONS

1. Among other matters, employees may bring grievances arising out of the following matters: employee-supervisor relationships; duty assignments not affecting job classification; shift and job location assignments; hours worked; working facilities and conditions; policies for granting leave; disciplinary actions; and similar matters.
2. The employee filing the grievance may spend a reasonable amount of ~~his/her~~ working hours to investigate and process a grievance.
3. If an employee's grievance is denied, the employee must appeal the denial within the time stated in this policy or any other applicable policy. Failure by the employee to appeal a denial at any point in the grievance process shall be deemed to be an acceptance of the decision and the grievance shall be considered completed.
4. Only the grievance originally presented shall be considered on appeal as the process progresses. If an employee wishes to change the allegations of the grievance, the employee should present a new grievance. To insure this limitation, a copy of the original grievance shall be filed with the City Administrator/Manager and the Human Resource Director.
5. Similar grievances brought by separate employees may, at the direction of the City Administrator/Manager, be consolidated and processed together.
6. Every effort shall be made by the involved parties to resolve grievances at the lowest possible level.

7. Failure by management to render a decision within the allotted time at any step constitutes denial, and the employee may proceed to the next step.

C. GRIEVANCE PROCEDURE

If a formal grievance is filed, it shall be filed and processed in the following manner, except that time limits may be waived or extended by written mutual consent of both parties.

1. Within ten (10) business days after the occurrence of the incident in question, the employee shall present a written grievance to the Department Head or immediate supervisor with a copy to the City Administrator/Manager and the Human Resource Director. The employee shall use the "Employee Grievance Form" attached as "Exhibit O". If the cause of the grievance occurs at a higher level (i.e. the City Administrator/Manager) the grievance shall be filed at that level.
2. The grievance must be in writing and shall state the circumstances giving rise to grievance, including (a) the name of the employee filing the grievance, (b) what happened to cause the grievance, (c) when the events occurred, (d) where the events occurred, and (e) what adjustment is requested. The grievance must be signed by the employee filing the grievance. An "Employee Grievance Form" is attached as "Exhibit O".
3. A written decision shall be given to the employee from the Department Head within ten (10) business days of the date of the filing. A failure to provide a written decision shall be considered a denial of the grievance. If the grievance remains unresolved or the employee considers the decision unacceptable, the employee may appeal as provided in the next paragraph.
4. Within ten (10) business days after the receipt of the decision described in preceding paragraph, or within ten (10) business days of the time the decision is due, the employee may appeal the decision to the City Administrator/Manager. If the City Administrator/Manager made the decision, which the employee is appealing, the employee shall appeal the decision directly to the Mayor as described in Policy 3.1.B. The appeal shall be in writing and shall include a copy of the original grievance and either a copy of the decision by the Department Head or a statement that the Department Head has not responded to the grievance with the required time.
5. The City Administrator/Manager shall schedule a conference with the employee and Department Head within five (5) business days after the receipt of the appeal. Within five (5) business days after the conference, the City Administrator/Manager shall deliver a copy of his written decision to the employee and the Department Head. If the grievance remains unresolved or the employee considers the decision unacceptable, the employee may appeal to the Mayor as described in the next paragraph #6 and #7.
6. Within five (5) business days after the receipt of the decision described in paragraph #5 above or within five (5) business days after the decision is due, the employee may appeal the decision by presenting a written appeal to the City Recorder who shall deliver the grievance to the Mayor. The appeal shall be in writing and shall contain a

copy of the original grievance and either a copy of each decision appealed from or a statement that the authorities charged with responding to the grievance or intermediate appeal have failed to respond within the time limits set in this policy.

7. The Mayor shall, within fifteen (15) days of receipt of the grievance, schedule a conference with the employee and the City Administrator/Manager to consider the grievance. Within five (5) business days after the conference, the Mayor shall deliver a copy of this written decision to the employee, City Administrator/Manager, and Department Head. The decision of the Mayor shall be final and binding unless the employee is entitled to appeal the decision to the Appeal Board/Hearing Officer/Hearing Officer in Utah Code Ann. §10-3-1106 or the employee is entitled to legal redress under applicable law. A delay in providing a written decision by any supervisor, City Administrator/Manager, or Mayor shall not be construed to adding any additional liability or in any other way justify additional claims against the City in relation to the grievance.

D. PROCEDURE UPON TRANSFER OR DISCHARGE

1. If a formal grievance is filed because an employee is transferred or discharged, the procedures outlined in this policy shall be followed. If the grievance remains unresolved or the employee considers the decision unacceptable, and the employee is not excluded from appealing to the Appeal Board/Hearing Officer pursuant to Utah Code Ann. §10-3-1106, the employee may use the following additional procedures.
2. Within ten (10) business days after the receipt of the decision described in this policy is made or after the decision is due, the employee shall present the grievance in writing to the City Recorder with a request that the Appeal Board/Hearing Officer be convened to hear the grievance. The Appeal Board/Hearing Officer, shall within thirty (30) business days of receipt of the grievance, conduct a hearing and render its decision by secret ballot as provided in Utah Code Ann. §10-3-1106.
3. The Appeal Board/Hearing Officer shall render its decision in writing and certify its decision to the City Recorder. The decision of the Appeal Board/Hearing Officer shall be considered binding unless the employee appeals the decision to the City Council.
4. An employee may appeal a decision of the Appeal Board/Hearing Officer to the City Council as provided in Utah Code Ann. §10-3-1106 and Ordinance 2009-16. The decision of a majority of the members of the City Council shall be binding but shall not prevent the employee from seeking legal redress if appropriate. If an employee makes the decision to seek legal redress, ~~he/she~~the person forfeits ~~his~~ access to the City's grievance process.

E. APPEAL BOARD/HEARING OFFICER

1. The City shall create and maintain an Appeal Board/Hearing Officer in compliance with the terms of Utah Code Ann. §10-3-1106.

F. IMMUNITY

1. If an employee is denied the opportunity to present a grievance as prescribed by this chapter, or if the employee is threatened or subjected to duress when presenting the grievance, the employee may so notify the Mayor in writing.
2. The Mayor shall authorize an investigation of such complaints and, based upon findings, may present charges and recommend disciplinary action against any person who was derelict or discriminatory in considering the grievance.

G. REPRESENTATION

1. An employee seeking redress through the grievance procedure may use another individual as spokesperson at any point in the process; but the employee shall be present and available for questions and discussion throughout the process.

CHAPTER 4 TERMINATION AND EMPLOYEE STATUS

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 4.1 TERMINATION

From time to time it may be necessary to separate employees from service with the City for reasons other than disciplinary reasons. This policy describes the procedures to be followed in that event. Notwithstanding the following, nothing in this section shall be interpreted to create any expectation of continued employment or in any way limit or restrict the employee's at-will employment status described above.

A. APPEAL

1. Some full-time employees have the right to appeal their termination to the Appeal Board/Hearing Officer as more particularly described in Utah Code Ann. §10-3-1106. A full-time employee wishing to appeal a termination shall file an appeal with the City Recorder as described in Policy 3.1.

B. EMPLOYMENT TERMINATION

1. **Resignation. (not considered retirement)** - Any employee wishing to resign in good standing from City employment shall submit a written notice to the Department Head, giving at least a two week notice, except that exempt employees must provide at least a four week notice. The notice of resignation shall be on the City's "Voluntary Resignation Form" attached as "Exhibit P". The Department Head may, with the concurrence of the City Administrator/Manager, agree to permit a shorter period of notice due to extenuating circumstances or when it is in the best interest of the City. Normally, the last day worked by an employee shall be considered the date of separation, and the employee shall be compensated for all unused annual leave and compensatory time accrued to that date.
2. **Reduction in force layoff** - The City Administrator/Manager, with the concurrence of the Mayor, may recommend termination of employees because of lack of funds or curtailment of work.
 - a. Employees terminated from employment with the City in a reduction in force will be given severance pay as follows: the employee's final paycheck for hours worked but not yet paid, ~~his/her~~ accrued vacation annual, compensatory time and two (2) weeks of regular pay. Employees with more than (5) years of employment with North Ogden shall receive two (2) additional days of regular pay for each one (1) year of service, up to two (2) additional weeks for a maximum of four (4) weeks of severance pay.

- b. If there is more than one employee serving in the same capacity in a department, the selection of the employee to be terminated shall be based upon the individual's ability to perform the work assignments within the affected department. All terminations under this paragraph shall be subject to the Mayor's approval.

C. PAYMENT OF WAGES

- 1. If an employee's termination date does not coincide with the last day of a pay period, the employee will receive compensation for time worked within 24 hours of the time the employee separated from employment. If an employee's resignation date does not coincide with the last day of a pay period, the employee will receive compensation for time worked on the next scheduled payment date. All employees separating from employment shall be paid for all accrued annual leave and compensatory time accrued.

D. COBRA

- 1. An employee that has separated from the City is entitled to be carried on the City's health and dental insurance program as per the mandates of the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) for a period of at least 18 months. The employee must pay the entire premium to be entitled to health and dental insurance through the COBRA program.

E. REFERENCES FOR SEPARATED EMPLOYEES

- 1. The City shall not provide references for former employees of the City. No information is to be released as to the employee's compensation, title, position, or circumstances regarding their separation. When a reference is requested, all such requests should be forwarded directly to the Human Resource Director. The Human Resource Director will only confirm the former employee's employment with the City and the dates of that employment.

Policy 4.2 EMPLOYEE CHANGE OF STATUS

In order to conduct the City's operations, the City needs to have current information regarding its employees. Employees have the responsibility to ensure that the City's information on them is kept current.

A. EMPLOYEE STATUS

- 1. Employees shall keep the City updated on their current marital status, name change, address, phone number, and emergency contact person.
- 2. Whenever this information changes, the employee shall notify the City by submitting an "Employee Information/Change of Status Form" attached as "Exhibit Q".

CHAPTER 5 SALARY PLANNING AND COMPENSATION

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 5.1 PAY PLAN AND ADMINISTRATION

The Mayor, in conjunction with the City Council, shall be responsible for the development and maintenance of a uniform and equitable pay plan, which shall consist of minimum and maximum salary ranges for each grade and job description. This policy sets forth guidelines for establishment of a pay plan and provides salary adjustment procedures for all City employees.

A. PAY PLAN DEVELOPMENT AND ALLOCATION

1. The Mayor and City Administrator/Manager shall conduct a study of salary levels of comparable positions in the public sector for adjustments to the City's salary plan and shall make adjustment recommendations to the City Council at least every three years, which may include a method of adjusting the plan to provide for Cost of Living Adjustments (COLA).
2. The Mayor and City Administrator/Manager shall assign each position with the City to a salary range based upon the relationship to market data.

B. PAY PERIODS AND ADVANCES

1. Employees will be paid every two weeks so there will be 26 pay periods in a year. Pay statements will be distributed during regular working hours as quickly as possible after the pay period ends but no later than the Thursday following the end of the pay period. All payrolls will be by direct deposit only unless circumstances beyond the control of the employee dictate otherwise.

C. SALARY RANGES

1. Salary ranges shall be linked directly to the compensation plan and shall be determined with due regard to the following considerations:
 - a. Ranges of pay for other grades or positions
 - b. Prevailing rates of pay for similar employment in public organizations
 - c. Cost of living factors
 - d. Other benefits received by employees
 - e. The financial policy and economic conditions of the City.

D. ORDER OF SALARY CALCULATION

1. Multiple categories of pay increases awarded simultaneously shall be calculated in the following order:
 - a. Cost of living adjustment
 - b. Equity adjustments
 - c. Merit

E. PAY INCREASE CATEGORIES

1. Cost of living adjustments (COLA) shall be considered annually by the Mayor utilizing the Federal Government and Intermountain Regional data base. Adjustments may be recommended by the Mayor and implemented upon consent of the City Council. The City Council will consider any recommended adjustments as part of the City's annual budget.
2. Equity adjustments will be considered by the Mayor after reviewing current annual salary survey data and conferring with the City Administrator/Manager and Department Heads. The Mayor may prepare and present an annual report to the City Council. The Council will consider any recommended adjustments as part of the City's annual budget.
3. Merit increases may be granted for exceptionally good and consistent performance in a single position. They are not used to recognize increased duties and responsibilities and are granted without regard to cost-of-living factors. Merit increases recognize outstanding performance and are thus granted in conjunction with a performance evaluation of the employee, the results of which are one factor used in merit pay decisions.
 - a. Only full-time and permanent part-time employees are eligible to receive merit increases.
 - b. Temporary, part-time, seasonal, or probationary employees shall not be eligible to receive a merit increase.
 - c. Department Heads must complete an annual employee performance evaluation for all full-time and permanent part-time employees.
 - d. A merit increase may not cause the employee's salary to exceed the maximum salary assigned to the employee's position without consent from City Council.
 - e. New employees who haven't worked in their position for 6 months may be entitled to a merit increase at the anniversary date of their 6 months, if they pass their probation.

F. NEWLY HIRED EMPLOYEES

1. Pay for newly hired employees shall normally be set at the minimum of the pay range assigned to a job class.
2. Department Heads, with the concurrence of the City Administrator/Manager, may approve initial pay up to the range of midpoint as warranted by job qualifications and experience.
3. A new employee may be paid an initial salary above the midpoint of the position's salary range only with the concurrence of the City Administrator/Manager and the Department Head.
4. All recommendations for an initial salary shall be subject to the availability of funds to pay the recommended salary.

G. REASSIGNMENT

1. An employee who is reassigned, but not demoted, shall be paid the same salary received prior to the reassignment. Reassignment to a new position with essentially the same duties shall not be considered a demotion. The employee's salary in the new position shall remain frozen until the salary range for the position increases to incorporate the employee's pay rate.

H. RECLASSIFICATION

1. For purposes of this section, reclassification means a change in the duties of a position, usually with an increase in the responsibilities of the position, although the duties of a position may be reclassified to decrease the responsibilities of a position. Reclassification also entails an adjustment in the pay range for the position.
2. If the City Administrator/Manager reclassifies a position to a higher level, the City Administrator/Manager may adjust the incumbent's salary.
3. A reclassification increase is subject to the availability of funds.
4. If the City Administrator/Manager reclassifies a position to a lower level, the incumbent's salary shall remain the same for a 2-year period. The salary for that position will be renegotiated.

I. DEMOTION

1. A demotion is a change of duty assignment of an employee from a position in one classification to a position in another classification in a lower pay group.
2. Upon demotion, whether voluntary or administrative, an employee shall experience a salary reduction to the minimum rate of the new grade.

3. When an employee is demoted to [his/her](#) previous position, pay shall be set at the former rate in effect prior to the demotion.
4. Pursuant to the terms of Utah Code Ann. §10-3-1106, employees who are demoted may be eligible to appeal their demotions to the Appeal Board/Hearing Officer.

J. NOTIFICATION

1. The Mayor shall be informed of all job actions in this policy.

CHAPTER 6 PERFORMANCE EVALUATIONS

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 6.1 EVALUATIONS

Employee performance and potential shall be evaluated at the end of the six-month probationary period and at least annually thereafter.

A. PERFORMANCE EVALUATIONS

1. Each employee shall have a written performance evaluation and a performance interview on a yearly basis. The performance evaluation will be based on the employee's fulfillment of duties as outlined in the job description for that position. Employment evaluations will be performed by the employee's direct supervisor.
2. The person conducting the performance evaluation shall use the authorized evaluation form and shall give a copy of the performance evaluation to the employee. A copy of the written performance evaluation will be filed in the employee's personnel file along with a certification by the person performing the evaluation stating that the employee has reviewed and received a copy of the performance evaluation.
3. Employees may respond in writing to any performance evaluation. This written response shall also be placed in the employee's personnel file.
4. A copy of the evaluation form shall be given to each newly hired employee during ~~his/her~~ orientation to make the employee aware of the evaluation standards and criteria.
5. The employee performance evaluations will be used to:
 - a. Improve employee effectiveness.
 - b. Assess training needs and plan training activities.
 - c. Evaluate possible separations, salary advancements, merit increases, and other personnel actions.

Policy 6.2 PROBATION

The probationary period is an integral part of the selection process allowing the City to train an employee and evaluate ~~his/her~~ the employees' progress, adaptability, and effort to determine fitness for permanent status in the position.

A. PROBATION

1. All newly hired employees and reclassified employees are subject to a probationary period of six months and Sworn Police Officers' twelve months, from the date of hire. At the end of the six months or Sworn Police Officers' twelve months, a probationary evaluation interview will be held with the employee using the authorized evaluation form. An additional six-month period may be added at the discretion of the Department Head and with the approval of the City Administrator/Manager.
2. The employee's probationary period will start on the date the employee is hired or reclassified.

B. STATUS DURING PROBATION

1. During the probationary period, the employee may be terminated by the Department Head with the concurrence of the City Administrator/Manager.

C. REMOVAL FROM PROBATIONARY STATUS

1. At least two weeks before the end of an employee's probationary period, the Department Head shall evaluate the employee's performance. Following the review and before the expiration of the employee's probationary period, the Department Head shall submit to the Human Resource Director, in writing, an evaluation and recommendation for appropriate action regarding the employee's continued employment with the City.
2. In ~~his/her~~the employee's evaluation, the Department Head may recommend one of the following actions in relation to the probationary employee's performance during the probationary period.
 - a. If the employee has performed the functions of the position satisfactorily during the probationary period, the Department Head shall recommend that the employee be granted regular full-time or part-time status.
 - b. If the employee has not performed the functions of the position satisfactorily during the probationary period, but the Department Head anticipates the employee's performance will significantly improve, the Department Head may recommend that the employee's probationary period be extended for a period not to exceed an additional six months.
3. The Department Head's decision regarding whether the employee's performance will improve shall be final.
4. Under no circumstances may an employee's probationary period exceed a total of 12 months except for a Sworn Police Officer who may extend for a total of 18 months.
5. ~~Employees who are unable to satisfactorily perform their jobs after a probationary period of 12 months or, for a Sworn Police Officer, 18 months shall be dismissed.~~

Comment [JJ1]: Moved to #6

~~6.5.~~ If an employee's probationary period is extended under this paragraph, the employee will not receive a pay increase until:

- a. The Department Head has again evaluated the employee's performance and found it to be satisfactory
- b. The Department Head and the City Administrator/Manager have reviewed the Department Head's evaluation and agreed that the employee is eligible for a pay increase
- c. The City Administrator/Manager and the Mayor have approved the recommended increase

~~6.~~ If the employee's performance during the probationary period has been unsatisfactory, the employee shall be dismissed. Employees who are unable to satisfactorily perform their jobs after a probationary period of 12 months or, for a Sworn Police Officer, 18 months shall be dismissed.

CHAPTER 7 DAYS, HOURS OF WORK AND COMPENSATION

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 7.1 DAYS, HOURS OF WORK AND COMPENSATION

The purpose of this policy is to establish the workweek for non-exempt employees according to the Fair Labor and Standards Act (FLSA)

A. WORKWEEK AND MAXIMUM HOURS

1. The City's workweek shall be Sunday, 12:00am through Saturday, 11:59pm.
2. During a workweek, the maximum number of hours of regular pay for non-exempt City employees shall be:
 - a. Sworn Police Officers: 43 hours per week.
 - b. All other non-exempt employees: 80 hours per pay period.

B. DAYS AND HOURS OF WORK

1. Workweek

a. Full-time	As designated by the Department Head
b. Part-time	As designated by the Department Head
c. Flex-time	On some other schedule as designated by the Department Head and approved by the City Administrator/Manager.

2. Hours worked

a. Full-time	As designated by the Department Head with the approval of the City Administrator/Manager.
b. Part-time	As designated by the Department Head with the approval of the City Administrator/Manager.
c. Flex-time	<u>On some other schedule as designated by the Department Head and As</u> approved by the City Administrator/Manager.

A. POLICE DEPARTMENT PERSONNEL

1. The workday and hours of work for Police Department employees shall be determined by the needs of providing twenty-four hour a day service to the community.
2. Workweek
 - a. Full-time As designated by the Chief of Police.
 - b. Part-time As designated by the Chief of Police.
3. Hours worked
 - a. Full-time As designated by the Chief of Police.
 - b. Part-time As designated by the Chief of Police.

A. GENERAL TIME-RELATED RULES

1. An employee unable to report for duty on a work day shall notify ~~his/her~~their supervisor of that fact as soon as possible, but not later than one hour after the beginning of the employee's work shift, unless department rules require a different reporting time. Failure to notify the department within the specified time without good cause may result in disciplinary action.
2. Employees shall fill out and sign a time sheet for all hours worked specifying sick~~leave,~~
~~vacation~~annual, or compensatory time using the "Employee Timesheet" as "Exhibit R". Department Heads should review and sign all time sheets and provide them to the Payroll Department.
3. Rest periods will be scheduled according to department policy as provided by FLSA.
 - a. Supervisors and Department Heads will provide break time to employees. Employees who are on break will be encouraged to leave their workstations.
 - b. Employees should not go on break until they are permitted to do so by the supervisor or Department Head. This policy should assist supervisors and Department Heads in knowing where all employees are and ensuring that the public is properly served at all times during the City's business hours.
 - ~~b-c.~~ For up to one year after the child's birth, any employee who is breastfeeding will be provided reasonable break times to express breast milk. Breaks of more than 20 minutes in length will be unpaid, and the employee shall indicate this break period on their time record. Employees will be provided with designated storage and a comfortable/private space.
 - ~~c-d.~~ The amount of break time shall be as follows:

1. Employees working at least an 8-hour shift are allowed two 15-minute breaks and a meal break. ~~There will be no compensation for the meal break.~~ Breaks can be combined with meal break as designated by Department Heads.

2. Employees working at least a 6 hour shift are allowed one 15-minute break and a meal break. Breaks can be combined with meal breaks as designated by Department Heads.

3. Employees working at least a 4-hour shift are allowed one 15-minute break.

e. ~~There will be no compensation for the meal break.~~

~~d-f.~~ 15-minutes breaks are compensated.

~~e-g.~~ Break times may not be used to come to work late or to leave work early.

~~f-h.~~ Break times may not be saved up and, if not taken during the shift, will be forfeited.

~~g.~~ Break times are to be scheduled with the Department Head.

~~h-i.~~ Sworn Police Officers:

1. One 30-minute meal break to be staggered so there is adequate coverage.
2. Two 15-minute rest periods or breaks will be allowed for each 8-hour shift worked.
3. The workday and hours of work for Police Department employees shall be determined by the needs of providing 24-hour a day service to the community.

Policy 7.2 OVERTIME PAY AND COMPENSATORY TIME OFF

The purpose of this policy is to establish an overtime pay or compensatory time off policy. As a general rule, the requirement of frequent and considerable overtime within the City shall be considered evidence of under staffing and will be investigated by the City Administrator/Manager. When non-exempt employees are directed by the City Administrator/Manager or the Department Head to work extra time in addition to normal working hours, they shall be compensated for such overtime as described in this Policy.

A. OVERTIME POLICY

1. As a general rule, employees specifically assigned by their Department Head to work overtime will receive one and one-half the regular hourly rate of the employee if they

desire to be paid. However, pursuant to FLSA, employees of public entities have the option to convert the overtime to compensatory time off at one and one-half hours of compensatory time off for each hour of overtime worked.

- a. All compensatory time and/or overtime must be approved by the Department Head and submitted on the current pay period time sheet to the Payroll Department.
- b. Some employees may be required to take time off during the week to avoid working more than 40 hours in the workweek for non-exempt employees or 43 hours for non-exempt Sworn Police Officers.
- c. The creation and adoption of a flex time schedule shall not of itself provide the basis for overtime or compensatory time without specific approval of the City Administrator/Manager.

2. Department Heads are encouraged to schedule compensatory time off for employees with accrued compensatory time credit. However, it is the employee's responsibility to make arrangements with the Department Head and provide adequate notice of time off.
~~Department Heads will schedule time off for employees with accrued compensatory time credit.~~

~~2-3.~~ No overtime pay or compensatory time off is allowed for those employees classified as "exempt" on the compensatory schedule. Exempt employees may take time off during the day as approved by the City Administrator/Manager.

Policy 7.3 PUBLIC WORKS DEPARTMENT AND PARKS DIVISION ON-CALL POLICY

North Ogden City is of sufficient size to necessitate 24-hour response to emergencies and/or utility or weather-related problems. In order to meet this need, public works and park employees, in addition to their regular 40-hour work week, will be responsible for covering all emergency calls on a rotation basis within their departments. As designated by their Department Heads, all employees shall participate in the on-call program.

A. RESPONSE RESPONSIBILITIES OF ON-CALL EMPLOYEES

1. When a public works or parks department employee is on call, ~~he/she~~the employee will be provided access to a City vehicle.
2. After-hours calls will be initially directed to an answering service selected by the City. This service will relay calls to the designated employee by ~~pager and/or~~ cellular phone. This service will provide the on-call employee with the name and number of the person who reported the problem or emergency and, if possible, a description of the emergency.
3. The on-call employee will respond appropriately, within 30 minutes to any situation ~~he/she~~the employee is called out on.

B. MISCELLANEOUS POLICIES RELATING TO ON-CALL EMPLOYEES

1. An employee will be on-call from 8:00am Wednesday to 7:59am the following Wednesday.
2. Employees wishing to trade on-call responsibilities with other employees will be allowed to do so upon written approval of the Department Head.
3. The Department Head or designee shall be responsible for notifying the answering service of the name and cell phone number of the employee on call for the week.
4. Employees will be compensated for being on call through the weekend (Saturday and Sunday) at the rate of 1 hour of regular pay for every 12 hours spent in an on-call status beginning 12:00am Saturday and running through 11:59pm Sunday. Hours that the on-call employee spends working for the City shall be compensated as described above.
5. Employees who are on-call during a holiday will be compensated in the same way as an employee who is on-call over a weekend.
6. The on-call employee may use the City's vehicle only for travel when responding to calls or performing other work functions for the City. Persons other than City employees may not accompany employees in vehicles except when approved by the Department Head or City Administrator/Manager.

CHAPTER 8 BENEFITS

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 8.1 BENEFITS

North Ogden City offers assistance to employees and their eligible dependents in meeting certain financial burdens that can result from illness, disability or death; and to help employees plan for retirement. All benefits begin on the first day of the calendar month following hire date.

A. RETIREMENT

The City is a member of the Utah Retirement System (URS). The City is mandated by the Utah Code Title 49 to contribute into the URS for eligible employees based on the position they hold. Contribution rates are determined annually by the URS Board.

1. Full-time and permanent part-time employees shall participate in the Utah State Retirement System. Employee retirement regulations shall be in accordance with federal and state law.
 - ~~a. The cost of this program is paid for by the City and the employee, in the percentage set by the action of the City Council.~~
 - ~~b. a.~~ When specific employee retirements are deemed to be in the best interest of the City, the Mayor and City Council may approve retirement incentives. These incentives may be offered to specific employees without being offered to all employees.
 - ~~c. b.~~ The City may employ retired City employees on a part-time, temporary or provisional basis where this will promote the interest of the City (per URS guidelines).
 - ~~d. c.~~ An employee will be vested in the Utah Retirement System after four years of employment.
2. Upon hire, full-time employees shall be eligible to participate in the City's 401(k) or 457(k) retirement program.
 - a. The City will automatically contribute three percent (3%) of the employee's annual salary to employee's 401(k) account.
 - b. The City will also match the employee's contributions of up to three percent (3%) of the employee's annual salary to the employee's 401(k) account.
 - c. The employee may also contribute an amount up to the maximum allowed by law. Under no circumstances, will the City's contribution to an employee's 401(k) account exceed six percent (6%).

- d. The contribution amounts described in the preceding paragraphs shall be valid only as long as they do not conflict with any IRS regulations, or state or federal tax laws.
 - e. An employee will be vested at the completion of ~~4~~ four years employment with North Ogden City. If an employee terminates employment before the ~~4~~ four years they will not be entitled to the amount the City has contributed to the employee's 401(k).
3. Full-time employees shall be eligible to participate in the City's 401(k) loan program as defined in the ICMA-RC's loan policy. Contact the Human Resources Director for more information.
- ~~a. Applicants may apply online through ICMA-RC's website, or through the City.~~
 - ~~b. Loan requests may be up to 50% of the amount in an account with a minimum balance of \$1,000.~~
 - ~~c. Interest on loans will be one half of one percent over the PRIME rate in existence as of the date of the origination of the loan. For real estate loans the interest rate is calculated from the mortgage rates listed in the Wall Street Journal as of the date of the loan.~~
 - ~~d. Loans may be amortized over a period of 1 to 5 years. The interest and principal paid is applied back to the participant's account. There is no pre-payment penalty.~~
 - ~~e. Loan fees are \$50 for set up with the possibility of annual fees established from time to time to cover program costs which will also be deducted from the participant's 401(k) account balance.~~
 - ~~f. Real estate loans may be amortized over a period of 10 to 15 years, but only if the mortgage documents are provided. There is no pre-payment penalty.~~
 - ~~g. The City has the fiduciary responsibility to collect loan repayments through payroll deductions. The City may elect to have online loans where the participant pays the loan back through an automatic deduction from his or her personal checking account.~~
 - ~~h. If a participant is 60 days delinquent, they will receive a warning from ICMA-RC that the loan may become a disbursement. If a loan is delinquent by December 31, ICMA-RC will send a 1099 form to the participant in January, showing the loan has been reclassified as a disbursement, subject to mandatory 20% taxes and a 10% early withdrawal penalty tax (if applicable) and state taxes.~~
 - ~~i. Employees may only have one to a limit of five outstanding loans at any one time not to exceed 50% of the amount in the account.~~
 - ~~j. a.~~ In the event the employee's employment status is terminated for any reason, the employee shall be solely responsible for any and all early withdrawal

penalties or interest resulting from any unpaid loan balances as required by [the ICMA-RC loan policy](#), Internal Revenue Service and/or State of Utah regulations.

B. SOCIAL SECURITY/FICA

1. All employees, ~~whether regular, permanent part-time, part-time or temporary,~~ are covered by the benefits of Old Age, Survivors and Disability Insurance as provided for by law. Contributions of the employee and the City will be made in accordance with the provisions of the law.

C. INSURANCE

1. Medical and Hospital Insurance

- a. North Ogden City offers health care and dental insurance for full-time employees and their dependents.

2. Disability and Life Insurance

- a. Basic disability and life insurance shall be offered to each full-time employee, their spouse and dependents. The City shall pay the entire premium as long as the budget allows.
- b. The City may also offer voluntary life insurance and disability for employees, their spouses and dependents. The employee will pay the premium for voluntary benefits.
- c. The City provides at, no cost to the employee, a professional Employees Assistance Program (EAP) to all city employees and their family members. Through the EAP, employees have access to consultants by telephone, resources, and online tools. Employees may also have face-to-face visits with consultants for help with short-term problems. See "Exhibit S" for more information.

3. Workers Compensation

- a. Accidental injuries or occupational disease arising out of, or in the course of, an employee's employment with the City are covered by a workers' compensation program as required by law.
- b. Employees are required to promptly report any and all injuries to the Human Resource Director and their Department Head at or near the time of the incident.
- c. An unreasonable delay or failure to report will result in disciplinary action that may affect the viability of the claim.

4. Unemployment Insurance

- a. The City, through the Utah State Employment Security Administration, state and federal law, offers unemployment compensation benefits.

D. CLOTHING ALLOWANCE

1. North Ogden City public safety, public works, parks divisions, and inspection employees may be paid a uniform allowance above their regular salaries, or furnished with uniforms, at the City's option.
2. The City will report uniform allowances however, each employee who receives a uniform allowance shall be responsible for accounting to the Internal Revenue Service for the uniform allowances.
3. As part of the City's safety program, the City pays for safety shoes, helmets, vests, and eye protection for every employee working in a safety sensitive position.

E. POOL PASSES

- ~~3.1.~~ Full-time, permanent part-time, part-time employees receive pool passes each season as authorized by the mayor.

- a. All passes are taxable compensation and must be process through the payroll system as required by the IRS Publication 15. The City will contribute to income and employment taxes relating to the award in the amount approved by City Council.

Policy 8.2 LEAVE OF ABSENCE

Leave benefits, including sick leave and annual leave are provided to full-time employees. Employees should consistently and conscientiously account for their use of leave time. This policy should be construed and applied to further that objective.

A. CONDITIONS OF LEAVE

1. No full-time employee may take a leave of absence with pay unless that employee has accrued leave. The City will not allow employees to take leave before leave has accrued as described in this policy.
2. Permanent part-time, part-time, temporary, seasonal, and emergency employees are not eligible for paid leaves of absence.
- ~~2.~~ The number of hours of accrued annual, sick, and compensatory leave shall be stated on each pay statement.

B. ABSENCE WITHOUT LEAVE

1. Any unauthorized absence of an employee from duty shall be grounds for disciplinary action by the Department Head. Any employee who is absent for three or more consecutive workdays, without authorized leave, shall be deemed to have resigned and the employee's employment with the City shall be terminated. The Department Head shall fully document the absences. When extenuating circumstances are found to have existed, however, such absence may be approved by the Department Head by a subsequent grant of leave, with or without pay, as the circumstances dictate.

C. ANNUAL LEAVE

1. Annual leave for full-time employees will be scheduled so as to meet the operating requirements of the City, and insofar as possible, the preference of the employees. The periodic use of ~~vacation~~ annual time is subject to the approval of the Department Head.

- a. An employee should not schedule more than ten working days off at one time. If an employee wishes to take more than ten working days off at one time, the employee should obtain permission from the Department Head and the City Administrator/Manager prior to taking the leave.

- b. Paid holidays occurring during annual leave will not be charged as annual leave.

- ~~2. The number of hours of accrued annual, sick, and compensatory leave shall be stated on each pay statement the City issues.~~

Comment [JJ2]: Moved to section 8 .2.A.3.

- ~~3.2.~~ An employee may accrue a maximum of 240 hours of annual leave credits and Sworn Police Officers may accrue a maximum of 258 hours. The cut-off date for calculating excess hours is the first pay period ending in January. It is the employee's responsibility to maintain knowledge of accrued annual leave and schedule leave appropriately. Annual leave time shall not accrue if the employee is in a leave-without-pay status.

Comment [JJ3]: Added this as it applies to sick leave on page 65. E5.

- ~~4.3.~~ In lieu of taking all of the annual leave ~~to which he/she the employee is entitled, an employee~~ may convert hours of annual leave to cash each year pursuant to the following guidelines. Only one option may be selected per fiscal year.

- a. Hours of annual leave shall be converted to cash by taking the number of hours the employee wishes to convert to cash and multiplying that number by the employee's regular hourly rate.
- b. Full-time employees may convert up to 40 hours of annual leave to cash once each fiscal year. Employees working a 43-hour workweek may convert up to 43 hours once each fiscal year.
- c. Conversion of annual leave to cash shall be permitted only once in the current fiscal year. In order to convert annual leave to cash, employees must notify the

Human Resource Director in writing of their intention. The employee must deliver the "Leave to Cash Form" attached as "Exhibit T" to the Human Resource Director. The notice must contain the name of the employee making the conversion and the number of hours of annual leave the employee wishes to convert to cash.

- d. Payments for annual leave converted to cash shall be subject to withholding pursuant to state and federal law.

- e. ~~Employees who are rehired with the city will start accruing leave at the rate they terminated at.~~

Comment [JJ4]: Duplicate of 8.2.C.7

~~5.4.~~ Full-time employees shall accrue annual leave at the following rate:

BASED ON 40 HOUR WORK WEEK	
YEARS OF SERVICE	HOURS ACCUMULATED BI-WEEKLY
0-3 complete years	3.09
3 complete years and 1 day-6 years	4.62
6 complete years and 1 day-9 years	5.31
9 complete years and 1 day-12 years	6.00
12 complete years and 1 day-15 years	6.46
15 complete years and 1 day-18 years	6.92
18 complete years and 1 day-20 years	7.62
20 complete years and 1 day-over	8.31

BASED ON 43 HOUR WORK WEEK	
YEARS OF SERVICE	HOURS ACCUMULATED BI-WEEKLY
0-3 complete years	3.32
3 complete years and 1 day-6 years	4.96
6 complete years and 1 day-9 years	5.71
9 complete years and 1 day-12 years	5.99
12 complete years and 1 day-15 years	6.95
15 complete years and 1 day-18 years	7.44
18 complete years and 1 day-20 years	8.19
20 complete years and 1 day-over	8.93

- ~~6. Official annual leave records will be maintained and kept current by the Human Resource Director.~~

5. If an employee leaves the City and returns at a later date, they will retain their former years of services as it applies to the rate of ~~vacation annual~~ and sick leave they accrue each month. Employees who are rehired with the city will start accruing leave at the rate they terminated at.

- ~~7.6. Official annual leave records will be maintained and kept current by the Human Resource Director.~~

Comment [JJ5]: Moved from #6

~~8-7.~~ Employees' annual leave usage will be scheduled with the Department Head.

Department Heads shall schedule their leave with the City Administrator/Manager.

After the Department Head or City Administrator/Manager has authorized annual leave for an employee, the Department Head or City Administrator/Manager will submit the form to the Human Resource Director who will then record the annual leave usage on the attendance record.

~~9-8.~~ As a general rule, employees specifically assigned by their Department Head to work overtime will receive one and one-half the regular hourly rate of the employee if they desire to be paid. However, the employee has the option to convert the overtime to compensatory time off at one and one-half time rate.

~~10-9.~~ All compensatory time off must be used before using annual leave.

~~11-10.~~ Department Heads are encouraged to schedule compensatory time off for employees with accrued compensatory time credit. However, it is the employee's responsibility to make arrangements with the Department Head and provide adequate notice of time off.

Comment [JJ6]: Add to page 56 7.2.A.2

~~12-11.~~ No overtime pay or compensatory time off is allowed for those employees classified as "exempt" on the compensation table.

~~13-12.~~ Compensatory time cannot be converted to cash except upon retirement or termination of employment.

D. HOLIDAYS

1. The following days have been designated by North Ogden City as paid holidays for full-time (8 hours) and permanent part-time (4 hours) employees:

New Year's Day	January 1
Martin Luther King Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Pioneer Day	July 24
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas	December 25

2. A holiday falling on Sunday will be observed on the following Monday. A holiday falling on Saturday will be observed on the preceding Friday.

3. All employees who are required to work on Independence Day, Thanksgiving Day, and/or Christmas Day will receive, in addition to holiday pay, their regular hourly pay or compensatory time at a one and one-half rate.
4. Employees who are required to work all other holidays mentioned above (aside from Independence Day, Thanksgiving Day, and Christmas Day) will receive, in addition to holiday pay, their regular straight-time rate. See Policy 7.2 for Overtime Pay and Compensatory Time Off.
5. All full-time employees who are scheduled to work on a holiday will be compensated up to eight hours at a straight time rate. All permanent part-time employees will be compensated up to four hours at straight time rate.
6. Holiday time is not paid to part-time, seasonal, or temporary employees.
7. Employees on leave without pay will not be paid holiday time including the day before nor the day after a holiday.

E. SICK LEAVE

1. Sick leave shall not be considered a right that employees may use at their discretion, but shall be allowed only in cases of necessity, actual sickness or disability of the employee or the immediate family of the employee.
2. Sick leave may be used at any time with approval of the Department Head for any of the following reasons:
 - a. Illness or injury to the employee.
 - b. Injury on the job, when the employee is unable to perform ~~his/her~~ regular duties or other temporary work to which ~~he/she~~ the employee may be assigned.
 - c. Visits to hospitals, clinics, doctor's and dentist's offices for diagnosis, or treatment of illness, injury, and emergencies for the employee or immediate family members.
 - d. For additional information, refer to Policy 10.1 – Family and Medical Leave Act.
3. ~~Vacation~~ Annual or compensatory time may be used in place of sick leave.
4. Hours of sick leave time may be coordinated with workers' compensation if the employee is absent as the result of an injury, which occurred while the employee was performing services for the City. An employee who was injured on the job and who is entitled to workers' compensation benefits may use accrued compensatory time first or annual leave during the time the person is off work due to an injury on the job, provided that the City cannot require the employee to use accrued leave during this time.

~~5. Sick leave shall be available to all full-time employees and full-time probationary employees. Seasonal, permanent part-time, temporary, and emergency employees are not eligible for sick leave.~~

Comment [JJ7]: This is a duplicate of 8.2.A.2

~~6.5.~~ Each eligible full-time employee who works a 40-hour week shall accrue sick leave at the rate of 3.70 hours bi-weekly. Eligible employees who work a 43-hour week shall accrue sick leave at the rate of 3.97 hours bi-weekly. Sick leave shall be credited at the end of each pay period. Sick leave shall not accrue if an employee is in a leave-without-pay status.

~~7.6.~~ A holiday that falls on a regular working day within a period when sick leave is being taken shall be credited as a holiday and not as a day of sick leave.

~~8.7.~~ Sick leave for an employee working a 40 hour week may be accrued to a maximum of 960 hours and employees working a 43 hour week may accrue a maximum of 1,032 hours. Sick leave accruing in excess of the stated maximums shall be forfeited.

~~9.8.~~ In order to use sick leave, an employee (or a member of ~~his/her~~ the employee's immediate family if the employee is incapacitated) must notify the Department Head before the employee's scheduled reporting time on each day of absence. However, in no case should the notification be later than one hour after the beginning of the employee's work shift. Continued reporting for more than one day of absence will be accomplished as directed by the Department Head.

~~10.9.~~ Sick leave shall be charged against employees in actual time used. The Department Head should be kept apprised of the employee's progress and expected date of return to duty. Sick leave shall not be used unless it has been earned and accrued prior to usage.

~~11.10.~~ Any absence for illness or injury (except on-the-job injuries, which shall be governed by the applicable provision of the worker's compensation statutes) beyond the employee's accrued sick leave will result in the employee being carried on annual leave status until all accrued annual leave has expired.

~~12.11.~~ If a full-time employee takes sick leave in excess of three consecutive working days, or if the Department Head believes that the circumstances indicate an abuse of sick leave, the Department Head or the City Administrator/Manager may require a certification from the attending physician stating that illness or injury prevented the employee from working.

~~13.12.~~ During sick leave periods longer than thirty calendar days, annual leave, sick leave, and other benefits shall not accrue. In addition, any sick leave period in excess of thirty days shall not be counted as time worked for purposes of receiving a yearly performance evaluation.

~~14.13.~~ If a full-time employee uses no sick leave from the first pay period which ends in December, from one year to the next, ~~the employee he/she~~ is eligible to convert sick leave to cash. The City will publicize those dates in advance. Our intention is to process the sick cash out checks on the first Friday after the end of the eligibility period. An

employee working a 40 hour week may choose to be paid for up to 40 hours at the employee's regular hourly rate or to convert 40 hours of sick leave to annual leave. If the employee chooses one of the options, 40 hours will be deducted from the accrued sick leave time. Employees working a 43 hour week may convert up to 43 hours under this paragraph. In order to convert sick leave under this policy, employees must follow the procedure described in this Policy, using the "Leave to Cash Form" attached as "Exhibit T" and providing such to the Human Resource Director. New full-time employees are eligible after their one year anniversary date, if they qualify for leave to cash for unused sick leave.

~~15-14.~~ Employees that have the maximum number of hours of sick leave allowed and have used no more than 2 days sick leave during December 1st through November 30th, may convert up to 24 hours of sick leave to annual leave. These 24 hours shall be in addition to any conversion of annual leave. Employees wishing to convert sick leave hours under this paragraph shall follow the procedures described in this policy. Employees working a 43 hour week may convert up to 25.8 hours of sick leave under this paragraph.

~~16-15.~~ Full-time employees with at least 10 years of service upon retiring from service with North Ogden City shall be paid for unused sick leave.

- a. Upon retiring, full-time employees who work a 40 hour work week with the City shall be paid up to a maximum of 640 hours of unused sick leave depending on their years of service.
 1. 10-14 years up to 80 hours
 2. 15-19 years up to 160 hours
 3. 20-24 years up to 240 hours
 4. 25-29 years up to 320 hours
 5. 30-34 years up to 480 hours
 6. 35+ years up to 640 hours
- b. Upon retiring, full-time employees who work a 43 hour work week with the City shall be paid up to a maximum of 676 hours of unused sick leave depending on their years of service.
 1. 10-14 years up to 86 hours
 2. 15-19 years up to 172 hours
 3. 20-24 years up to 258 hours
 4. 25-29 years up to 344 hours
 5. 30-34 years up to 516 hours

6. 35+ years up to 676 hours

~~17-16.~~ Sick leave may not be used during a scheduled ~~vacation~~ annual leave time period.

~~18-17.~~ Sick Leave Bank

- a. It is the policy of the City to maintain an Employee Sick Leave Bank. The Sick Leave Bank is established to allow employees to donate their annual leave to assist fellow employees. All employees may voluntarily donate any amount of their annual leave to the Bank at any time. Employees may request through their Department Head, a grant of sick leave from the Bank after the employee has exhausted ~~his/her~~ all available annual leave and sick leave. A committee consisting of the Human Resource Director, two Department Heads (one of those being the Department Head of the requesting employee) and at least two other employees will review all requests for sick leave grants.

F. BEREAVEMENT LEAVE

1. Full-time employees, with the approval of their Department Head, may be granted up to three days leave with pay in the case of the death of a spouse, child, stepchild, parent, stepparent, brother, or sister.
2. Full-time employees, with the approval of their Department Head, may be granted up to two days leave with pay in the case of the death of a grandparent, grandchild, or parent of spouse.
3. Full-time employees, with the approval of their Department Head, may be granted up to one full day leave with pay in the case of the death of an aunt, uncle, or a spouse's grandparent.
4. The bereavement leave described in this paragraph shall not be charge against accrued sick or annual leave.

G. FAMILY AND MEDICAL LEAVE ACT

1. The City's family and medical leave policies are described in Policy 10.1

H. MILITARY LEAVE

1. A military leave of absence will be granted to all employees if called to active duty with the United States Armed Services, except those occupying temporary positions.
2. Employees who are members of the organized Reserve of the United States Armed Forces, including the National Guard, shall be allowed full pay for all time, not to exceed 15 days per year, spent on scheduled military training assignments. Subject to the terms, conditions and limitations of the applicable plans for which these employees are otherwise eligible, health insurance benefits, annual, sick leave, and holiday benefits will continue to accrue during a military leave of absence not to exceed 15 days per year.

3. The City Administrator/Manager shall grant additional military leave based on official military orders. An employee may elect to use annual leave or compensatory time to cover additional absences beyond the standard 15 days per year, but the employee may not be compelled to do so and may choose leave without pay. (See Policy 8.2.J.)
4. Employees granted such leaves of absence will be restored to the same position, or to a position equivalent to the same position, which the person held immediately prior to the commencement of active military duty. Such employees must apply for reinstatement in accordance with all applicable state and federal laws. Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.
5. The City shall comply with Utah Code Ann. §39-3-1 & 2 and with all applicable federal laws.

I. JURY LEAVE

1. Full-time employees may be granted administrative leave with full pay when performing jury duty or when required to serve as a witness in litigation or administrative proceedings base on the employee's official duties performed on behalf of the City.
2. In order to qualify for pay from the City under this section, the employee must surrender any compensation to the City, excluding travel and expense allowance, which the employee received as a result of jury duty or appearance as a witness.
3. Paid administrative leave will not be granted when the employee is participating as a witness in litigation or administrative proceedings not related to his official duties with the City.

J. LEAVE WITHOUT PAY

1. Upon recommendation of the Department Head and approval of the City Administrator/Manager, an employee may be granted leave without pay for a specific period of time. The dates of the leave without pay shall be agreed upon before the employee commences the period of leave without pay. An employee who simply fails to appear for duty without making an agreement for leave without pay shall be deemed to be absent without leave and may be terminated.
2. At the expiration of a period of leave without pay, the employee shall return to the same position, where feasible, or to a similar position.
3. Failure of the employee to report at the expiration of the leave without pay period shall be considered a resignation.
4. A leave without pay period shall not constitute a break in service. However, during a leave without pay period no compensation or benefits shall accrue. Previously accrued benefits will be retained.

5. The accrual or retention of medical and retirement benefits during a period of leave without pay shall be subject to the provisions of the group medical insurance contract and the state retirement policy.
6. If employees desire to use annual leave in conjunction with leave without pay, use of the annual leave must precede the leave without pay, and there shall be a written agreement between the City and the employee regarding the amount of annual leave the employee will take and the amount of leave without pay the employee shall be allowed.
7. Leave without pay may be granted for extended travel or due to personal circumstances or family circumstances.
8. Leave without pay may be granted to attend funerals not covered by the bereavement leave policy.
9. Leave without pay may be granted to attend to an ill or injured family member or in response to an emergency involving the employee's family (spouse, child, parent, brother, or sister) when such absence is not covered by sick leave or another category of leave.
10. Unless there are urgent circumstances, which prevent advance notice, employees must apply for absences without pay in advance and in writing; giving as much detail about the absence as is necessary so that the Department Head may decide whether the leave is warranted. The application shall include the anticipated dates of the leave without pay. If exigent circumstances prevent the employee from applying for leave without pay in advance, the employee shall contact the City Administrator/Manager as soon as possible to explain the exigent circumstances and the need for leave without pay.

K. DOCUMENTATION OF LEAVE

1. Absences permitted in the Policy must be supported by copies of written documentation on a "Time Off/Leave Request" attached as "Exhibit U" explaining the cause of the absence. This documentation must be submitted to the Department Head as soon as possible. In some cases where documentation is not available, the Department Head may request the employee supply additional information in writing to support the absence.

Policy 8.3 TRAVEL

North Ogden City recognizes the need for its employees to travel outside the City limits at various times to receive training, information, briefing, etc. for efficiency and effectiveness as City employees. All requests for reimbursement of expenses are subject to documentation and reasonableness.

A. AUTHORIZATION AND VEHICLE USE

1. Department Heads will determine whether their staff will take a City vehicle or a private vehicle on authorized trips, based on budget and other considerations.
2. If a City vehicle is taken on authorized trips, family members may accompany the staff member in the City vehicle but they may not drive the City vehicle.
3. Staff members taking their own private vehicle will be reimbursed (see Policy 8.3.B.6.b).
4. Staff members taking a City vehicle may use City gasoline and will be reimbursed for gasoline purchased privately. Staff members will attach receipts for privately purchased gasoline to a check request and submit all check requests to their Department Heads.

B. PAYMENT FOR TRAVEL EXPENSES AND SALARY

1. Per diem payments will be authorized for personnel who are required to be away from home overnight or during meal time on official business. Per diem will be paid in accordance with current rates set by the United States General Services Administration (GSA). Employees requesting reimbursement above the per diem rates must provide receipts for all expenses above the per diem rate set by the City Council. The City will not pay a per diem for spouses of employees or other non-employees traveling with the employee. A "Travel & Training Request Form" attached as "Exhibit V" shall be completed prior to the reimbursement for travel.
2. Costs and expenses incurred by spouses accompanying employees to conventions, conferences, and other lawful City business shall not be reimbursed or provided for by the City except where and to the extent that the conference or convention format provides for spousal participation in the form of separate workshops, meetings, or luncheons and the employee has received approval for an accompanying spouse prior to attending the event.
3. The City will pay double occupancy room rates for employees and elected officials who are accompanied by a spouse as submitted on the "Travel & Training Request Form" attached as "Exhibit V" and approved by the City Administrator/Manager.
4. If payment in advance is not possible, the City shall reimburse the employee the cash amount of the costs incurred after receiving the appropriate receipts to verify that the employee has expended ~~his/her~~their own money for City purposes. Employees who fail to produce receipts in these circumstances will not be entitled to reimbursement. The employee shall turn in receipts for hotel accommodations to the Department Head as a verification of attendance no matter what the form of payment.

5. Time at conferences, training, and travel time is considered part of the job duties and the employee will be paid at his/her/their regular hourly rate for this time. No overtime will be paid.
6. The City will reimburse employees for travel as follows:
 - a. Cost of airline travel – The City will reimburse only the cost for coach or business class travel as listed on the “Travel & Training Request Form” attached as “Exhibit V” and approved by the City Administrator/Manager.
 - b. Costs of using a private automobile – As set forth above, the City will reimburse costs of the authorized use of a private automobile. If the employee chooses to take a private vehicle when a City vehicle is available, reimbursement for use of a private automobile shall be paid at the 50% of the I.R.S. standard business mileage rate. If a City vehicle is not available, reimbursement for a private automobile shall be paid at the full I.R.S standard business mileage rate. See “Exhibit V”
 - c. Costs of rental cars – The City will pay the costs of rental cars only if the travel involves airline travel to another city. The City will reimburse employees for the costs of renting a mid-size automobile unless the employee demonstrates that only a full-size car was available.
 - d. Tolls, baggage handling, official telephone messages
 - e. Registration and related fees at official meetings or functions
 - f. Taxi fares to and from a common carrier, to and from the place of lodging, business meetings, and tips not to exceed 15% of the fare
 - g. Parking fees in connection with City business
 - h. Travel:
 1. Non-overnight travel – When a non-exempt employee is required to travel to and from outside of Weber County for a work assignment, either as a driver or passenger, and no overnight stay is involved, the time spent driving to and from the destination is counted as work time.
 2. Overnight travel – when a non-exempt employee is required to travel outside of Weber County for a work assignment, and an overnight stay is involved, travel that occurs during normal working hours is counted as work time regardless of the day of the week upon which the travel occurs; however, travel as a passenger on a bus, plane, train, or automobile that occurs outside of what would be the employee’s normal working hours, regardless of the day of the week upon which the travel occurs, is not counted as work time.

Policy 8.4 USE OF CITY EQUIPMENT**A. CITY VEHICLES, EQUIPMENT AND TOOLS**

1. The City's vehicles, equipment, or tools are to be used for the benefit of the public. Notwithstanding the foregoing, incidental and occasional personal use of city owned property is permitted. Reasonable use of the City's tools and equipment to protect property and preserve life is authorized. If an employee's personal use of City property creates more than a de minimis cost to the City or benefit to the employee, the employee shall reimburse the City for the cost of the personal use. For employees who are authorized or required to take vehicles homes, personal errands during travel to or from work are considered de minimis provided they are no more than 10 miles from the shortest route to the employee's home. City vehicles shall not be used to haul construction materials, tow trailers, or haul aggregate materials for personal uses. Earth moving equipment and landscaping equipment is not authorized for personal use.
2. Employees will receive the proper training necessary for the accomplishment of the employees' duties. This training shall include an explanation of job hazards, safety procedures and training on all equipment, tools, etc.
3. Pursuant to the Motor Vehicle Safety Act, a commercial driver's license (CDL) is required for operators of commercial motor vehicles. No individual shall be allowed to operate such vehicles unless they have a current CDL in their possession. The CDL must be renewed according to State Law.
4. Operators and passengers in City vehicles equipped with seat belts must be belted in when the vehicle is in operation. All employees operating City vehicles shall observe all local traffic laws, including speed limits, with the exception of Sworn Police Officers who will follow the Public Safety requirements,
5. Employees who are assigned a City vehicle shall keep the vehicle clean, presentable, and serviceable. Employees who receive a car allowance shall also keep their vehicles clean, presentable and serviceable.
6. Employees shall not use City vehicles for unauthorized purposes.
7. Except for on-call employees, animal control officers, Sworn Police Officers, and Supervisors/Department Heads authorized by the Mayor, no City employees will be allowed to take a City vehicle home.
 - a. Supervisors/Department Heads will pay a daily rate to take a City vehicle home as set forth in the I.R.S fringe benefit guidelines. No personal use of vehicle is allowed.
8. All tobacco including vaporizing is prohibited in all City vehicles.
9. Personal Electronic devices are not to be used while operating a City vehicle. If a vehicle operator needs to make or answer a phone call, then the vehicle must be pulled out of

travel lanes and placed in park for the duration of the call unless the operator has the accommodation of a hands free device, such a Bluetooth device.

Policy 8.5 EDUCATIONAL ASSISTANCE PROGRAM

North Ogden City recognizes that the skills and knowledge of its employees are critical to the success of the organization. The City's Educational Assistance Program encourages personal development through formal education.

- A. There are three types of education which may qualify for educational assistance.
 - 1. On the job training to maintain required certifications or skills required for the position currently held by the employee
 - a. This type of training will be approved by the City Council in budget approval for specific departments under training or other similar categories even if not specifically identified by the job title.
 - b. These classes will be paid for up-front and covered 100% by the City with no reimbursement agreement required. Refer to Policy 8.3 for travel and training expenses and reimbursements.
 - 2. Specialized job training to qualify for a new position, newly acquired position, or to qualify for pay raises
 - a. This type of training will be recommended by the Department Head and City Administrator/Manager to the City Council. Any non-budgeted expense will be approved by the City Council.
 - b. This type of training may be covered up front and up to 100% by the City, as budget allows, with no reimbursement required, though the City may require the employee to enter into an "Educational Reimbursement Agreement" as outlined in "Exhibit W". This type of training may be subject to the all the provisions under subsection 3 including reimbursement occurring after satisfactory completion of the course.
 - 3. General training and education which may indirectly benefit North Ogden City
 - a. This type of training may be covered up to 50% by the City, as budget allows, with no reimbursement, though the City may require the employee to enter into an "Educational Reimbursement Agreement" as outlined in "Exhibit W".
 - b. The total assistance granted any employee shall not exceed \$4,000.00 per year employees_per person. Only full-time employees are eligible for the education assistance program.

- c. An employee seeking educational assistance for general training and education must submit an "Educational Assistance Program Request" attached as "Exhibit X" and receive approval before enrolling in the program or class.
 - d. Within thirty (30) days of the successful completion of any approved course, the City requires the employee to submit a completed "Education Reimbursement Request" attached as "Exhibit Y", with documentation of successful completion of the course, to the City Administrator/Manager on proper form(s) available from the Human Resource Director.
 - e. If a course is changed, modified, or deleted as a curriculum offering after the employee has obtained approval for reimbursement, the employee must notify the City Administrator/Manager and his/her/their Department Head of the change immediately upon first knowledge of the change, modification, or deletion. New, changed, or modified course(s) must receive written approval to receive reimbursement.
- B. To maintain eligibility, employees must remain on the active payroll and perform their job satisfactorily through the completion of the course.
 - C. The City has the sole discretion to determine approval for any education assistance requested. The employee must receive approval before enrolling in the program or class. Approval must occur first through the Department Head and next through the City Administrator/Manager prior to enrollment in the course, training, or class offering. The City's Finance Director must verify availability of education assistance funds prior to requesting approval by the City Administrator/Manager.
 - D. While educational assistance is expected to enhance employee performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.
 - E. The City retains the right, at the City Administrator's/Manager's discretion, to refuse educational assistance if, based upon the availability of funds as appropriated by the City Council, there are insufficient financial resources to adequately provide for a request for educational assistance. Requests for approved educational financial assistance under this policy shall be handled on a "first-come, first-serve" basis. However, those individuals that may be in the middle of a program may have precedence over a first-time requestor. Funds shall not be reserved for anticipated, future courses, and past receipt of educational assistance shall not guarantee any employee future educational assistance.
 - F. Receipt of funding support under this policy shall be on a "Secondary Payer" basis only. That is, if an employee has obtained funding, whether from grants, loans, or other sources that pay the

cost of approved tuition, City funds will not be authorized when such payment would create a “double dipping” or “unjust enrichment” reimbursement to the employee in an amount greater than the cost of the approved tuition or to repay amounts paid from other sources, as determined by the City Administrator/Manager.

- G. If an employee voluntarily separates from the City’s employment within the term specified by a reimbursement agreement after completion of any course, the education financial assistance for that course(s) will be only a loan. The City-paid portion of the educational costs will be deducted from the employee’s last paycheck. Further, the employee will be liable for collection of any outstanding costs of the City-paid portion of the educational costs. Exceptions to this repayment requirement may be made at the discretion of the City Administrator/Manager, and will be limited to compelling circumstance(s) beyond the immediate control of the employee and for which a reasonable accommodation is requested.
- H. Employees should contact the Human Resource Director for more information or questions about educational assistance.

Policy 8.6 EMPLOYEE SERVICE AWARDS AND RECOGNITION

A. AWARD FOR YEARS OF SERVICE

1. Human Resources will provide employee years of service information on a yearly basis.
 - a. Awards for years of service start at the beginning of permanent part-time or full-time status.
2. Employee recognition for length of service shall be recognized by the following:
 - a. At the completion of every 5th year of service
 - b. Awarded \$10 for each year of service
 - c. Plaque
 - d. Service pin
3. An employee retiring from the City shall receive a gift valued at \$10 for each year of service.

B. EMPLOYEE OF THE MONTH AWARD

Any employee, citizen, or Council Member can nominate another employee by notifying the Human Resources Director. The employee shall be recognized by the following:

- a. A full-time employee receives 8 hours paid leave
- b. A permanent part-time/part-time employee receives 4 hours of paid leave
- c. Plaque

C. EMPLOYEE OF THE YEAR AWARD

One employee from each department is chosen. No department head can nominate unless there is a tie, the department head will make the decision. The employee shall be recognized by the following:

- a. \$100
- b. Plaque

D. PEAK AWARD (Progressive, Enthusiastic, Ambitious, Knowledgeable)

There shall be 2 employees chosen by the Department Heads and Mayor. The employee shall be recognized by the following:

- a. \$350
- b. Plaque

E. OTHER RECOGNITION

Gift cards or other tangible personal property may be awarded at the discretion of Mayor, City Council, City Administrator/Manager, and Department Heads.

All gift card or cash awards are taxable compensation and must be process through the payroll system as required by the IRS Publication 15. The City will contribute to income and employment taxes relating to the award in the amount approved by City Council.

CHAPTER 9 SAFETY PROCEDURES AND REQUIREMENTS

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 9.1 GENERAL SAFETY

It is the policy of North Ogden City to minimize the loss of life and property to the City, its employees, and the public as a consequence of the City's operations by taking practical steps to safeguard employees, citizens, and property from accident.

It is the City's policy to strive for safety in all activities and operations. The City will carry out its commitment to comply with all health and safety laws applicable to its operations by enlisting the help of all employees to ensure that public areas and work areas are free of hazardous conditions. The City will strive to provide working conditions that are healthy and safe.

A. EMPLOYEE'S SAFETY RESPONSIBILITIES

1. Employees are expected to be conscientious about workplace safety, including proper work methods, reporting potential hazards, and abating known hazards.
2. Employees should report unsafe work conditions that might result in an accident in any work area to a supervisor or Department Head.
3. The City's safety policy and practices will be strictly enforced. Employees who have been found to have intentionally violated the City's safety policies, are determined to be

consistently negligent, or are unsafe in performing their duties may be disciplined with the possibility of termination.

B. GENERAL SAFETY RULES

The following general safety rules will apply in all the City's work places. Each department may prepare additional safety rules applicable to the specific of nature of work in that department. Any additional rules may not be in conflict with the general safety rules.

1. Employees operating any type of power equipment shall use caution and follow all of the manufacturer's safety precautions and warnings. For any power equipment for which a license or certification is required, no unlicensed/uncertified employees will operate the equipment.
2. Employees will use safety equipment, included but not limited to safety glasses, gloves, toe guards, vests, ear protection and hard hats, as required and appropriate to the work performed. (Please refer to the Department's Safety Manuals for safety guidelines.)
3. Employees will not wear loose clothing and jewelry while working on or near heavy equipment and machinery.
4. All accidents (personal or vehicular) are to be reported immediately to the supervisor, Department Head, and Human Resource Director.
5. If an employee believes that any piece of equipment is defective, the employee should tag the equipment and report the defect immediately to the supervisor or Department Head.
6. Employees will not operate equipment or use tools for which they have not received the necessary training, instruction, or do not have the required license.
7. In all work situations safeguards as required by state and federal safety orders will be provided.

C. PROTECTION OF CHILDREN AND VULNERABLE ADULTS

1. It is the policy of North Ogden City to provide a safe environment for children and adults to recreate. The City has no tolerance for mistreatment of children or vulnerable adults within the programs it administers. City staff and volunteers who work with children and vulnerable adults will be properly screened. Common sense measures to limit opportunities for abuse will be implemented. Reports of abuse will automatically be referred outside the City for investigation by the proper state agency. Staff or volunteers suspected of abuse will be removed from involvement with youth or senior programs pending investigation. A finding or cause to believe that abuse occurred by an investigating agency shall be sufficient cause for termination from employment or volunteer service.
2. Definitions

- a. **Child** - A person less than eighteen (18) years of age.
 - b. **Emotional abuse** - Conduct towards a child or vulnerable adult that attacks the person's emotional well-being and sense of self-worth such as shaming, humiliating, denigrating, etc.
 - c. **Physical abuse** - Physical harm or the imminent threat of physical harm to a child or vulnerable adult.
 - d. **Sexual abuse** - Any form of sexual contact, lewdness, exploitation, exposure to pornographic material, solicitation to engage in sexual activity, or other similar actions towards a child or vulnerable adult.
 - e. **Vulnerable adult** - A person eighteen (18) years of age or older whose advanced age or physical or mental incapacity substantially limits the person's judgement or ability to resist emotional, physical, or sexual abuse.
3. Screening staff and volunteers.
 - a. Prior to working in City programs in which children or vulnerable adults participate, every City employee or volunteer shall obtain a background check, subject to Utah's BCI.
 - b. Any person who has been convicted of child abuse, abuse of a vulnerable adult, lewdness, voyeurism, crime involving pornography, providing harmful material to a child, prostitution, patronizing a prostitute, child exploitation, endangering a child or elderly adult, sexual abuse of a child, unlawful sexual activity with a minor, rape, sexual battery, or convictions for other sex related offenses, etc. shall be ineligible to work as a staff employee or volunteer in a City program in which vulnerable adults or children participate. Any other types of crimes will be reviewed by the Chief of Police.
4. Training
 - a. Each year the City will offer annual training regarding this policy to be completed by all staff and volunteers who work with children or vulnerable adults regardless of whether they have participated in the training before.
5. Protection Measures
 - a. At least two adult staff or volunteers shall be present during all City sponsored programs attended by children or vulnerable adults. Isolated one-on-one contact between a staff member or volunteer and a child or vulnerable adult during a City sponsored program is prohibited.
6. Reporting
 - a. City staff shall not take it upon themselves to investigate allegations of abuse. Every allegation involving children shall be reported to the Division of Child and

Family Services. Allegations regarding vulnerable adults shall be reported to Adult Protective Services.

- b. Investigations by Division of Child and Family Services or Adult Protective Services - The City shall not attempt to investigate on its own allegations of abuse involving its staff or volunteers.

7. Violation

- a. Violations of this policy may result in disciplinary action up to and including termination.

Policy 9.2 UOSHA REQUIRMENTS

It is the policy of North Ogden City to comply with UOSHA requirements.

A. POSTING NOTICES

- 1. The City will post notices that are provided by UOSHA in a conspicuous place. This may be on an employee bulletin board or other place where similar notices are usually posted. Employees should be able to easily obtain information from their Supervisor or Department Head when the employee has a question about any of the standards described in UOSHA.

B. YOUTH SAFETY

- 1. The following is a list, provided by UOSHA, of hazardous work that any youth under 18 years of age CANNOT perform:
 - a. Operation in or about establishments manufacturing or storing explosives or articles containing explosive components
 - b. Motor Vehicle drivers and helpers (with exceptions)
 - c. Coal mining operations
 - d. Logging operations of any saw mill, lath mill, shingle mill, or cooperage-stick mill
 - e. Operation of power-driven woodworking machines
 - f. Jobs involve exposure to radioactive substances and to ionizing radiation
 - g. Operation of power-driven hoisting apparatus
 - h. Operation of power-driven, metal forming, punching and shearing machines
 - i. Operation of circular saws, band saws, and guillotine shears
 - j. Wrecking, demolition operations
 - k. Roofing operations
 - l. Excavation operations
 - m. Operation connected with mining other than coal
 - n. Meat process operations
 - o. Operation of certain power-driven bakery machines
 - p. Operation of certain power-driven paper-products machines
 - q. Manufacture of brick, tile, and clay products

CHAPTER 10 FAMILY AND MEDICAL LEAVE ACT

At Will Status: Any provision listed in this chapter shall not be interpreted so as to create an expectation of continued employment or in any way limits or restricts an employee's at-will employment status.

Policy 10.1 FAMILY AND MEDICAL LEAVE ACT

North Ogden City offers family and medical leave in compliance with the Family and Medical Leave Act of 1993, 28 U.S.C. §2601 et seq.

A. When used in this Policy, the following terms shall have the following meanings.

1. **Serious medical condition** - an illness, injury, impairment or physical or mental condition that involves (1) inpatient care in a hospital, hospice, or residential medical care facility, or (2) continuing treatment by a medical health care provider.
2. **Child** - a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is (1) under 18 years of age, or (2) 18 years of age or older and incapable of ~~caring for him or herself~~ self-care because of a mental or physical disability.
3. **Benefits** - all benefits provided or made available to employees by the City, including group life insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions.
4. **Health care provider** - (1) a doctor of medicine or osteopathy licensed by the State where he or she practices, or (2) any other person determined by the United States Secretary of Labor to be capable of providing health care services.

B. In order to be eligible to apply for family and medical leave, an employee must have:

1. Worked for the City for at least 12 months
2. Worked at least 1,250 hours in the immediately preceding 12 months

C. Eligible employees may apply for family and medical leave for the following reasons:

1. The birth of a child to the employee and in order to care for the new child
2. The placement of a child with the employee for adoption or foster care
3. To care for the employee's spouse, child, or parent; if the spouse, child, or parent has a serious medical condition
4. Because of a serious medical condition which makes the employee unable to perform the functions of the employee's position with the City.

- D. Eligible employees shall be entitled to a maximum of 12 weeks of family and medical leave during any 12 month period.
- E. Any employee taking family and medical leave under this policy shall be required to use ~~his/her~~ accrued annual time or other accrued leave as part of the family and medical leave. Family and medical leave taken in excess of the employee's accrued leave shall be unpaid leave.
- F. At the end of any period of family and medical leave, the employee shall be restored to the position held by the employee prior to the leave or an equivalent position with equivalent benefits, pay and other terms of employment. The City may deny restoration of employment under the following circumstances:
1. The employee on family and medical leave is a salaried or exempt employee among the highest paid ten percent (10%) of the City's employees.
 2. The City determines that restoration would cause substantial and grievous economic injury to the City.
 3. The City notifies that employee of its intent to deny restoration to the employee at the time the City determines that restoration would cause substantial and grievous economic injury to the City.
 4. The employee elects not to return to employment after receiving the notice of restoration.
- G. Continuation of benefits
1. Taking family and medical leave shall not result in the loss of any employment benefits, which have accrued prior to the leave.
 2. Nothing in this policy shall be construed to indicate that during any period of family and medical leave, the employee shall be entitled to:
 - a. The accrual of seniority or additional benefits, or
 - b. Any other right, benefit, or position of employment other than those to which the employee would have been entitled if he or she had not taken the leave
 3. During any period of family and medical leave, the City shall maintain coverage for the employee under the City's group health plan at the level and under the same conditions coverage would have been provided if the employee had not taken the leave. In most instances, this means that the employee will have to continue making contributions towards the payment of health insurance during the leave period.
 4. In the event an employee fails to return from family and medical leave, the City may recover the share of premiums paid for group health coverage by the City on behalf of the employee. This means that if the employee fails to return at the expiration of the leave the City may demand reimbursement for the portion of the premiums the City

paid during the leave period. The City may not seek reimbursement if the failure to return is caused by the continuation, recurrence or onset of a serious medical condition affecting the employee, or the employee's spouse, child, or parent, or other circumstances beyond the control of the employee.

5. If the employee fails to return at the end of the family and medical leave and alleges that the failure is due to a serious medical condition affecting the employee, or the employee's spouse, child, or parent, the City may require certification of the serious medical condition from the health care provider of the affected person. The employee shall provide the requested certification in a timely manner. To be accepted by the City, the certification must state:
 - a. That the serious medical condition prevented the employee from returning to work at the end of the leave, or
 - b. That the employee was needed to care for the spouse, child, or parent on the date the leave ended

H. Leave for the birth or placement of a child

1. In addition to the foregoing, family and medical leave for the birth of a child to the employee or the placement of a child with the employee for adoption or foster care, birth leave is governed by the following provisions:
 - a. Birth leave must be taken within 12 months of the birth or placement.
 - b. Birth leave may not be taken intermittently or on a reduced work schedule without written approval of the City Manager.
 - c. An employee considering birth leave must provide the City Manager with a 30 day notice prior to taking the leave, unless circumstances make the giving of such notice impossible, in which case the employee shall give as much notice as possible.
 - d. In the event both spouses in a family are employed by the City, the two spouses between them shall be entitled to an aggregate of 12 weeks of birth leave.

I. LEAVE FOR SERIOUS MEDICAL CONDITIONS

1. In addition to the foregoing, family and medical leave caused by a serious medical condition suffered by the employee or the employee's spouse, child, or parent, shall be governed by the following provisions:
 - a. Medical leave may be taken intermittently or on a reduced work schedule when medically necessary. Taking medical leave intermittently or on a reduced work schedule shall not reduce the total amount of medical leave to which the employee is entitled.

- b. In the event an employee requests medical leave on an intermittent or reduced work schedule, the City may require that the employee transfer temporarily to an alternative position with the City. The City may require transfer only if:
 - 1. The employee is qualified for the alternative position
 - 2. The alternative position has equivalent pay and benefits
 - 3. The alternative position better accommodates recurring periods of leave than the employee's regular position.
- c. In addition to using accrued ~~vacation~~ annual leave time or other accrued leave, an employee taking medical leave may be required to use ~~his/her~~ accrued sick leave as part of the medical leave.
- d. In the event the serious medical condition which occasions the medical leave is foreseeable based on planned medical treatment, the employee shall make reasonable efforts to plan the treatment so as not to duly disrupt the City's operations, subject to the approval of the health care provider of the person affected by the serious medical condition.
- e. The employee shall make reasonable efforts to provide the City with a 30 day notice prior to taking medical leave, or as much notice as is possible in the circumstances.
- f. In the event that both spouses in the family are employed by the City and the medical leave is requested to care for a parent, the two spouses between them shall be entitled to an aggregate of 12 weeks of medical leave.
- g. The City may require that any request for medical leave be supported by a certification from the health care provider to the affected employee or the employee's child, spouse, or parent. To be sufficient, the certification must include:
 - 1. The date on which the serious medical condition commenced
 - 2. The probable duration of the condition
 - 3. The medical facts known to the health care provider regarding the condition
 - 4. A statement that the employee is unable to perform his duties with the City or is needed to care for ~~his/her~~ the employee's child, spouse, or parent.
- h. If the employee is requesting intermittent leave or a reduced work schedule as part of the medical leave, the certification must also include:

1. The dates, if known, the treatment will be given and the duration of the treatment.
 2. If the serious medical condition affects the employee's child, spouse, or parent, a statement that the intermittent leave or reduced work schedule is necessary as well as the expected duration of the intermittent leave or reduced work schedule;
 3. If the serious medical condition affect the employee's child, spouse, or parent, a statement that the intermittent leave or reduced work schedule is necessary for the treatment of the child, spouse, or parent or will assist in the recovery of the child, spouse, or parent.
 4. The expected duration of the intermittent leave or reduced work schedule.
- i. The City shall have the right, after receiving a certification from the health care provider, to a second opinion from a health care provider chosen by the City. The City shall pay the costs of obtaining the second opinion. The health care provider chosen by the City shall not be a City employee.
 - j. If the second opinion obtained by the City conflicts with the opinion of the employee's health care provider, the City may require a third opinion from a health care provider agreed upon by the City and the employee. The City shall pay the costs of obtaining the third opinion and the opinion of the third health care provider shall be final and binding on the City and the employee.
- J. The City will post notices that are provided by the federal government in a conspicuous place. This may be on an employee bulletin board or other place where similar notices are usually posted. Employees should be able to easily obtain information from their supervisor or department head when the employee has a question about any of the standards described in the Family and Medical Leave Act of 1993, 289 U.S.C. §2601 et seq.

EXHIBITS

Staff Report to the North Ogden City Council and Planning Commission

SYNOPSIS / APPLICATION INFORMATION

Application Request: Discussion regarding a site plan for a 7-Eleven at the Village at Prominence Point project located at the northwest corner of 1700 North and Washington Boulevard

Agenda Date: September 3, 2019

Applicant: Ryan Forsyth

PUBLIC NOTICE:

Mailed Notice: None

Newspaper: None

City Website: August 29, 2019

PROPERTY INFORMATION

Address: Northwest Corner of 1700 North and Washington Boulevard

Project Area: Approximately 1 Acre

Existing Land Use: Vacant

Proposed Land Use: 7-Eleven Convenience Store

Parcel ID: 110140071 and 110140072

ADJACENT LAND USE

North: Commercial

East: Residential / Commercial

South: Residential/Agricultural

West: Residential / Vacant

STAFF INFORMATION

Robert O. Scott, AICP
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APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11-7K (VPP-MPC)
Village at Prominence Point Development Agreement

LEGISLATIVE DECISION

When the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. Examples of legislative actions are general plan, zoning map, land use text amendments, and development agreements. 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, require compatibility with the general plan and existing codes.

BACKGROUND

An application has been received to build a 7-Eleven convenience store at the northwest corner of 1700 North and Washington Boulevard. (See Exhibit A)

The land use authority for commercial site plans in the VPP-MPC zone is the City Council with a recommendation from the Planning Commission. A companion subdivision application has yet to be received.

A Technical Review Committee meeting was held on August 12, 2019. (See Exhibit B)

A previous amendment to the Village at Prominence Point added gas stations as an allowed use.

The applicant is requesting a concept review to determine if the submitted design is acceptable or not prior to spending additional money on detailed design.

Attached is the submitted concept plan and building elevations. (See Exhibit C and D)

Staff has suggested this review to compare the original concept design for the entryway building at this intersection. The development agreement has aspirational drawings for this corner. (See Exhibit E) A comparison shows that the submitted application is a single story building and does not have access from Washington Boulevard.

The development agreement envisioned that “The City envisions that the Commercial Development will be the southerly entrance to North Ogden with a prominent “gateway building” at the northwest corner of 1700 N and Washington Blvd.” The concept shows this building to be a statement building at the entryway to the city. It is two stories and is oriented to Washington Boulevard.

The following MPC standards that will likely need design modifications are:

- Building facades should comprise 65% of the frontage facing Washington Blvd.

Analysis: 146 feet of frontage; building length is 70 feet or 48%.

- The entrances of all retail uses shall always front onto major streets.

Analysis: The front entrance is on the west of the building and does not face Washington Boulevard.

- Commercial buildings shall be designed with ground floor architectural distinction/separation in order to enhance street activity and walkability. All buildings shall have expansive windows, balconies, bay and/or box windows, terraces, or other design features which are oriented to the street, or other people spaces. Windows shall make up at least 50% of street-facing facades on the first story of commercial developments.

CONFORMANCE WITH THE GENERAL PLAN

In addition to the development agreement the General Plan should be considered as part of this deliberation.

The General Plan map shows this property in the Southtown area with two land use designations, i.e., Mixed Use and Main Street Commercial.

Mixed Use – development areas that combine residential, commercial and/or office uses.

Main Street Commercial – commercial or mixed use commercial uses with a direct orientation to the street/sidewalk. These uses should have little or no setback from the public right of way.

Southtown Goals

- Create design features that announce you have arrived in North Ogden.
- Provide a support function to the Downtown.
- Revitalize the North Ogden plaza in the Kirt's area.

Goal # 1- Create design features that announce you have arrived in North Ogden.

Strategies

- Consider additional height requirements in strategic locations, such as the corners that intersect Washington Boulevard.
- Corner towers could create a recognizable theme that ties in with the Downtown.
- Larger corner plazas with distinctive features such as artistic signs could create a gateway effect for North Ogden.
- Work with UDOT to change the street cross section and improve pedestrian street crossings to include reduced speeds, traffic calming such as medians, on-street parking, and landscaped bulb outs.
- Change the streetscape with widened sidewalks, street trees, and specialty cut-off lighting.
- Address signage to improve appearance and create distinctiveness from standard suburban strip mall type development.
- Consider the Cannery architectural style as a possible theme to reinforce in the area.

Goal # 2 - Provide a support function to the Downtown.

Strategies

- Promote mixed use housing concepts that add quality developments to the area and provide more rooftops to support business.

SUMMARY OF LAND USE AUTHORITY CONSIDERATIONS

- Is the design consistent with the MPC zone and development agreement?
- Which standards, if any should be modified through a development agreement amendment?
- Which sign standards should be used; is the sign plan acceptable?
- Is the proposal consistent with the General Plan?

RECOMMENDATION

The Planning Commission and City Council should weigh these two contrasting designs along with the General Plan to determine if the submitted application is acceptable.

EXHIBITS

A. Application

- B. Technical Review Committee Notes
- C. 7-Eleven Site Plan
- D. 7-Eleven Building Elevations
- E. Development Agreement Commercial Elevations

MAP





LAND USE DEVELOPMENT APPLICATION

North Ogden City Planning Department
505 East 2600 North
North Ogden, UT 84414 (801)782-7211

SPR 2019-02

APPLICANT INFORMATION	
Name: Ryan Forsyth	Company: C&N North Ogden
Address: 1835 S. HWY 89 Perry UT 84302	
Email: RForsyth@leadingtechonline.com	Phone: 435-734-2012
OWNER INFORMATION	
Name: MERITAGE COMPANIES LLC	SBE2 LLC
Address: 34806 N 80TH WAY SCOTTSDALE AZ 85262 1400 E PATTY DR WASILLA AK 99654	
Email: RForsyth@leadingtechonline.com	Phone: 435-734-2012
PROJECT INFORMATION	
Project Name: North Ogden 7-Eleven	
Project Address: 1700 North Washington BLVD	
Parcel #: 110140071 110140072	Subdivision: Lot #:
Acreage: 2.83 0.21	Current Zoning: MPC-VPP
APPLICATION TYPE AND FEE *(CHECK ALL THAT APPLY):	
☐ Subdivision: ☐ Preliminary Approval - \$500 plus \$50 per lot ☐ Final Approval - \$500 plus \$30 per lot ☐ Special Exception Application - \$200	☐ Zoning Amendment: ☐ Text - \$725 ☐ Map - \$800 ☐ Annexation City - \$800 plus actual cost of postage and publication
☐ Minor Subdivision - \$750 ☐ Minor Subdivision without Technical Review - \$500 ☐ Amendment or Vacation of Subdivision - \$300 ☐ Boundary Line Adjustment - \$200	☐ Hearing Officer ☐ Variance - \$400 ☐ Appeal - \$400
☒ Site Plan Review: ☒ With Technical Review - \$1,100 ☐ No Technical Review - \$350	☐ Conditional Use Permit: ☐ City Fee (with technical review) - \$1,100 ☐ City Fee (no technical review) - \$350
	☐ Planned Residential Unit Development (PRUD) - \$1,375

Applicant's Signature

Date

Owner's Signature

Date

5. Date Received 7/31/19

To be filled out by North Ogden City

Received by Cullen Phillips Fees paid: \$1100

Page 140

5091 750

Updated July 2019



SITE PLAN REVIEW APPLICATION

North Ogden City Planning Department
505 East 2600 North
North Ogden, UT 84414 (801)782-7211

PLEASE ATTACH ONE COPY OF A SITE PLAN ON 24" X 36" PAPER AND AN ELECTRONIC COPY (PDF) OF A SITE PLAN. THE SITE PLAN SHALL BE DRAWN TO SCALE AND PREPARED BY A UTAH REGISTERED LAND SURVEYOR CIVIL ENGINEER WITH THE FOLLOWING INFORMATION:

<u>Required</u>	<u>Submitted</u>	
☐	☐	1. Existing and proposed contours at two-foot intervals.
☒	☒	2. Location of main accessory buildings on the site and in relation to one another.
☐	☐	3. Height, bulk, and character of building(s).
☒	☒	4. Off-site parking area(s) and striping patterns.
☒	☒	5. Traffic circulation features within the site.
☒	☒	6. All driveways.
☒	☒	7. Provisions for open space on site.
☒	☒	8. Signage plan.
☒	☒	9. Landscape plan
☐	☐	10. Fencing.
☐	☐	11. Drainage flows and structures.
☐	☐	12. Location of all existing and proposed utility lines.
☒	☒	13. Vicinity of the site.
☐	☐	14. Property ownership and surrounding property owners.
☒	☒	15. Existing zoning classification(s)
☒	☒	16. Existing surrounding land uses.

Applicant's Signature:  Date: 7/31/19

NORTH OGDEN CITY
505 E 2600 N
NORTH OGDEN UT 84414

Receipt No: 5.091750

801-782-7211
Jul 31, 2019

LEADING TECH DEVELOPMENT

Previous Balance:	.00
CHARGES FOR SERVICES	
ZONING & SUB FEES-NORTH	
OGDEN 7-11	1,100.00
10-34-130	
ZONING & SUBDIVISION FEES	

Total:

1,100.00

CHECK
Check No: 3839

Total Applied:

1,100.00
1,100.00

Change Tendered:

.00

07/31/2019 2:48 PM

Technical Review Committee Meeting
August 12, 2019

Re: 7-Eleven, Subdivision and Site Plan

The North Ogden City Technical Review Committee met on August 12, 2019 regarding the proposed plans for the 7-Eleven Subdivision and Site Plan Review. The following comments and responses were made regarding the proposed subdivision and site plan:

North Ogden City Engineer:

- Will-serve will be needed from Central Weber Sewer and from Pineview for Secondary Water.
- Stormwater is covered by large basin on 1700. Will need to get stormwater down to basin.
- Frontage will need to comply with development agreement standards. Intent is to make area walkable.
- Grease trap will be required.
- Water main will be constructed along frontage of Washington Boulevard, beneath the existing sidewalk. Water service will be located off of 385 East.
- Trail is supposed to be located along 1700 N. Six foot sidewalk will be required.
- Grading plan will be required.
- Storm drain / irrigation pipe goes near intersection of 1700 North and Washington Boulevard.
- Entire property on the subdivision plat needs to be included in and addressed in site plan.
- Add a ten foot public utility easement along Washington.
- Geotechnical report - will need to be completed and submitted to the City, which will give details on suitability of soils for development prior to approval. May have been previously submitted.
- Streetscape - Design as per adopted streetscape standards and beautification program lighting. *Need to bury conduit for streetlights with new sidewalk being put in. Need to coordinate with City installation of streetlights.*
- Street addresses - Please send to Lorin Gardner a copy of the AutoCAD file, and he will assign addresses.
- Provide pedestrian connectivity from site to Washington Boulevard sidewalk.

Culinary Water:

- City will own meter pits.
- Testable backflow devices will be needed for fountain machines.
- Can run PVC pipe for culinary water. Cannot use ductile.

- 8 inch water lines to city standard.
- If boosting pressure will need backflow device on culinary service line.
- Need agreement with VPP in place to keep design as shown on current drawings. If agreement is made City will own meter, and Ultimate Car wash would own service line with responsibility for maintenance.

Sanitary sewer:

- Recommend sewer lateral to be 6" in diameter.
- Sewer line may need to connect to Washington versus the existing sewer main line in the property. Provide overall sewer study to Lorin Gardner that shows where sewer will flow.
- Spacing and sewer per city standards based upon pipe slope. Install green sewer pipe. Land drain pipe needs to be white.
- Tracer wire is required on all sewer laterals.
- Maximum one foot of depth for grade rings on any manholes.

Storm Water

- Low Impact Design – should be considered; the City is open to design suggestions. LID needs to be incorporated soon. *Will become a mandate in March 2020 so this will impact future project phases.*

Parks and Recreation:

- A 6 foot wide sidewalk along 1700 North will accommodate the trail in this area.

Northview Fire:

- Plan for fire hydrants need to be consistent with approved VPP fire plan.

Pineview Irrigation:

- Area is stubbed in, but property is not in water district yet.
- Need to have petition for inclusion in the water district approved.
- Will need to acquire North Ogden water shares for Pineview.
- Will need to have green space drawing; work with Charlotte at Pineview to determine number of needed shares.
- Secondary water is required for new commercial development in North Ogden City.
- Applicant will need to get will serve letter from Pineview water in order to develop subdivision.

North Ogden City Planning:

- Zoning for the property is MPC-VPP.

Subdivision Application meeting Title 12 (Jack Barrett will be submitting this application)

- Applicant needs to provide verification of lot widths at front setback line, by means of a dimension line with exact lot widths, using a straight line at the front setback line, tangent to the curve on the lot. Plat submitted prior to preliminary approval needs to demonstrate lot area and lot widths as specified above.
- Full set of plans in order to be scheduled for consideration of preliminary approval by the Planning Commission. These plans need to be submitted at least 3 weeks prior to a given

Planning Commission meeting to the City Engineer and Planning Department, in order to be scheduled for that meeting, and provide sufficient time for Staff Review.

- Do not include easements on side or rear of lots unless actually needed for utilities.
- Please check our City ordinance and follow it exactly regarding the correct signature blocks for subdivision plats. Please use the correct signature blocks on our plats, so that there are not issues with recording the plat or having the proper signatures on the subdivision plat at the time of recording. Incorrect signature blocks will create delays and potentially other problems with recording subdivision plats.

Site Plan Review Application meeting the standards found in 11-10-26 Site Plan Review and 11-7K-5 Development Standards and the Village at Prominence Point Development Agreement

- Designer to address each standard in the referenced materials above.
- The MPC zone allows the City Council to modify standards that conflict with the MPC zone. Designer should identify them and either modify the design or request a modification to be considered by the City Council after a recommendation from the Planning Commission. A list of modifications needs to be identified so that the City Council can consider them as part of the site plan approval.
- Site plan needs additional information:
The following is a preliminary review of the materials submitted. As additional information is submitted staff will provide additional feedback.
 - o Landscape plan
 - o Building Elevation and Materials (provide building height and width dimensions)
 - o Lot frontage dimensions Washington Boulevard and 1700 North.
 - o Signage plan.
 - o Provide a table showing the following site information:

▪ Site	Square Feet
▪ Building	Square Feet (%)
▪ Landscape Area	Square Feet (%)
▪ Hard Surface	Square Feet (%)

Some standards to focus on in the design are listed below:

- Building facades should comprise 65% of the frontage facing Washington Blvd.
 - o Analysis: 146 feet of frontage; building length is 70 feet or 48%.
- Building setbacks on Washington Boulevard – 0 to 10 feet
 - o Analysis: This dimension needs to be added.
- The entrances of all retail uses shall always front onto major streets.
 - o Analysis: The front entrance is on the west of the building and does not face Washington Boulevard. This will either require a redesign or a modification to the development agreement.
- Screen all building equipment and service areas. This needs to be addressed / shown on the site plan.

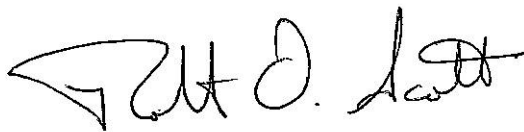
- Dumpsters shall not be located closer than 20' from any property line. The location shown will have to be revised.
- Building elevation shows a combination of red brick and gray stucco.
- Sidewalks with benches and plaza type design may receive some credit towards landscaping if they encourage walkable design.
- Commercial buildings shall be designed with ground floor architectural distinction/separation in order to enhance street activity and walkability. All buildings shall have expansive windows, balconies, bay and/or box windows, terraces, or other design features which are oriented to the street, or other people spaces. Windows shall make up at least 50% of street-facing facades on the first story of commercial developments.

Verification is needed to determine if the east side of the building meets the 50% coverage.

- Washington Boulevard streetscape design, cross section, pedestrian street lights, bus shelters, etc. (8 foot park strip, 10 foot sidewalk, 1 foot maintenance strip) to be integrated with site landscape plan.
- Short term bike racks need to be added to site plan; 2 bike racks per 25 employees.
- Environmental. Building, landscape, and solar design should adjusted, where possible, to be compatible with the local climate. Xeriscape design is encourage.

If you have any questions or concerns, please contact Rob Scott, our Planning Director at (801) 737-9841 or the Planning Department at (801)782-7211.

Sincerely,



Robert O. Scott, AICP
North Ogden City – Planner Director
505 East 2600 North
North Ogden, UT 84414
rscott@nogden.org
(801) 737-2216



TRC Sign-In Sheet

<u>Name</u>	<u>Phone & Email Address</u>	<u>Organization/Position</u>

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Jason Renny	801-529-2672 JRENEY@Nogden.org	

Justin Shinsel	801 940-1956 Jshinsel@nogden.org	

Trent Wilkins	801-940-1934 TWilkins@nogden.org	

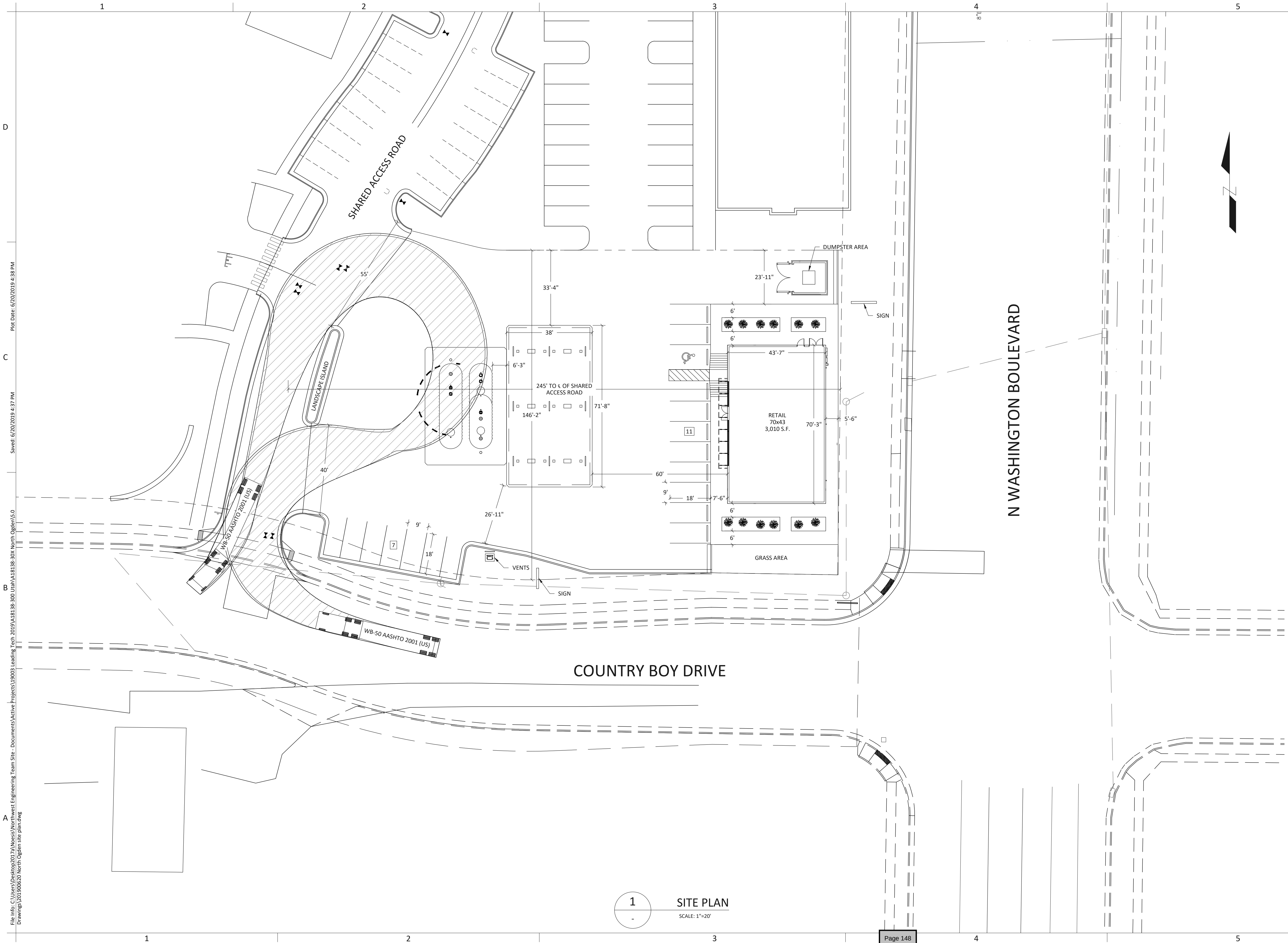
David Espinoza	801-940-1952 despinoza@nogden.org	

Tiffany Staheli	801-737-0587 ext. 200 tstaheli@nogden.org	

Evan Nelson	435-225-4629 enelson@nogden.org	

Ryan Barker	801-814-4306	rbarker@northviewfire.com

David Smith	801-940-1954	dsmith@nogden.org



1
-
SITE PLAN
SCALE: 1"=20'

CLIENT

LEADING TECH DEVELOPMENT
1835 S HWY 89, UT 84302
(435) 730-0923



NOESIS ENGINEERING
1680 WOODRUFF PARK
IDAHO FALLS, IDAHO 83401
(208) 932-2720 (PHONE)

DRAWN BY _____ DATE _____

REVIEWED BY _____ DATE _____

TECHNICAL APPROVAL _____ DATE _____

ALWAYS THINK SAFETY

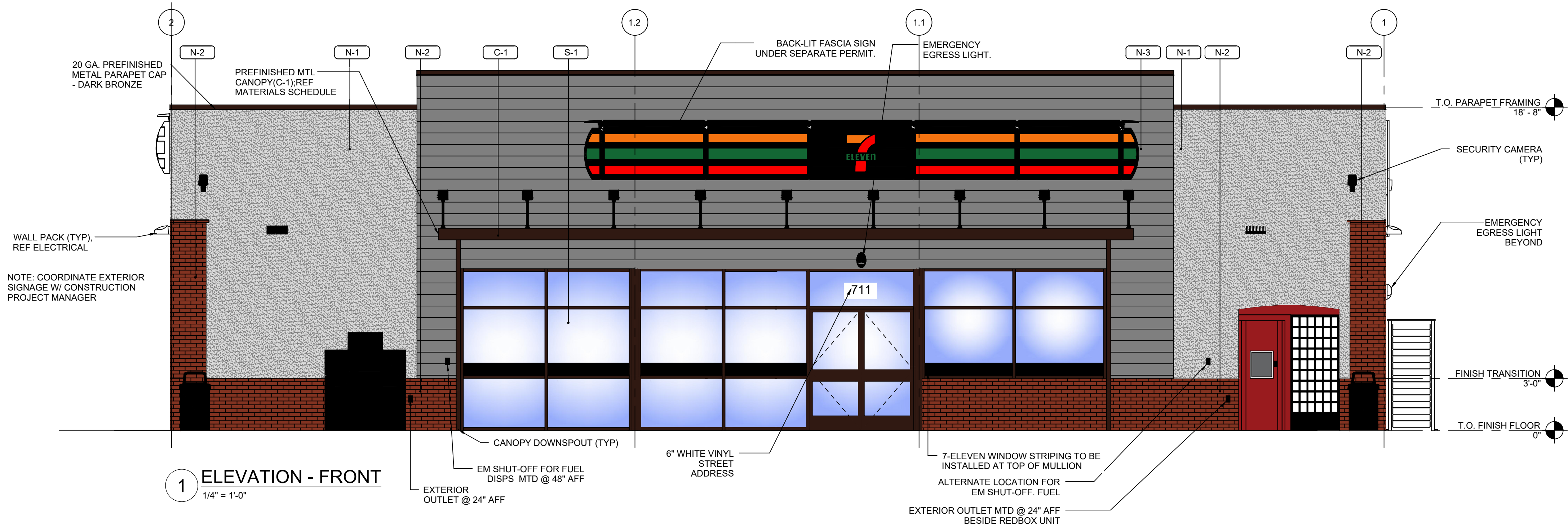


NORTH OGDEN
7ELEVEN

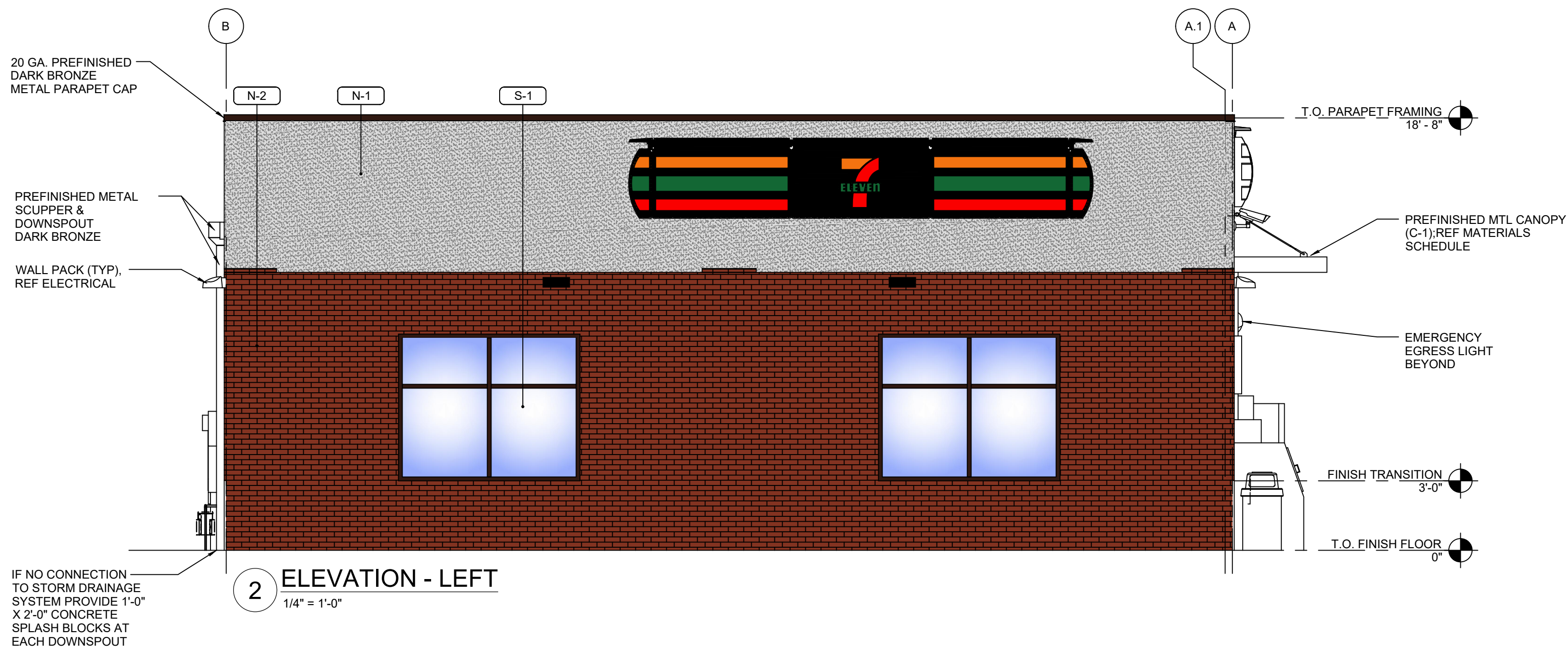
PRELIMINARY NOT FOR
CONSTRUCTION

SITE PLAN

C-101
Sheet 1 OF 1



1 ELEVATION - FRONT
1/4" = 1'-0"



2 ELEVATION - LEFT
1/4" = 1'-0"

EXTERIOR MATERIALS SCHEDULE		
NO.	MATERIAL	MANUF - COLOR
N-1	STUCCO	
N-2	BRICK	KING SIZE CLIFTON
N-3	FIBER CEMENT PANEL	NICHINA- ROUGHSAWN SMOKE
P-3	EXTERIOR HM DOORS, FRAMES, TRASH ENCLOSURE GATE, GRAVEL GUARDS, AND LIGHT POLES	SHERWIN WILLIAMS- SEAL SKIN SW 7675
S-1	ALUMINUM STOREFRONT GLAZING	KAWNEER- 451T VG
C-1	PREFINISHED ALUMINUM CANOPY	MAPES' LUMISHADE CANOPY- BRONZE BAKED ENAMEL W/ REAR GUTTER CONNECTIONS

Job#:	Scale:	AS NOTED	Description					
			Rev. #	Date				
Date:			7-ELEVEN, INC.					
Drawn By:			3200 HACKBERRY ROAD, IRVING, TEXAS 75063					
Checked By:			7-ELEVEN					
			TAYLORSVILLE, UTAH					
			EXTERIOR ELEVATIONS					
Documents prepared by Laughlin Ricks Architecture are to be used only for the specific project and only for the specific location intended. Any extension of use to other projects, by owner or any other party, without the written consent of Laughlin Ricks Architecture is done at the user's own risk. If used in a way other than intended, the user agrees to hold Laughlin Ricks Architecture harmless from all claims and losses.								
2/15/19								
SHEET:								
A3.0								

10. **Architectural Design Standards.**

a. Commercial Area.

- i. All site plans, landscape plans, and building elevations shall be approved by the City Council as identified in section 23.

3. **Commercial Development.** The Developer is not required to complete any commercial development prior to the completion of the residential portion of this Project. However, within one (1) year after the completion of all phases of the residential portion of the Project, Developer shall landscape and maintain all vacant portions of the commercial property in accordance with City standards regardless of whether or not the area will eventually become a commercial space or parking lot. The City envisions that the Commercial Development will be the southerly entrance to North Ogden with a prominent "gateway building" at the northeast corner of 1700 N and Washington Blvd. Conceptual commercial building elevations are provided in Exhibit "J", though the ultimate design will be determined by Developer at the time suitable tenants are located. The Mayor shall determine if the proposed commercial elevations are significantly modified enough to require an amendment to this Agreement.

- a. Uses **to be allowed in the commercial area:** Developer agrees to the list of uses which are considered "Permitted Uses" in the North Ogden C-2 zone and which are entirely contained within the building in which the use occurs. No outdoor storage or other uses are allowed except for

outdoor seating associated with a cafe, restaurant, or other similar eating establishment.

- b. Uses **not allowed in the commercial area.** The uses not allowed in the commercial area of this development despite being listed as a "permitted use" in the C-2 zone:

Adult themed stores
Agricultural use
Auto Sales or Repair
Bail Bond Companies
Bars or Taverns except as associated with a restaurant.
Bed and Breakfast
Boarding Houses
Boat/Recreational Vehicle Sales and Service
Bowling Alley
Christmas Tree Sales
Drive-in Refreshment Stands
Drive-thru businesses where the drive-thru lane is located between the building and the public street
Educational Institutions similar to K-12 public schools
Hotel/Motel
Heavy Equipment Sales/Repair
Medical Supply/Sales
Monument/Mortuary Services
Pawn shop
Temporary Businesses
Thrift stores
Used Restaurant Supply store
Any other use that is not specifically permitted under the current C-2 zoning designation.



EXHIBIT I - SITE SIGNAGE



CONCEPT SITE SIGNAGE



VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

CORNER RETAIL PLAZA

EXHIBIT J - RETAIL ELEVATIONS

Ankrom Moisan Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
ankrommoisan.com



EW 2895460



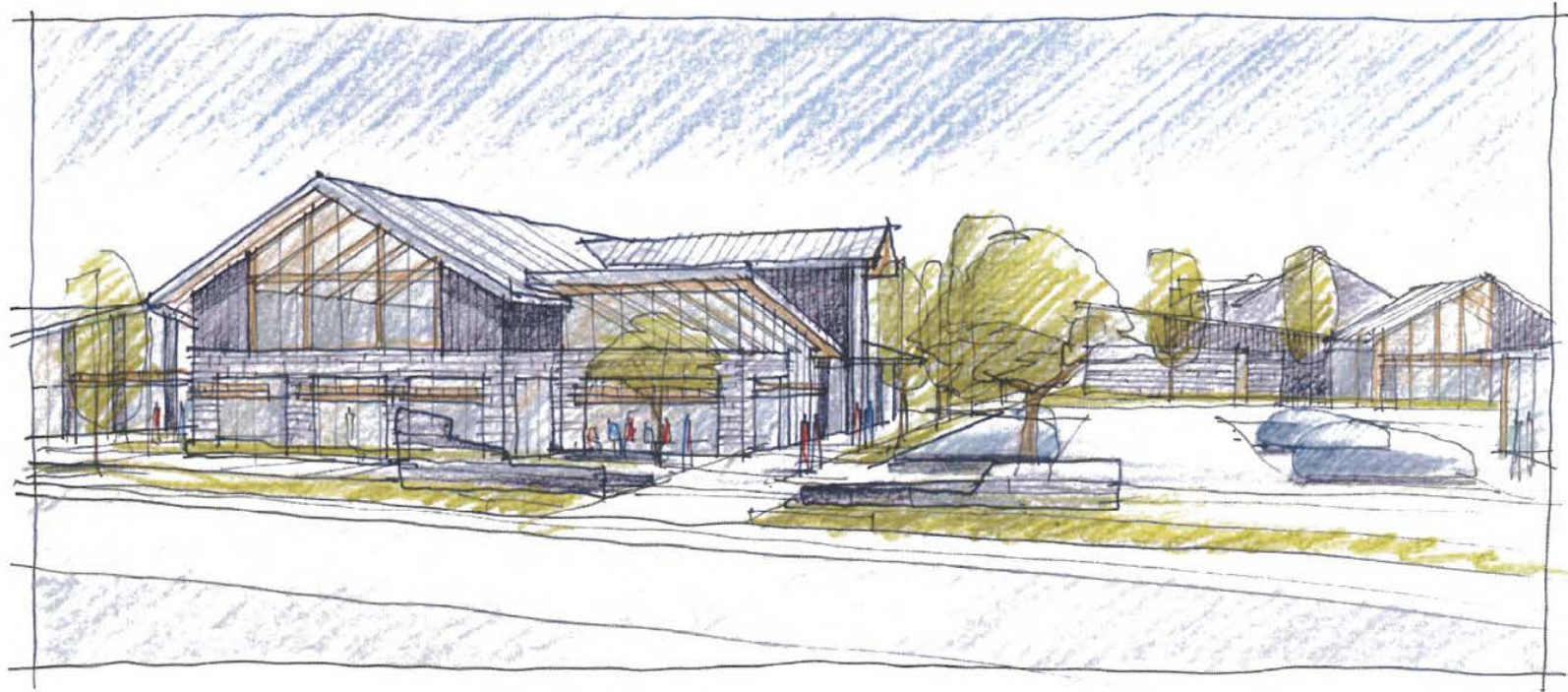
VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

EXHIBIT 3 - RETAIL ELEVATIONS

PROMINENCE POINT ENTRY 'GATEWAY'

Ankrom Moisan Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
ankrommoisan.com





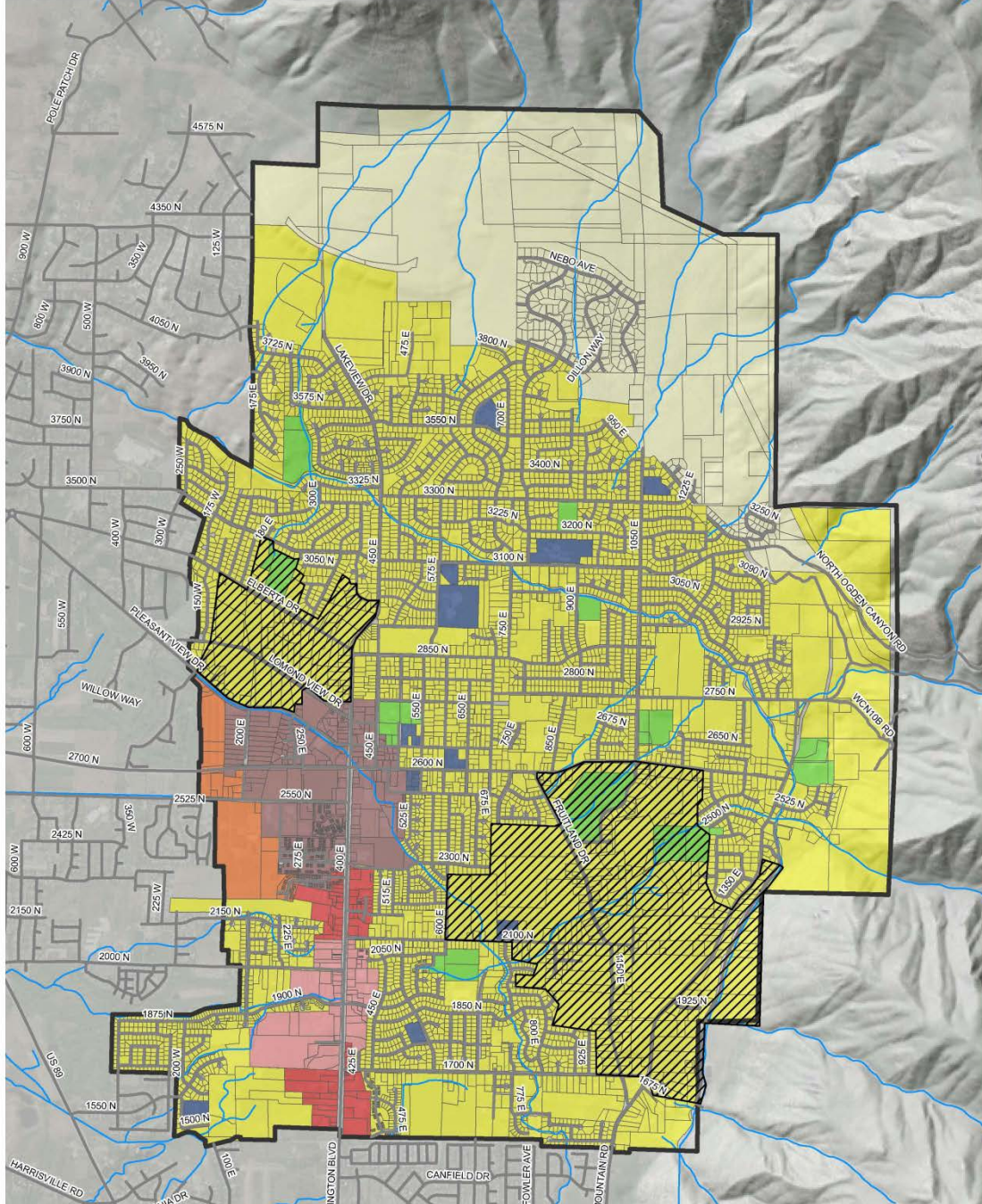
VILLAGE AT PROMINENCE POINT NORTH OGDEN, UTAH

CENTRAL RETAIL ENTRY

EXHIBIT **T** - RETAIL ELEVATIONS

Ankrom Moisan Architects, Inc.
ARCHITECTURE INTERIORS URBAN DESIGN IDENTITY
ankrammoisan.com





SYNOPSIS / APPLICATION INFORMATION

Application Request: Discussion regarding future land uses for the area South and West of 1700 North and Washington Boulevard
Agenda Date: August 7, 2019
Applicant: Terry Cevering and Neighboring Property Owners

PUBLIC NOTICE

Mailed Notice: N/A
City Website: August 2, 2019

PROPERTY INFORMATION

Address: 1700 North Washington Boulevard
Project Area: 76.74 Acres (16 Parcels)
Zoning: Weber County Zoning
Existing Land Use: Agriculture, Residential, Commercial

ADJACENT PROPOSED LAND USE

North: Residential / Commercial	South: Residential
East: Residential / Commercial	West: Residential / Institutional

STAFF INFORMATION

Robert O. Scott, AICP, Planning Director
rscott@nogden.org
(801) 737-9841

APPLICABLE ORDINANCES

North Ogden Zoning Ordinance Title 11 (Zoning Regulations)

LEGISLATIVE DECISION

When the City is considering a legislative matter, the Planning Commission is acting as a recommending body to the City Council. The City has wide discretion in taking legislative action. 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, require compatibility with the general plan and existing codes.

BACKGROUND

A property owner who owns the southwest corner of 1700 North and Washington Boulevard has approached the City regarding whether or not this property would be approved for building storage units. City Staff felt it was appropriate to spend some time discussing this area of North Ogden so staff have some guidance as to what information to pass along to the landowners, and prospective buyers.

STAFF COMMENTS

This property has not been annexed into the City yet, but is inside of the annexation declaration for North Ogden City. The general plan has identified this property as Mixed Use Multi-Family/Commercial with some low density residential on the western edge. The specific area we are focusing on was not

assigned a specific type of use so this discussion is hopefully to focus on the type of things the Planning Commission might recommend to the Council as they look at this property.

SUMMARY OF PLANNING COMMISSION CONSIDERATIONS

- What uses or types of uses does the Planning Commission want to see in the area south of 1700 N. and west of Washington Blvd?

CONFORMANCE TO THE GENERAL PLAN

The General Plan provides general guidance for this area, but not a specific recommendation.

CONDITIONS OF APPROVAL

No approval is required at this time.

STAFF RECOMMENDATION

Staff recommends the Planning Commission review this and consider a recommendation to the property owners on what types of uses they would support.

EXHIBITS

- A. General Plan Future Land Use Map
- B. Southtown Area Goals (excerpt from General Plan Document)

AREA MAP

Southtown Goals

- Create design features that announce you have arrived in North Ogden.
- Provide a support function to the Downtown.
- Revitalize the North Ogden plaza in the Kirt's area.

Goal # 1- Create design features that announce you have arrived in North Ogden

Strategies

- Consider additional height requirements in strategic locations, such as the corners that intersect Washington Boulevard.
- Corner towers could create a recognizable theme that ties in with the Downtown
- Larger corner plazas with distinctive features such as artistic signs could create a gateway effect for North Ogden.
- Work with UDOT to change the street cross section and improve pedestrian street crossings to include reduced speeds, traffic calming such as medians, on-street parking, and landscaped bulb outs.
- Change the streetscape with widened sidewalks, street trees, and specialty cut-off lighting.
- Address signage to improve appearance and create distinctiveness from standard suburban strip mall type development.
- Consider the Cannery architectural style as a possible theme to reinforce in the area.

Goal # 2 - Provide a support function to the Downtown

Strategies

- Promote mixed use housing concepts that add quality developments to the area and provide more rooftops to support business.
- Determine a clear role through policies and practices that support Southtown but do not compete with the Downtown, such as event programming that occurs in Downtown but not in the Southtown area.

Goal # 3 - Revitalize the North Ogden plaza in the Kirt's area

Strategies

- Work with the Economic Development Committee and consultant to devise marketable strategies for redevelopment.
- Consider a water theme by daylighting the creek, and using the water as a connecting thematic feature.
- Consider mixed-use housing to help support business in the area.
- Maintain existing landmark businesses.

Diversifying Housing Options with Smaller Lots and Smaller Homes



Photo Courtesy of Ross Chapin

7.

June 2019

PREPARED FOR:

National Association of Home Builders
1201 15th Street, NW
Washington, D.C. 20005

PREPARED BY:

Opticos Design, Inc.
2100 Milvia Street, Suite 125
Berkeley, Calif. 94704

COVER: Danielson Grove

INSIDE COVER: Boiceville Cottages



Table of Contents

List of Credits	2	● Rowhouse ('Townhouse')	32
Executive Summary	5	● Courtyard.....	33
CHAPTER 1:		Ordinance and Code Analysis by Jurisdiction ...	35
Database Of Land Use And Zoning Strategies.....	9	● Accessory Dwelling Unit (ADU) Ordinances	35
Chapter Summary	10	● Small Lot Ordinances and Density Incentives	44
Database of Ordinances and Codes.....	10	● Cottage Court Ordinances	52
Ranking Regulation Approaches.....	12	● Form-Based Codes (FBCs)	57
Approaches.....	14	CHAPTER 3:	
● Accessory Dwelling Unit (ADU) Ordinances	14	Case Studies	73
● Small Lot Ordinances and Density Adjustments ...	14	Chapter Summary.....	74
● Cottage Court Ordinances	15	Accessory Dwelling Unit (ADU) Case Studies	75
● Form-Based Codes (FBCs)	16	● Garage Conversion ADU	75
Application Options	17	● The Farmhouse, Attached ADU.....	77
● Substantial (Alternative) Compliance	17	● Duval, Detached ADU	79
● Targeted Adjustments or Revisions.....	18	Small Lot Ordinances and Density Adjustments Case Studies	81
● Overlay Zone	18	● GASPAR Townhomes.....	81
● Replace the Existing Zoning	19	● Danielson Grove	83
How the Selection was Determined	19	Cottage Court Case Studies.....	86
Selected Regulations.....	20	● Conover Commons	86
● Accessory Dwelling Unit (ADU) Ordinances	20	● Boiceville Cottages.....	89
● Small Lot Ordinances and Density Adjustments ...	20	Form-Based Codes (FBCs) Case Studies	92
● Cottage Court Ordinances	21	● Meridian Court, Courtyard Apartment.....	92
● Form-Based Codes (FBCs)	21	● Mansion Apartment, New Town St. Charles	94
CHAPTER 2:		● Kentlands Cottages (Tower Houses), Kentlands	96
Code Analysis and Best Practices ...	23	● Mews Townhouse Units, Daybreak	98
Chapter Summary.....	24	Appendix: Code Database	100
Analysis by Building Type	27	Explanation of Relevant Terms ...	112
● Accessory Dwelling Unit (ADU)	27	Smaller Homes and Accessory Dwelling Units (ADUs) Resource References	117
● Small House on a Small Lot.....	28		
● Cottage Court	29		
● Duplex to Sixplex (4-6 units, 'multiplex small', 'mansion apartment').....	30		
● Multiplex Large	31		

List of Credits

NAHB would like to acknowledge the efforts of Debbie Bassert and Alexandra Isham from the National Association of Home Builders (NAHB) Land Use and Design department for providing valuable guidance and comments on this project, and NAHB's Land Development Committee and Land Use Policy Subcommittee for providing funding and support for this research report.

We extend a special thank you to all of the interviewees who took the time to speak with us and share their projects and experience. They are listed at the end of this report.

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Tony Perez, Director of Form-Based Coding, Opticos Design Inc., *tony.perez@opticosdesign.com*, 805-377-1209

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OPTICOS DESIGN

Opticos Design, a team of urban designers, architects, and strategists, was founded in 2000 on the belief that walkable places are critical for healthy, resilient, and equitable communities. Through that expertise, Opticos coined the concept of Missing Middle Housing, a transformative idea that highlights the need for diverse, affordable housing options in walkable urban places. In addition, Opticos is a leader in the development of Form-Based Coding.

Opticos is a founding B Corporation, which means it has pledged to meet the highest standards of social and environmental responsibility. This commitment informs all decisions, from the projects it takes on to the pencils used to do the work.

Research Team

Alex Vondeling is an architect and urban designer with more than 25 years of professional experience designing resilient buildings and neighborhoods, with an emphasis on urban infill projects and diverse, walkable communities. At Opticos, she focuses on Missing Middle infill development and neighborhood-level, people-centric communities for private, public, and nonprofit clients. Ms. Vondeling led the team at Opticos that researched and compiled this report for NAHB.

Tony Perez has thirty years of experience in public sector planning and Form-Based Codes consulting and is fluent in both urban design and architecture. Mr. Perez works with communities to establish and translate policy direction into clear and implementable development standards that deliver the expected vision. A leader in advancing the practice of Form-Based Coding, Mr. Perez was on the 2016 Driehaus Award Jury and is a board member of the Form-Based Codes Institute (FBCI). He serves as an FBCI instructor, where he engages with public sector planners from across the U.S.; he is also a professor of Form-Based Planning and Zoning at Cal Poly Pomona University. Mr. Perez contributed extensively to this report, sharing and articulating his first-hand experiences and conducting interviews.

Xenia Alygizou is an urban designer passionate about the intersection of urbanism and sociology. For the past five years, she has researched utopian urbanism theories, applied participatory design processes to her work, and examined incremental design approaches at the neighborhood level. Since joining Opticos Design, Xenia has researched and developed innovative design plans, concepts, and approaches. For the *Memphis 3.0 Comprehensive Plan*, Xenia contributed to the land use plan and promoted community participation throughout the plan's development. For the *Downtown Davis Specific Plan and Form-Based Code*, she analyzed and helped to prepare the Administrative Draft Specific Plan. Ms. Alygizou's research and organizational skills contributed extensively to this report.

Executive Summary

Housing affordability has once again become an increasing concern, as demand has bounced back after the Great Recession in both urban and suburban areas. A February 2016, Washington Post article by Emily Badger, along with other recent reports about why there is not enough decent affordable housing, concludes that it is due to a lack of overall housing supply. They note that by increasing the sheer amount of housing, competition for housing will fall, bringing down prices and rents to benefit everyone.

A dichotomy exists between what has essentially become two types of living choices: single-family detached and attached homes, and apartments and condominiums. This is how people see their choices in physical terms, especially in the context of affordability. This dichotomy also shows up in the reactions of existing residents, who quickly become concerned that adding housing or increasing density will negatively impact their neighborhood. These concerns combined with outdated zoning and regulatory approaches that limit the range of housing options make it very difficult to create good, affordable housing that fits the neighborhood. As a result, the default is to build single-family housing resulting in fewer sites for sensitive infill housing development.

Meanwhile, the demand for walkable neighborhoods is strong. Many Baby Boomers and retirees do not want to stay in their empty nester single-family homes or move to traditional retirement communities. Millennials seek to blend their urban wants with suburban needs as they age. Millennials and Boomers both want to live in communities where they can live, work, and play. Further, millennials are willing to have less space in favor of more flexible working situations. Retirees are looking for greater accessibility, and multigenerational households are also on the rise.

Thus, a greater mix of housing types, not just more housing, is needed to meet these differing income and generational needs, including options that would allow seniors to age in place within their existing community. But, the housing types that contribute to a greater mix often involve densities that are higher than what local zoning rules allow. More information is needed about the palette of housing types available to communities to address the growing needs. Housing market projections suggest that construction in the near future will accelerate only moderately for single-family housing but will greatly increase for multifamily housing or Missing Middle Housing and its wide variety of sizes, housing levels, and accessibility.

To that end, the objective of this report is to explore the issues involved in building a greater mix of housing types that bring discreet density to neighborhoods using a palette that ranges from smaller homes, to accessory dwelling units, to Missing Middle Housing types. In addition, this report aims to provide an understanding about the regulatory and design options as well as the barriers that currently limit or prevent these housing types. Finally, the analysis focuses on examples of codes and built results that were developed at the market rate without the expectation of subsidies so that we could understand how successful a code can be in influencing diversity and affordability of housing options.



Selected Ordinances and Codes for Analysis

Accessory Dwelling Unit (ADU) Ordinances

- Portland, Ore.
- New Hampshire
- Austin, Texas
- Los Angeles, Calif.

Small Lot Ordinances and Density Adjustments

- Denver, Colo.
- Los Angeles, Calif.
- Asheville, N.C.
- Kirkland, Wash.

Cottage Court Ordinances

- Ashland, Ore.
- Raleigh, N.C.

Form-Based Codes

- Novato, Calif.
- Miami, Fla.
- New Town St. Charles, Mo.
- Daybreak, South Jordan, Utah
- Kentlands, Gaithersburg, Md.
- Cincinnati, Ohio
- Mesa, Ariz.
- Peninsula, Iowa City, Iowa

Selected Built Case Studies

Accessory Dwelling Unit (ADU) Ordinances

- Garage Conversion ADU in Portland, Ore.
- The Farmhouse, Attached ADU in Portland, Ore.
- Duval, Detached ADU in Austin, Texas

Small Lot Ordinances and Density Adjustments

- GASPAR Townhomes in Los Angeles, Calif.
- Danielson Grove in Kirkland, Wash.

Cottage Court Ordinances

- Conover Commons in Redmond, Wash.
- Boiceville Cottages in Brooktondale, N.Y.

Form-Based Codes

- Meridian Court, Courtyard Apartment in Pasadena, Calif.
- Mansion Apartment, New Town St. Charles in St. Louis, Mo.
- Kentlands Cottages (Tower Houses), Kentlands in Gaithersburg, Md.
- Mews Townhouse Units, Daybreak in South Jordan, Utah

Key Research Findings and Influencing Factors

- Awareness is increasing that 'multifamily' development can be done effectively through discreet density, Missing Middle Housing, or other sensitive infill housing approaches.
- As standards become more objective and quantifiable or prescriptive and clear, the review process tends to be simpler and enables 'by right' approval. An alternative is for less prescriptive standards but high responsibility on the developer or the city to communicate with and engage the neighborhood about each project.
- Previous long-held resistance to smaller lot sizes is being reconsidered.
- Density limits are not the most effective way to regulate residential neighborhood infill development or to ensure that a new building fits well into a neighborhood.
- Building size/footprint is a key factor being used by more communities and is starting to make communities reconsider their Floor Area Ratio regulations.
- Expectations are high for clarity in the standards and predictability about what the standards will produce.
- Lot width is as or more important than lot area.
- Being within walking distance of amenities (retail, services, food uses, transit) is more important than unit size.
- Education and advocacy are most effective when customized to the local realities and needs.
- Increasingly, codes are being revised to encourage smaller home building as one solution for addressing a national housing crisis. Since this research started, more jurisdictions have adopted codes that encourage the construction of smaller house and unit types. For example, Minneapolis, Minnesota is allowing triplexes by-right across all zones, Portland, Oregon is in the later stages of revising its residential zones to more easily allow duplexes through 4-plexes, and Medford, Oregon is in the process of revising its residential zones to allow a range of Missing Middle Housing by increasing the maximum density limits in walkable areas.
- The market responds favorably to well-designed, smaller-unit buildings that fit within a single-family neighborhood. Design should not need to be regulated by codes, but property owners and developers will need to invest in that aspect to realize a successful outcome.
- When regulations are perceived to present multiple barriers, result in a long time to process, or seem overly complicated, owners resort to building illegal units, particularly as related to ADUs.
- The projects that receive the most positive recognition and community support of code changes are those where the team has shown a commitment to aspects other than just financial, such as interest in good design, communicating intent, and investing in the surrounding community.
- Having a code that allows small units is a good step, but there are many other factors influencing how many units are actually built and at what cost, such as availability of financing, cost of construction, length of time for approvals, impact fees, and parking requirements.
- When simplifying or eliminating review phases, either due to limited resources or to streamline the process, it is critical that the code is very clearly delineated for users and reviewers, without need for discretionary interpretation.



- Clear educational materials for the general public and professionals are needed for the review process, to show what the new code allows and how to use the new code.
- Regulatory processes that establish a clear intent and framework for a project provide necessary flexibility, allowing for property owners to respond to market demand and build at attainable price points.
- Integrated communications between city departments and the project team that start early and continue throughout the course the project have a direct correlation with the success of the project.
- It will take longer to demonstrate built results from a new code. In situations where patience is limited, it may be better to modify an existing code that both the building professionals and planning staff already use and understand.
- The level of public support for code changes directly affects the extent of barriers to be addressed and the complexity to be included in the code. The expectation should be that no code is going to be without its flaws on the first iteration. Codes need to be tested and refined through an ongoing process that removes barriers and simplifies the process and standards as they are tested and gain acceptance.

Challenges

- Construction costs and fees affect smaller units much more than conventional, larger units because of the smaller amount of square feet across which costs can be amortized. Many of the fixed costs, such as infrastructure and systems, are the same or nearly the same.
- An individual building infill project has fewer cost efficiencies than a project of several buildings and so limits the pool of developers and builders.
- While California is a leader that constantly innovates with many other states benefiting or following their lead, this innovation has not translated into speedier or more predictable processing and review of projects, which is a large hurdle for delivering a project at an attainable price point.
- Inflexible and overly conservative utility requirements that necessitate planning for the extreme case often negatively affect yield and good site planning.
- Although a code may require smaller units, the enormous popularity of short-term rentals, such as AirBnB and VRBO, often results in the new smaller homes not offering long-term residences. This is one of the biggest challenges many communities are trying to address by regulating short term rentals.

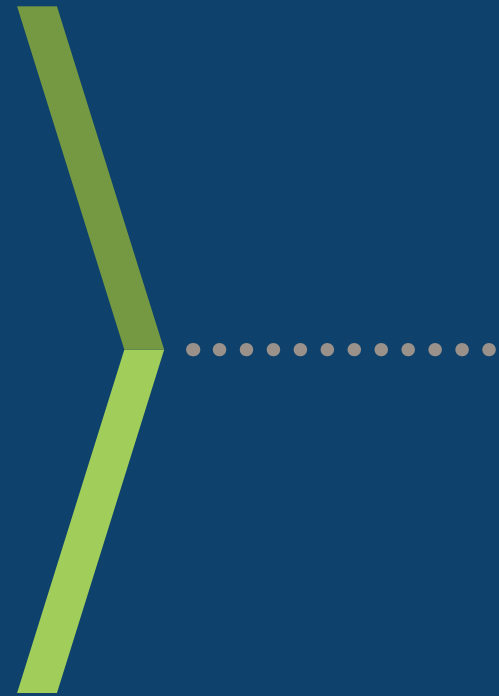
Benefits/Successes

- When considering approaches to increase housing diversity, pilot projects work well as a controlled experiment to test community approval and acceptance while informing new standards and/or procedures.
- Cities such as Portland, Oregon and Los Angeles, California that have addressed common barriers, such as parking requirements, and provided incentives, such as waived fees, have seen a significant increase in the number of ADUs permitted in the last several years.
- Looking back at the historical development of the city and working to align the current zoning codes with the patterns of the historic, smaller homes works very well as a way to create development that fits the context, as well as eliminating the non-conformities generated by a new code, as seen in Denver, Colorado.



CHAPTER 1:

Database Of Land Use And Zoning Strategies



CHAPTER 1:

Database Of Land Use And Zoning Strategies

CHAPTER SUMMARY

The first step in preparing this report was to identify ordinances, regulations and approaches ('codes') that enable the construction of a greater mix of housing types and smaller, more affordable homes. The team reviewed codes across the United States in a variety of regions and communities; researched zoning ordinances, code amendments, entire new codes, comprehensive plans, social media outreach, and internet searches; and spoke with developers, architects, and planning colleagues.

The approaches researched were compiled into an extensive database of 118 individual ordinances and codes. The team reviewed the database for the codes that are replicable and represent neighborhoods across the United States, from small towns to medium and large cities. The codes were organized into four types by their focus and approach for generating housing choices: accessory dwelling unit (ADU) ordinances, small lot ordinances, cottage court ordinances, and form-based codes (infill and greenfield). The team has tried to balance the examples presented in this report to provide a wide variety of code approaches to consider.

DATABASE OF ORDINANCES AND CODES

The 118 ordinances and codes are compiled into a database (see Appendix: Code Database) that is organized by state, identifies the preparer(s), includes a link to the ordinance, regulation, or code, if applicable, and provides information on the following:

1. What is the code's extent? (site specific, areas, citywide, countywide, statewide)
2. How is the regulation adopted, and how is it implemented?
3. Is the context urban, small town, or rural?
4. Does the code use conventional or form-based zoning?
5. Does the code use supplemental standards?
6. What housing strategies are addressed? (accessory dwellings, small lot development, Missing Middle Housing)
7. How was the code initiated? (community, private owners)
8. What is the level of difficulty to draft and adopt this type of code?

In order to determine which codes merited a more in-depth analysis to be included in this report, an evaluation matrix was developed. The parameters included the eight topics listed above plus consideration of geographic location, population, and code type in order to provide a diverse representation. This analysis resulted in 18 codes being selected for the report in the following four ordinance approaches, described below:

- **Accessory dwelling unit (ADU) ordinances** are aimed at generating a dwelling that is secondary to the main house on the lot. An ADU can be attached to the house, be part of a detached garage or basement, or can be an individual building on the lot. This approach is typically applied as an ordinance that applies to all single-family zones.

- **Small lot ordinances and density adjustments** are aimed at generating low- to moderate-intensity housing in a variety of neighborhood contexts. Some of these tools are for realistic development of small lots or irregularly shaped lots that remain undeveloped when the current development standards do not allow enough development to make investment feasible. Some of these tools encourage the reduction of lot size standards to enable more units than previously possible. This approach is typically applied as an ordinance that applies to certain sized lots in certain zones or as an overlay.
- **Cottage court ordinances** are aimed at generating small, detached cottages facing a shared court on a single lot. A cottage court offers more residential intensity within a single-family detached physical character. This approach can be applied as an infill ordinance, overlay, or specifically as a cottage court ordinance.
- **Form-based codes** are aimed at generating a broad spectrum of housing types and intensities and typically have more standards about physical form than other zoning standards or ordinances. The form-based codes highlighted here focus on low- to moderate-intensity neighborhoods. This approach can be applied as an infill ordinance, overlay, or replacement zoning.



RANKING REGULATION APPROACHES

Each regulation approach has been evaluated for two key factors so that the reader can make an informed decision on which approach best meets their scenario and needs:

- What is the ordinance or code's effectiveness?
- What is generally needed, in terms of level of effort, internal staff capacity and political support?

The four types of ordinances and codes are listed in order of effectiveness on the table below.

Ranking Code Approaches	Effectiveness	What is needed?	
		Level of Effort	Community Outreach
1. ADU Ordinance	Significant.	Minimal to Moderate. With this type of ordinance ready to use, applicants request it and have it applied as part of their project. If not ready to use by applicants, city needs to take time and prepare an ordinance.	Moderate. Communication is needed on what state law allows. In states without state law for ADU's, outreach is needed to communicate on the issues, needs and possible solutions.
2. Small Lot Ordinances	Moderate. Best when a more thorough analysis and rezoning are not feasible or desired and there are remnant or scattered parcels in a moderate intensity context that are not served by the existing zoning. Addresses Missing Middle Housing and can address ADU's.	Moderate to Significant. With this type of ordinance ready to use, applicants request it and have it applied as part of their project. If not ready to use by applicants, city needs to take time and prepare an ordinance. Preparing this type of ordinance is more work than the previous approaches because these ordinances are often applied to several areas with very different needs. This results in a need for less detailed standards that provide flexibility through design guidelines.	Moderate. Outreach is needed to communicate on concerns related to compatibility with existing single-family housing.
3. Cottage Court Ordinance	Moderate. Best for low intensity neighborhood that has pressure to intensify but highly values single-family detached character. Addresses one of the many types of Missing Middle Housing.	Minimal to Moderate. With this type of ordinance ready to use, applicants request it and have it applied as part of their project. If not ready to use by applicants, city needs to take time and prepare an ordinance.	Minimal to Moderate. Depending on the outreach done when the ordinance was prepared, outreach may not be necessary. Likely that some outreach on the first few projects will be needed.
4. Form-Based Codes	Significant. Addresses as broad a range of Missing Middle housing types as desired by the community, including ADU's.	Moderate to Significant. A new zone(s) and regulations need to be prepared and integrated into the zoning code along with a map of the parcels where the zone(s) will be mapped. The regulations are dependent upon careful documentation of the existing and desired conditions.	Moderate to Significant. Outreach is needed with the owners, local developers and real estate groups to explain this approach and get feedback on issues and needs.

Internal Staff Capacity	Political Support	Cost Range
Minimal to Moderate. In states with state law allowing ADU's, staff only needs to familiarize with the standards and revise processing procedures accordingly. Also, needs to communicate these things to the community and city council. In states without such laws, staff needs to document the issues with the current standards and what the new ordinance needs to address. Typically, staff will also want to see what other communities have done and will review their ordinances for tips. In addition, meetings with the community are needed to explain the issues and hear about concerns regarding rear yard privacy, etc.	Minimal to Moderate. If in a state with state law allowing ADU's, very little is required. If in a state that does not have such laws, support is needed to understand how ADU's will fit in with existing and how to address parking and rear yard privacy concerns of existing residents.	\$ to \$\$
Moderate. Staff needs to document the issues with the current standards and what the new ordinance needs to address and/or override. Typically, staff will also want to see what other communities have done and will review their ordinances for tips.	Moderate. Support is needed to understand how new development will fit in with existing and how to address traffic and parking concerns of existing residents. In addition, in lower intensity neighborhoods, the implications of smaller lot size standards on existing development need to be understood: 2 lots where there is now 1 and what that does to the physical character of the neighborhood.	\$ to \$\$
Minimal to Moderate. Staff needs to either do the research to prepare an ordinance from scratch (moderate work) or can use other ordinances as models to modify for their own version (minimal work).	Moderate. In low intensity single-family neighborhoods, support is needed to understand how these projects will not change the physical character. In moderate intensity neighborhoods, the support is needed but to a lesser degree.	\$ to \$\$
Moderate to Significant. If a consultant prepares the zone and regulations, staff's responsibilities are moderate: needing to be involved through the documentation of existing conditions, identification of new standards, and working with internal staff and departments on adjustments to the procedures. If staff prepares the zone and regulations, staff's responsibilities are significant.	Significant. Need to work with the city council and planning commission to explain this approach and why more upfront work is needed than with other approaches, and to get direction on issues and needs.	\$\$ to \$\$\$

APPROACHES

Accessory Dwelling Unit (ADU) Ordinances

ADU ordinances are used when there is a need for more diverse affordable housing opportunities within a lower intensity, primarily single-family detached context. The standards can be in addition to the base zoning or as an independent set of standards. Typically, the ADU ordinances allow either the conversion of existing structures such as garages into secondary dwelling units or new accessory structures to be built within a parcel by utilizing existing available space, usually in the backyard.

This approach can be applied as an Overlay or Optional Overlay.

Benefits

- ADUs are an affordable type of home to construct because they do not require paying for land and major new infrastructure.
- ADUs are cost-effective, one- or two-story, wood-frame construction.
- They bring flexibility to infill development and diverse housing options.
- ADUs are more affordable and can provide additional income to homeowners through rent.
- In many cases, ADU ordinances are encouraged by local governments since they provide development incentives, such as no additional required parking or added utility connection fees.
- They retain the scale and character of the neighborhood.
- They serve different populations, ranging from students and young professionals to young families, people with disabilities, and senior citizens.
- Usually, the approval process is fast.

Challenges

- The development of ADUs is mostly associated with single-family homes.
- Their approval can come with design, access, lot coverage, and height limitations and maximum living space area or number of bedrooms.
- In the case where a garage is converted into an ADU, extra on-street or off-street parking space could be requested.
- In some cases, municipalities require owner occupancy of properties containing ADUs and determine methods and standards for verification and enforcement. They may also enforce a maximum number of short-term rental days or a minimum lease period in order to prioritize permanent housing over vacation rentals.

Small Lot Ordinances and Density Adjustments

Small lot ordinances are used in two general options: a) to allow for new, smaller lots in residential zones that typically have very large minimum lot sizes (5,000 square feet and larger), which can be for either attached or detached single-family homes and do not typically require a homeowners association; or b) to develop existing lots that cannot achieve what the existing zoning allows and so remained vacant or underutilized.

Scenario A: A 6,000-square foot lot could be subdivided into two lots, with two single-family homes and possibly an ADU on each lot, depending on the local ADU allowances.

Scenario B: A 75-foot wide lot in a single-family or multifamily zone could physically accommodate 3 to 4 townhouse-style dwellings with a single driveway to the street. However, the resulting lot size for each townhouse will be substantially smaller than what the city allows. Without a small lot ordinance, the substandard lot size would stop the project. Through the small lot ordinance, the lot standards and any others are revised to make the development feasible.

Scenario C: In a multifamily zone on a lot of 75 feet or less, it is not physically possible to achieve the currently allowed dwelling units (e.g. lot size x allowed density per acre). Typically, it is the onsite open space and/or off-street parking standards that limit the number of dwellings. This results in the parcel remaining vacant or underutilized and raises the need for relief from those standards. However, it is often very difficult to change the zoning standards. A less problematic approach is to introduce a small lot ordinance, because it is voluntary and does not change existing zoning until the owner chooses to do so.

Scenario D: In a single-family zone, lots are only allowed to have single-family houses but could easily accommodate house-scale buildings with three to four units. By adjusting the minimum required lot size to only require an additional amount of lot area (e.g., 1,000 square feet) for each additional unit, these lots are now able to accommodate a variety of low-intensity multifamily.

This approach can be applied as an amendment to existing standards, an Overlay, Optional Overlay, or Form-Based Zoning Codes.

Benefits

- Unlocks development potential in existing zoning standards.
- Can be targeted to an area or can address several zoning districts.
- Can be used to accommodate pre-existing buildings that are otherwise fine models for new housing but do not meet current zoning standards (e.g. cottage court, courtyard building, mansion apartment building).
- Does not change the existing zone standards for lots not using the ordinance.

Challenges

- Can present size and scale issues to existing single-family neighbors, so a close analysis of existing patterns is needed to understand what is to be allowed and/or changed and how that affects existing neighbors.
- Can result in dwellings that only have a view of a narrow side yard and/or driveway without a view to or from the street (Colorado 'slot house' or Los Angeles 'dingbat').
- Can result in overly generalized standards that present issues.

Cottage Court Ordinances

Cottage court ordinances are used when communities want a single-family type of development that provides multifamily intensity but does not change the physical character of a low-intensity, single-family neighborhood. This type is also referred to as "Co-Housing" or "Pocket Neighborhoods".

Often, the maximum allowed density in a single-family neighborhood (e.g. 7 dwelling units per acre) prevents a cottage court, because mathematically it can range from 18 to 35 dwelling units per acre. The typical houses in a cottage court are intentionally small and sometimes limited to single-story to maintain visual compatibility with neighboring single-family houses. Despite this high degree of compatibility, the typical maximum density is often a roadblock. When cities want a cottage court, they often need to approve a site-specific planned unit development. However, it is becoming more common to see this type included as either part of a form-based code or allowed in a single-family zone with an administrative conditional use permit.

This approach can be applied as an Overlay, Optional Overlay, or Form-Based Zoning.

Benefits

- Can be used to make sensitive scale transitions to single-family zones.
- Visually maintains the single-family detached physical character of a low intensity neighborhood.
- Provides housing choices for those wanting a smaller house.
- Typically includes shared open space and/or built space, thereby providing opportunities for those wanting built-in community benefits.
- Can be targeted to an area or address several zoning districts.
- Can be integrated easily into a comprehensive zoning update.
- Good financial alternative for developers in single-family zones if the process for entitlement is not so restrictive as to make typical single-family construction a better option.

Challenges

- Can raise concerns from neighborhood because of the smaller house size and what they think that might do to their property value.
- Conventionally sized single-family houses will overwhelm the shared court and appear more intense and out of character with neighboring single-family houses. Thus, it is recommended that maximum house size be regulated.
- Requires different standards that are not based on a single-family lot; each cottage is detached, orients to the shared court, and does not have a rear yard.
- Needs a homeowner's association to maintain the shared court.
- May require numerical adjustments to the Comprehensive Plan and/or zoning.
- In multifamily zones the high price of land may make it infeasible.

Form-Based Codes (FBCs)

FBCs are used when physical form and character as well as a walkable neighborhood are top priorities. FBCs enable a variety of housing types in very close proximity to retail and services within the building, the block, and the neighborhood, as desired by the community.

FBCs do not limit the physical form through density per acre or floor area ratio. They provide tailored standards based on the existing physical character that is to be carried forward in new development or in new physical character that has been identified through a public process. This approach provides for as much or as little regulation on physical detail as desired. For example, in one area the zoning standards could be more restrictive, and, in another area, the same code's zoning standards could be less restrictive.

This approach can be applied to part of a block all the way up to several neighborhoods, corridors, or an entire community. Typically, on corridors, one form-based zone is applied to key nodes or 'centers,' and at least one more form-based zone is applied to the areas between the nodes. This approach tends to have a primary objective of generating significant amounts of new housing. Another example is a neighborhood that was originally occupied by single-family houses but over time has realized several of those houses needing to be used as multifamily. In these cases, the form-based zone can be applied to address the need for more housing while tailoring the standards to have a house-scale physical character of a particular neighborhood.

This approach is typically applied as Form-Based Zoning and can be applied as an Overlay or Optional Overlay.

Benefits

- Makes a variety of house-scale compatible buildings possible while relieving designs of arbitrary density and floor area ratio limits.
- Integrates non-residential uses, as desired by the community.

- Can be applied to as small as a half block, several areas, a community, or a county.
- Replaces existing zoning and guidelines; if support for rezoning is not ready, can be applied as an overlay.
- Can vary amount of regulation from one area to another in response to different expectations and policy direction.
- High degree of clarity about what is required to receive project approval.
- Enables approval authority to be delegated for easier processing.

Challenges

- Needs time and budget to document existing conditions and clearly understand key physical characteristics to be brought forward into new standards.
- Needs time and budget to orient approval authority staff and development community with new topics for regulations and to troubleshoot the new regulations.

APPLICATION OPTIONS

It is important to also understand the variety of options for applying the above code approaches. The following options are listed in order from simplest to most complex.

Substantial (Alternative) Compliance

This is a good option if acceptable projects in a zoning district routinely need relief from the standards. Often this occurs when a zoning district is applied to broad areas with very different needs and realities, and the generalized standards are trying to address too many variables.

This approach allows compliance with the standards to be met through alternative means of achieving the desired results. For example, if a proposed three-unit building complies with all standards except the amount of required off-street parking (three proposed, six required), the city could find that the project has substantially complied with the intent of the regulation if not the literal requirement. The rationale is that staff would consider the location and context of the site in relation to the requirement for six off-street spaces. If it is within short walking distance of nearby retail and services, staff could find that the requirement for six spaces is more relevant to a three-unit building far from retail and services where walking to those destinations is not viable and approve the project using the substantial compliance provisions in their zoning.

This approach includes guidelines to determine compliance and sometimes include a design review process to review these requests.

Benefits

- Avoids need to create new standards.
- Allows creativity by property owners in seeking alternative means of meeting the standard(s).

Challenges

- Requires discretionary review that needs periodic oversight on decisions and results.
- Requires guiding language and/or photos of acceptable results to help guide decisions.
- Can result in unacceptable proposals taking up staff time.

Targeted Adjustments or Revisions

This is a good option if the base zoning has standards that can generate the expected results but, for example, the onsite open space or required off-street parking standards are making projects infeasible. The focus can either be to update those two outdated standards, or to apply the small-lot ordinance or cottage court ordinance as a supplement to the existing standards. This is akin to a software update on your phone: a few things need to be adjusted, but there is no need to revise or replace the system.

Benefits

- Avoids the need for rezoning.
- Allows for confirmation of existing development and/or small adjustments in new development.
- Focuses attention on understanding why the outdated standards need to be revised.

Challenges

- Revisions that do not have support can bog down the process and delay near-term adoption of the updated standards.
- Showing other city departments that these revisions/adjustments do not present issues to them in other areas/zones.

Overlay Zone

This is a good option when a supplemental fix like the small-lot ordinance or cottage court ordinance is not enough, but new standards are needed, and there is not the support for revising the underlying existing zoning. For example, if the R2 zone does not currently allow any Missing Middle Housing types due to maximum allowed density or required off-street parking, an overlay zone could be prepared to essentially override all or parts of the existing R2 zone and provide the necessary standards. In addition, the overlay can be set to only apply in certain areas of the R2 zone and not every lot in that zone. Any or all of the four approaches (ADU, small-lot, cottage court, or FBC) can be applied as an overlay.

Optional Overlay Zone: This version of the overlay zone is used when there is not support for or the legal ability to make the standards mandatory. In the optional overlay scenario, the owner chooses to apply the overlay to his or her parcel as part of a project application. Typically, the optional overlay provides an incentive through additional density compared to the existing zoning. Any or all of the four approaches (ADU, small-lot, cottage court, or FBC) can be applied as an overlay.

Benefits

- Avoids raising issues with the existing zoning.
- Provides for optional path to applying the standards.
- Minimizes integration work between existing zoning and overlay.

Challenges

- Can raise confusion between existing zoning and the overlay and which standards apply in particular situations.
- Because of the relative ease of applying an overlay, can result in several overlays being applied to the same lots as new issues are raised.

Replace the Existing Zoning

This is a good option if the base zoning is not generating the expected results, there are issues with other standards (e.g. onsite open space and required off-street parking), clarity is a top priority, and there is political support to rethink the existing zoning. In these cases, it is efficient to first evaluate your other zoning districts to see which one(s) may, with some adjustments, generate the expected types of housing. If none are good templates for modification, a new zone is recommended.

When replacing the zoning, all topics from lot coverage, setbacks, building size, and height to uses, parking, and landscaping are on the table. Of the four approaches (ADU, small-lot, cottage court, FBC), the cottage court ordinance and form-based code can be applied as new zoning districts. Alternatively, a zoning district can also be prepared using conventional zoning standards. Which to apply depends on the intended physical context (walkable or auto-dependent) and the degree to which physical character is a priority.

Benefits

- Coordination of requirements with the types of expected housing.
- Addresses recurring issues and limitations on new housing.
- Can result in higher degree of clarity about what is required to get project approval.

Challenges

- Addressing property owner concerns about rezoning vs. 'easier' options.
- Time and cost depending on the size of the area(s).

HOW THE SELECTION WAS DETERMINED

Importance was placed on obtaining a national representation of communities of varying sizes. Additionally, priority was given to selecting regulations from a variety of authors as well as regulations with built examples. In addition, each regulation was evaluated for the following:

- **Extent**—Is the regulation specific to a site or is it larger covering one or more areas? Is it an optional regulation that is self-imposed? Does the regulation cover the entire city ('citywide')?
- **Status**—Is the regulation adopted? Is it in the drafting or approval process?
- **Context**—What is the prevalent context? Is it urban, medium-sized, small town, or rural?
- **Zoning**—What type of zoning does the regulation use? Conventional zones, form-based zones, or both?
- **Supplemental Standards**—Does the regulation use building types or other standards supplemental to the lot coverage standards, building setbacks, and height?
- **Housing Strategies**—What is the regulation's primary aim? Urban center regeneration? Missing Middle Housing? Small-lot development? Accessory dwelling units?
- **History**—What was the process like to develop and adopt the regulation? Simple and easy? Moderately challenging? Very difficult?



SELECTED REGULATIONS

The following 18 regulations were selected for a more in-depth analysis in Chapter 2.

Accessory Dwelling Unit (ADU) Ordinances

- 1. Portland, Ore.:** A well-studied ADU ordinance that provides financial incentives for homeowners.
- 2. New Hampshire:** Several states have instituted statewide ADU ordinances. New Hampshire's is one with an in-depth explanatory process of how it can be applied to its different municipalities.
- 3. Austin, Texas:** A recent code amendment to the existing ADU codes which has resulted in a notable increase in ADU development.
- 4. Los Angeles, Calif.:** An example of a large city that is defaulting to the statewide ordinance for regulating ADU development without any local amendments.

Small Lot Ordinances and Density Adjustments

- 5. Denver, Colo.:** An amendment to minimum lot size in single-family zones to allow small lot development.
- 6. Los Angeles, Calif.:** A small lot ordinance that covers a wide variety of neighborhoods.
- 7. Asheville, N.C.:** An ordinance that amended the minimum lot size in residential zones to allow small lot development.
- 8. Kirkland, Wash.:** An ordinance that is aimed at addressing the changing composition of households and the need for smaller, more diverse, more affordable housing choices while ensuring compatibility with surrounding single-family residential development.

Cottage Court Ordinances

9. **Ashland, Ore.:** A recently adopted cottage court ordinance that applies in single-family zones and increases the allowable density from 12 to 17 but also limits the size and number of units to be in scale with single-family neighborhoods.
10. **Raleigh, N.C.:** A Unified Development Ordinance which is written as a form-based code and includes cottage court building types.

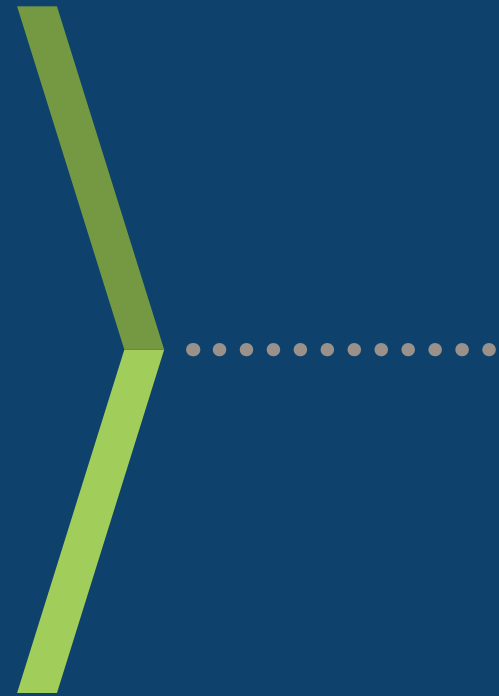
Form-Based Codes (FBCs)

11. **Novato, Calif.:** A neighborhood zone ready to be adopted in 2019 in a community where developing new housing has been very difficult. The community became more at ease about new housing and slight intensification because they saw how the code prevents physically incompatible buildings and can help maintain their small-town character. The new zoning standards replace multifamily zoning for a low to moderate intensity neighborhood. No built examples yet.
12. **Miami, Fla.:** A citywide zoning code was adopted in 2009 under strong leadership by the mayor. The code addresses the full range of building types appropriate for low-intensity, low-to-moderate-intensity, and high-intensity neighborhoods. This code featured a complete revision to the processing and approval procedures to help expedite new housing. Built examples are across the intensity spectrum.
13. **New Town St. Charles, Mo.:** A 726-acre agricultural site planned in 2002 as a new community for the purpose of offering a range of affordable housing choices in six walkable urban neighborhoods. The plan is about 30 percent built out with a variety of housing types that are serving as a positive example for house-scale multifamily building types. The development uses a code that simplifies implementation.
14. **Daybreak, Utah:** A 4,150-acre agricultural site planned for several villages, walkable neighborhoods, neighborhood and community-level main street environments, and employment areas. In 2002, a master plan was prepared for the entire site, along with a pattern book of detailed standards and guidelines. Implementation is clear and simple and the plan is about 20 percent built out with a variety of housing types.
15. **Kentlands, Md.:** A 350-acre site with a farm and a few historic buildings adjacent to a suburban shopping center. The site was planned, and a code was adopted in 1988 with an update in 1995. The plan is built out, with neighborhoods offering a variety of housing choices. The former shopping center was transformed into a main street environment that serves these and adjacent neighborhoods.
16. **Cincinnati, Ohio:** A citywide code was adopted in 2013 under strong leadership by the mayor. The code addresses the full range of housing types appropriate for low-to-moderate-intensity and moderate-intensity neighborhoods. The zoning standards apply to 42 neighborhoods that have chosen to self-impose the new zoning on their parcels. Built examples are on the upper end of this intensity spectrum.
17. **Mesa, Ariz.:** A citywide code was adopted in a state where it is very challenging to develop new, alternative regulations. The code addresses the full range of housing types appropriate for low- to moderate-intensity neighborhoods. The code has been in effect since 2008, and by law is not mandatory. Over time, property owners are choosing the new code over the existing zoning. Built examples are on the upper end of this intensity spectrum.
18. **Peninsula, Iowa:** A 70-acre infill site in Iowa City for a new neighborhood. The code identifies a range of ten building types appropriate for low- to moderate-intensity neighborhoods. The site was purchased by the City in 1995 who assembled a team to plan and build the development. The code was adopted in 2001 and updated in 2012. The plan is built out with a variety of housing types and neighborhood-serving retail and services.

City/State	Extent	Author	Status of Code	Ordinance Type	Context	Website/Metadata
Portland, Ore.	City-wide	City of Portland	Adopted	ADU ordinance	Urban	http://bit.ly/2LIB6vw
New Hampshire	State-wide	State Legislature	Adopted	ADU ordinance	Medium/ Small Town	http://bit.ly/2IXVnW0
Austin, Texas	Area-specific	City of Austin	Adopted	ADU ordinance	Urban	http://bit.ly/2VapP5Y
Los Angeles, Calif.	State-wide	State Legislature	Adopted	ADU ordinance	Urban	http://bit.ly/2VCJllx
Denver, Colo.	City-wide	City of Denver, Code Studio, Ferrell Madden Associates	Adopted	New Multi Family Zone, Form-Based Code	Urban	http://bit.ly/2LqBpph
Los Angeles, Calif.	City-wide	City of Los Angeles	Adopted	Optional "Infill" Zone	Urban	http://bit.ly/2Vv1jMj
Asheville, N.C.	City-wide	City of Asheville	Adopted	ADU ordinance	Urban	http://bit.ly/2DA9wV1
Kirkland, Wash.	City-wide	The Cottage Company	Adopted	Optional "Infill" Zone	Urban	http://bit.ly/2VBm5dc
Ashland, Ore.	City-wide	City of Ashland	Adopted	Modification of Lot Size standard	Medium/ Small Town	http://bit.ly/2VdZQuu
Raleigh, N.C.	City-wide	Code Studio	Adopted	Optional "Infill" Zone	Medium/ Small Town	http://bit.ly/2DPtLyv
Novato, Calif.	Site-specific	Opticos Design	In Adoption Process	Form-Based Code	Medium/ Small Town	
Miami, Fla.	City-wide	Duany Plater-Zyberk & Company	Adopted	Form-Based Code	Urban	http://bit.ly/2DFkZ5N
St. Louis (New Town St. Charles), Mo.	Site-specific	Duany Plater-Zyberk & Company	Adopted	Form-Based Code	Medium/ Small Town	
South Jordan (Daybreak), Utah	Site-specific	Daybreak Communities	Adopted	PUD	Medium/ Small Town	http://bit.ly/2VcGxS5
Gaithersburg (Kentlands), Md.	Site-specific	Duany Plater-Zyberk & Company	Adopted	Form-Based Code	Medium/ Small Town	http://bit.ly/2LbL036
Cincinnati, Ohio	City-wide	Opticos Design	Adopted	Form-Based Code	Urban	http://bit.ly/2VCJN8P
Mesa, Ariz.	City-wide	Opticos Design	Adopted	Form-Based Code	Urban	http://bit.ly/2LcGkKh
Iowa City (Peninsula), Iowa	Site-specific	Ferrell Madden Associates	Adopted	Form-Based Code	Medium/ Small Town	http://bit.ly/2Vx4C5p

CHAPTER 2:

Code Analysis and Best Practices



CHAPTER 2: Code Analysis and Best Practices

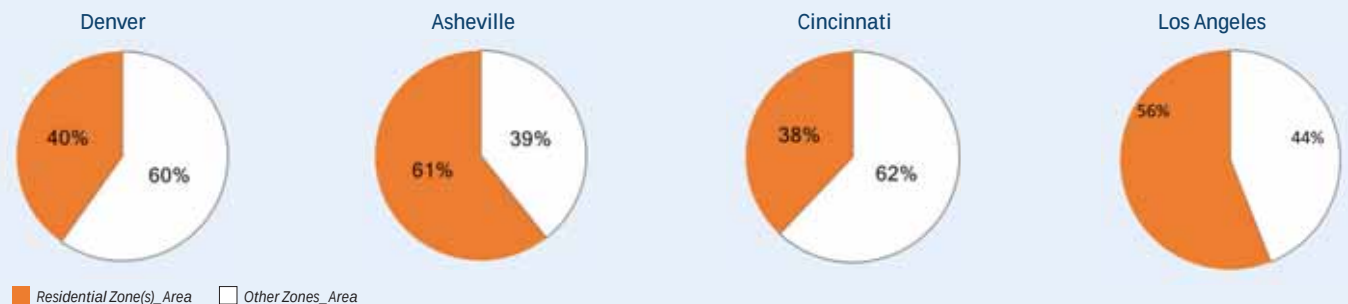
CHAPTER SUMMARY

The 18 examples were adopted to address a housing need created primarily by many of the prior ordinances and regulations that prevented smaller houses and compact infill development. These examples also typically legalize and adapt existing built patterns for 21st century needs.

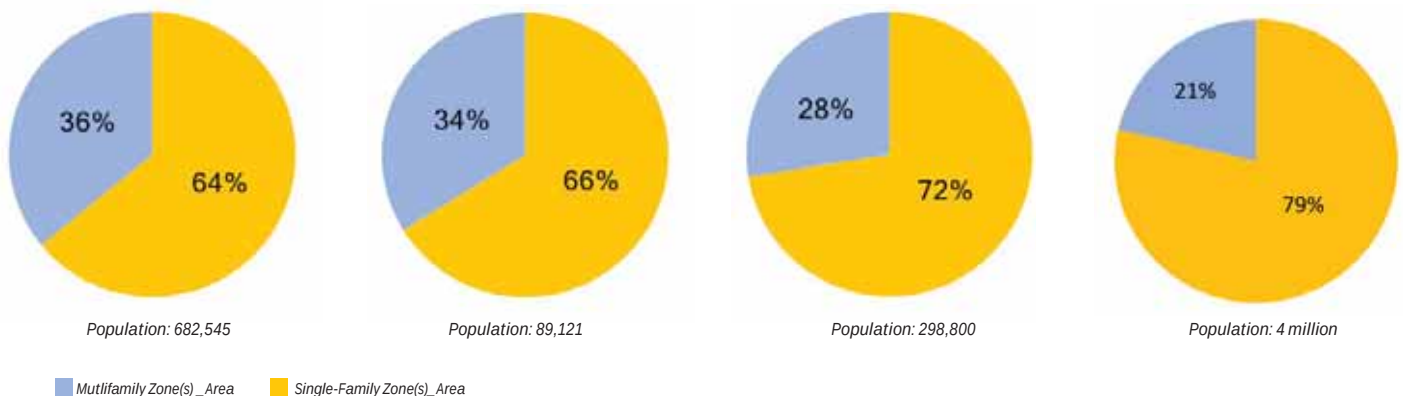
Having an updated set of standards or a new code helps provide clear direction and streamlines the development review and approval process, thus reducing costs to projects while providing neighbors with more clarity about what types of development are allowed. Attention is needed to keep the approval process from becoming overly burdensome and lengthy, particularly if the review is discretionary.

Residential Total

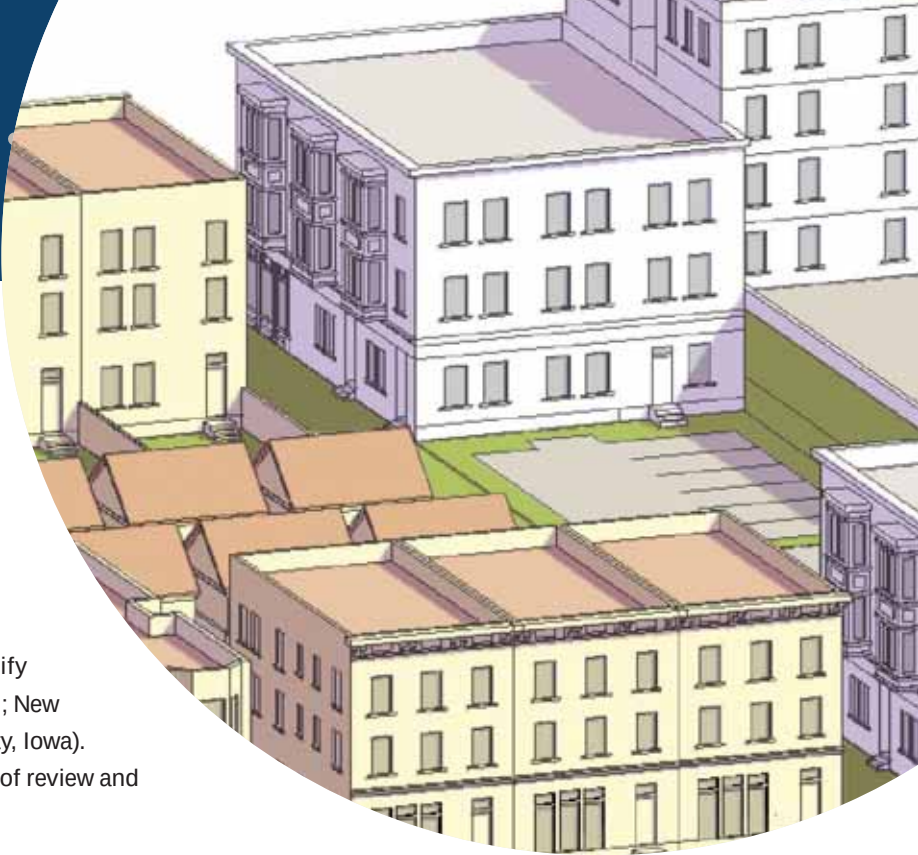
A variety of cities were analyzed for their amount of single-family neighborhoods in comparison to the amount of multi-family neighborhoods to understand the potential for some adjustments to lower intensity neighborhoods to include small multi-family housing-Missing Middle.



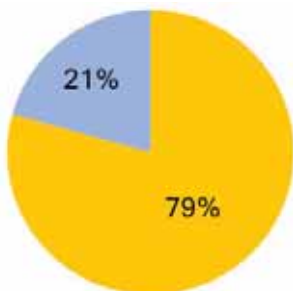
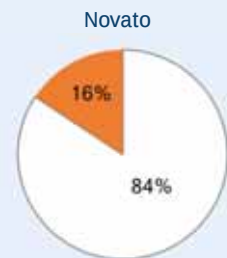
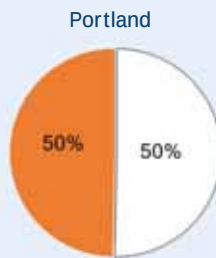
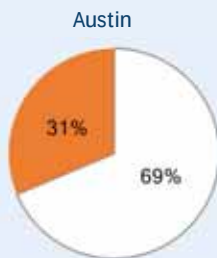
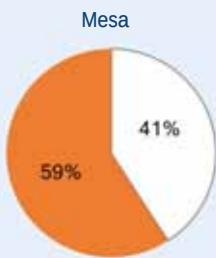
Single Family – Multifamily



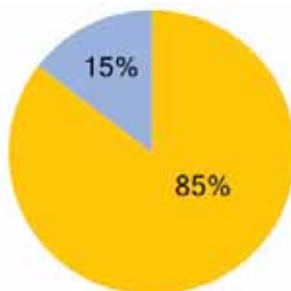
The codes selected for this analysis represent a range of approval processes, from 'by right' in Portland, Ore., and Daybreak in South Jordan, Utah, to those that have mostly administrative approvals, to those that balance both by-right and administrative approval with some discretionary review, to those that use a town architect to greatly simplify the design and review process (Kentlands, Md.; New Town St. Charles, Mo.; and Peninsula, Iowa City, Iowa). A trend with these codes is that as the amount of review and



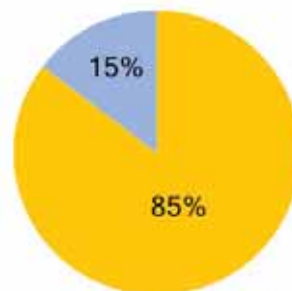
The data were taken from the official online databases of the cities' Planning Departments. The population count resulted from a google.com search.



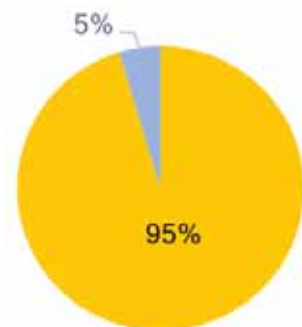
Population: 484,587



Population: 947,800



Population: 639,863



Population: 56,004

processing decreases, communities recognize that they need to be far clearer about standards and expectations. This is helpful to both the applicant and to the community's staff who processes and reviews development applications. In addition, understanding who is using the code helps determine how much educational information is needed to improve and make the process clear. The information that needs to be prepared for developers and design professionals is different from what needs to be prepared for a homeowner interested in building an ADU. But it's important to communicate clearly to both groups and other stakeholders. It's also important to understand the needs of builders and developers as well as the realities of buildings, lot sizes and different neighborhood contexts. In many communities, this approach is replacing a more general 'one-size-fits-all' type of approach that many communities did not realize existed.

When considering where the greatest opportunities are for small houses and compact infill in the typical community, it's typically the single-family zones that have the most land area. However, most single-family zones are not zoned to allow the types of housing highlighted in this analysis. The pie charts show the amount of single-family zoning relative to the multifamily zoning in some of the cities analyzed in this report. In an emerging trend, various cities such as Portland and Minneapolis have been adjusting their single-family zoning regulations to allow for more than just a single-family house.

There is a growing understanding that what we now refer to as 'multifamily' development was once a much more nuanced type of development than what we have come to know over the past 50 years. For example, pre-1940s neighborhoods typically have a variety of housing types. These neighborhoods consist mainly of single-family houses but also contain multifamily buildings. But the multifamily buildings are the size of houses ranging from duplexes to triplexes and fourplexes, and mansion apartment houses with 5 to 10 units. These types are now referred to as Missing Middle Housing because they represent the palette of housing choices in the middle, between single-family houses and large apartment buildings. After the 1940s, this house-scale, multifamily housing was seen as inefficient and instead, larger multifamily buildings became the prevalent approach. With the rediscovery of great examples from pre-World War Two neighborhoods and more people wanting to live in neighborhoods with a more personal scale and identity, Missing Middle Housing has provided a simple way for communities and developers to communicate about choices between a single-family house and large apartment buildings.



ANALYSIS BY BUILDING TYPE

Opticos Design evaluated a wide range of building types (site plan and building configurations) across a variety of infill situations and greenfield developments. This resulted in identifying seven typical building types that can be easily customized to a variety of sites and neighborhoods. We acknowledge that there are regional variations of each building type including what they are called. With that in mind, the following are descriptions of the typical characteristics and design considerations for each of the seven typical building types that are recommended for expanding your housing choices.

Accessory Dwelling Unit (ADU)

- **Building type:** A dwelling unit that is secondary to the primary building.
- **Height:** One to two stories.
- **Resultant density range:** About 15 dwelling units per acre for the average 5,000-square foot lot, including the primary structure. This will vary largely based on the size of the single-family lot. The density information is provided but typically, an ADU is not counted toward the density maximum.

Variations

- **Detached ADU:** A structure completely separate from the primary building, including detached garage conversions or additions.
- **Attached ADU:** An addition to the primary building outside of the original building's footprint.
- **Internal ADU:** Conversion of a part of the primary building to an ADU (e.g., over an attached garage, in an attic, or in a small portion of the primary building's ground floor).



Design Considerations and Best Practices

- The ADU is usually smaller than the primary building. Consider not limiting by a percentage of the existing building because it is not effective for sites with small existing homes. Consider lot coverage as an alternative tool.
- Ideally there are no additional parking requirements for an ADU. If parking is required, consider reduction based on proximity to transit and/or retail/services. Also, consider tandem parking between the primary building and ADU, as parking can quickly become a limiting factor.
- Allow building height to be the same or nearly the same as the primary building. When the ADU is on the upper story, consider privacy issues with neighbors by limiting window placement to face the interior of lot or by requiring high windows that prevent overlooking.
- Setbacks for detached ADUs should be the same as for accessory structures, allowing for more internal open space on the lot.
- Consider providing some private outdoor space for the ADU.
- If the goal is to provide maximum options for long term housing in a community, consider not requiring owner occupancy of either the ADU or primary residence on the lot.

Implementation Options

These are options for incorporating the type into local codes and allowing it in situations where the type is not currently allowed.

Adopt ADU Code	Modify Current Zoning to Allow ADUs	Adopt Small Lot Code	Modify Current Max. Zoning Density	Adopt Cottage Court Code	Modify Current Zone District Standard(s)	Adopt Overlay Zone(s) or Standard(s)	Replace Zone(s) with Form-Based Code
✓	✓	N/A	N/A	N/A	N/A	N/A	N/A

Small House on a Small Lot

- **Building type:** A detached building with one dwelling on a lot that is smaller than the typical single-family lot. The house is also smaller than the typical single-family houses and has a dooryard or small front yard, often with a stoop or porch providing entry to the unit from the street or a shared garden. The building has a small rear yard with uncovered parking, or an attached or detached garage accessed by a side drive or an alley.
- **Lot size range (feet):** About 35 wide x 80 deep up to about 50 wide x 90 deep.
- **Height:** 1.5 to 2.5 stories.
- **Resultant density range:** About 10 to 15 dwelling units per acre (variations are higher).



Variations

- **Very Small Lot:** The lot can be about 60-feet deep with alley access. Without an alley, the lot should be 45-feet wide to accommodate a garage accessed via a side drive from the street. This yields a detached house of at least 750 square feet (front access, single-story), or about 1,000 square feet (alley access, single-story) with a resultant density of about 16 dwelling units per acre.
- **Tiny Lot:** The lot can be as small as 25 feet by 35 feet if parking is not required. This yields a detached or attached house of at least 400 square feet (single-story, no parking), with a resultant density of 50 dwelling units per acre. This is recommended only for highly walkable contexts where a personal vehicle is not needed.

Design Considerations and Best Practices

- Building setbacks and parking requirements should decrease as the lot size decreases, especially when in a walkable context.
- If attaching these houses, the resulting building should not be larger than large single-family houses in the area.

Implementation Options

Adopt ADU Code	Modify Current Zoning to Allow ADU's	Adopt Small Lot Code	Modify Current Maximum Zoning Density	Adopt Cottage Court Code	Modify Current Zone District Standard(s)	Adopt Overlay Zone(s) or Standard(s)	Replace Zone(s) with Form-Based Code
N/A	N/A	✓	✓	N/A	✓	✓	✓

Cottage Court

- **Building type:** One lot with a group of 3 to about 10 detached buildings, each with one single-story dwelling. Each cottage fronts the shared court and has a dooryard, stoop, or porch providing entry to the unit. Cottages share side yards and usually do not have a rear yard. Each cottage has open or covered parking in an attached or detached garage accessed by a side drive or an alley.
- **Lot size range (feet):** About 100 wide x 120 deep up to about 200 wide x 250 deep.
- **Shared court:** The court is usually a garden and typically about 20-feet clear in any direction to give the garden an open feeling.
- **Height:** 1.5 stories*.
- **Resultant density range:** About 15 to 35 dwelling units per acre (variations are higher).

Variations

- **Mixed-use:** One or more of the cottages have office, service, retail, or food uses. This variation is effective near and adjacent to neighborhood Main Streets.
- **Mixed-types:** A few of the cottages are expanded to duplexes or triplexes, keeping the small building footprint and scale while increasing the total units on the lot.
- **Pocket neighborhood:** The lot is the size of most of a block or up to an entire block (typically about 3 acres), and the shared court is much larger, or there are several shared courts. The individual cottages are expanded to include a mix of duplexes, four- to sixplexes, and courtyard buildings.

Design Considerations and Best Practices

- The basic type is mainly defined by the combination of small cottages within a large lot facing a shared court, thus the name 'cottage court'. It is tempting to allow larger houses, but this can result in the court being overshadowed and greatly reducing the separation between buildings. For this reason, the footprint of each cottage should be small, about 30 feet by 30 feet. In addition, the height should be under two stories (i.e. 1.5 stories). If a second story is necessary, it should be set back enough to keep the 1.5-story scale as viewed from within the shared court.
- Each facade facing the shared court should have a dooryard or porch for enjoying the shared court.
- Side separation between cottages should be about 10 feet to emphasize their individual footprints. Consider not including fences/walls between cottages so that visual separation between cottages is more obvious.
- A setback between the rear of each cottage and the side or rear property line of the large lot is helpful for utilities and trash location. It is recommended to not require a rear yard for any of the cottages.
- Dooryards, stoops, and porches are effective when they are up to the edge of the shared court to provide identity and private space for each cottage, while keeping the shared court feeling visually open and inviting.
- *When the rear lot line is adjacent to an alley or with a medium to large rear setback, consider allowing the rear-most cottage to be two stories to give visual emphasis to the shared court and to provide variety.
- The driveway from the street can be small and does not need to be two-way for this low intensity, especially when the driveway loops around the back and sides of the lot.
- Attached garages should be integrated into the design of each cottage to maintain the small scale and appearance.
- Allow but do not require that each cottage be on its own legal lot. The new standards can provide for a minimum lot size for each cottage, if desired by the applicant.

Implementation Options

Adopt ADU Code	Modify Current Zoning to Allow ADUs	Adopt Small Lot Code	Modify Current Max. Zoning Density	Adopt Cottage Court Code	Modify Current Zone District Standard(s)	Adopt Overlay Zone(s) or Standard(s)	Replace Zone(s) with Form-Based Code
N/A	N/A	✓	✓	✓	✓	✓	✓

Duplex to Sixplex (4-6 units, 'multiplex small', 'mansion apartment')

- **Building type:** A detached building containing 2 to 6 dwellings that appears as one house. The building has a small- to medium-sized front yard, often with a porch, providing entry from the street or shared space to all or some units with other units accessed through a side yard. The building has a small- to medium-sized rear yard with an attached or detached set of garages that are accessed by a side drive or an alley.
- **Lot size range (feet):** About 40 wide x 100 deep (up to 3 units) up to about 80 wide x 150 deep.
- **Height:** 2 to 3.5 stories.
- **Resultant density range:** About 20 to 70 dwelling units per acre (about 58 if no alley access).

Duplex up to about 22; fourplex up to about 35; sixplex up to about 70.



Variations

- **Flats:** The building is divided horizontally, for up to 3 flats on each story.
- **Townhouses:** The building is divided vertically for 2.5- or 3.5-story units. The 2.5-story size easily maintains physical compatibility with adjacent or nearby single-family houses.

Design Considerations and Best Practices

- The building's footprint should be comparable to the largest single-family house in the area (typically up to about 60 feet to 80 feet in any direction).
- The building should be designed to have the massing of a large single-family house and not an apartment building.
- Consider only allowing 3- and 3.5-story versions at corners, or in locations where the building can serve as a transition to neighborhood Main Streets or moderate- to higher- intensity neighborhoods.
- In order to maintain a single-family house appearance, the garages are most effective down the side of the building or in the rear of the lot.
- The driveway from the street can be small and does not need to be two-way for this low intensity building.
- Attached or tuck-under garages should be integrated into the design of the building and the number of spaces should reflect the building's proximity to transit, services, retail, and food uses.

Implementation Options

Adopt ADU Code	Modify Current Zoning to Allow ADUs	Adopt Small Lot Code	Modify Current Max. Zoning Density	Adopt Cottage Court Code	Modify Current Zone District Standard(s)	Adopt Overlay Zone(s) or Standard(s)	Replace Zone(s) with Form-Based Code
N/A	N/A	N/A	✓	N/A	✓	✓	✓

Multiplex Large

- **Building type:** A detached building with more than 6 up to about 20 dwellings that appears as one large house. The building has a medium-sized front yard, often with a porch, providing a common entry from the street for most or all of the units. The building has a small rear yard with an attached or detached set of garages accessed by a side drive or an alley.
- **Lot size range (feet):** About 50 wide x 100 deep up to about 150 wide x 150 deep.
- **Height:** 2 to 3.5 stories.
- **Resultant density range:** About 45 to 100 dwelling units per acre.

Variations

- **Multiple ground-floor entries:** In addition to the main entry, this variation provides ground-floor dwellings with direct entry from the sidewalk. Typically, this variation has up to 4 ground-floor entries facing the street, with other ground-floor entries along the side or rear.
- **Shared side yard space:** This variation uses each side yard as a shared garden/court that provides direct access to the adjacent ground-floor dwellings.

Design Considerations and Best Practices

- In or adjacent to low-intensity neighborhoods, it is beneficial to include no more than 10 dwellings and to limit the height to 2.5 stories. This ensures that the building will be about 80-feet in width or similar in size and height to a large single-family house, which makes it more compatible in physical scale with adjacent or nearby single-family houses.
- The building should be designed with massing similar to the largest single-family house in the area (typically about 80-feet maximum). For example, two or more individual masses could be organized on a site as an 'L' or 'C' site plan while maintaining the house-scale footprint of up to about 80-feet overall.
- Consider only allowing 3- and 3.5-story versions at corners or in locations where the building can serve as a transition to neighborhood Main Streets or moderate- to higher-intensity neighborhoods.
- The building should be designed to have the massing of a large single-family house and not an apartment building.
- The driveway from the street can be small and does not need to be two-way for this low-intensity development, especially on corner lots where two access points are available.
- Attached or tuck-under garages should be integrated into the design of the building and the number of spaces should reflect the building's proximity to transit, services, retail, and food uses.



Implementation Options

Adopt ADU Code	Modify Current Zoning to Allow ADUs	Adopt Small Lot code	Modify Current Max. Zoning Density	Adopt Cottage Court Code	Modify Current Zone District Standard(s)	Adopt Overlay Zone(s) or Standard(s)	Replace Zone(s) with Form-Based Code
N/A	N/A	N/A	✓	N/A	✓	✓	✓

Rowhouse ('Townhouse')

- **Building type:** An attached dwelling within an array of up to 10 total dwellings that appear as one building. Each dwelling is a walk-up unit with no other unit above, built without side setbacks, with a small dooryard at the sidewalk and a small rear yard with an attached or detached garage.
- **Lot size range (feet):** For each dwelling, about 18 wide x 80 deep up to about 30 wide x 120 deep.
- **Height:** 2 to 3.5 stories.
- **Resultant density range:** About 15 to 30 dwelling units per acre (variations are higher).



Variations

- **Tuck-under:** The rowhouse lot is shortened while keeping the dooryard along the sidewalk and removing the rear yard. The garage is located under most of the ground floor. The ground-floor entry is to a small home office or other secondary space with the primary rooms on the second and third stories. The unit depth can be as shallow as 35-feet. A variation on this is the Kentlands Cottage, which has alley access, tends to be at corners, and comes attached to a small green. It has the most compact footprint of the tuck-under variations and fits into a variety of block sizes making this a very adaptable building type. See section 3.3 for a case study on this variation.
- **Mews:** The rowhouse lot is turned sideways to be parallel to a pedestrian-passage and the unit is entered from the passage. The rear yard is optional.
- **Rowhouse flats:** Each rowhouse is divided vertically to create at least two flats. For example, a 3-story rowhouse could have 3 single-story units. A variation on this is for the ground floor to be a flat, while the upper unit could be a 2.5-story unit, for a total of 3.5 stories. Both of these variations are recommended for highly walkable contexts where parking needs are very low.
- **No rear yard:** Some versions of this type distinguish between townhouse (no rear yard) and rowhouse (small to medium rear yard) and put multiple rows of these units on one lot. While efficient, this can create awkward adjacencies between the backs (utility, trash, and parking areas) of one row of rowhouses and the fronts of another row of rowhouses.

Design Considerations and Best Practices

- A simple and effective way to communicate how this type can adapt to different neighborhoods is to identify two versions: a house-scale version that includes no more than 4 rowhouses, and a block-scale version that can be as long as a block.
- In low- to moderate-intensity neighborhoods, it is effective to include only the house-scale version and to limit the height to 2.5 stories. This ensures that the building will be about 80-feet in width or similar in size and height to a large single-family house. This provides for physical scale compatibility with adjacent or nearby single-family houses.
- The house-scale version should be designed to have the massing of a large single-family house and not an apartment building.
- The mews variation needs close attention to how the facade and main entry along the pedestrian passage are designed to contribute to the appeal of the passage while providing privacy to the mews residents.

- The tuck-under variation should be designed to make a pattern of short blocks served by alleys with the main entry to each unit along the streetscape.
- The lot for the tuck-under variation should be at least 45-feet deep to allow for a dooryard, porch, or other frontage and to provide a reasonable ground floor space along the front, so that the ground floor along the streetscape is active.
- The driveway from the street is most effective when it serves multiple units from the rear.
- Attached or tuck-under garages should be integrated into the design of the building and the number of spaces should reflect the building's proximity to transit, retail, service, and food uses.

Implementation Options

Adopt ADU Code	Modify Current Zoning to Allow ADUs	Adopt Small Lot Code	Modify Current Max. Zoning Density	Adopt Cottage Court Code	Modify Current Zone District Standard(s)	Adopt Overlay Zone(s) or Standard(s)	Replace Zone(s) with Form-Based Code
N/A	N/A	✓	✓	N/A	✓	✓	✓

Courtyard

- **Building type:** One lot with a detached building that is 'U'- or 'C'-shaped to form at least one shared court. Entry to each unit is from the street for street-facing units and from the courtyard for interior units. Parking is in a surface parking area at the rear of the lot. This type, sometimes referred to as 'neighborhood courtyard', is the walk-up type of courtyard building that fits in Missing Middle Housing contexts.
- **Lot size range (feet):** About 75 wide x 100 deep up to about 200 wide x 200 deep
- **Shared Courtyard:** about 30-feet clear in any direction.
- **Height:** 2.5 stories (part of the building sometimes up to 3.5 stories in moderate- to higher-intensity neighborhoods).
- **Resultant density range:** About 25 to 55 dwelling units per acre.

Variations

- **L-shape:** One L-shaped building or a few buildings form an 'L' to shape the courtyard. In low- to moderate-intensity neighborhoods, the building that is parallel to the street is along the rear and towards the middle. In higher-intensity neighborhoods, the building is along the front to provide more privacy for the courtyard and interior units.
- **O-shape:** One 'O'-shaped building, or a few attached or slightly detached buildings, form an 'O' to shape a courtyard.
- **Urban courtyard:** This variation is more urban than the previous variations and typically is about 4 to 6 stories. This building has elevators, some or all double-loaded corridor units, and podium or underground parking.
- **Combination building:** This variation is for sites along busy corridors that back up to low-intensity neighborhoods. The 'O'-shaped building is divided into two halves. The front half is an urban courtyard building facing the street, while the rear



half is a neighborhood courtyard building adjacent to the side or rear of neighboring single-family houses. This variation is also referred to as a 'hybrid courtyard' because it blends the two very different halves to address the different physical conditions of these sites.

Design Considerations and Best Practices

- The courtyard reduces the buildable area and yield compared to other building types. However, the environment created by the courtyard is a feature that other building types do not include. But in order to make this type appealing to developers, density should not be regulated. Otherwise, when developers compare the same density of this type with a type that does not require a courtyard, it's likely that the courtyard type will not be selected. If density needs to be regulated, resultant density should be calculated after the courtyard is provided and a feasible number of dwelling units identified that can reasonably fit in the building.
- The building should be designed to make sure that the courtyard is not in shade all the time. It's also beneficial to the neighborhood to allow flexibility for different heights around the courtyard to avoid the rigid 'crew cut massing' scenario.
- In areas with high property values, podium and subterranean parking may be options. In those cases, the courtyard surface should be designed to feel like a landscaped garden and not the roof of a parking garage. Coordination with the department reviewing for drainage is recommended so that the podium surface can address drainage while providing an inviting ambience.
- The courtyard is most effective when it's seen as a very inviting and comfortable space. A key to such a space is lining the courtyard with dwelling entries and public rooms (living room, porch). If private rooms (bedroom, bathroom) are along the courtyard edge, residents tend to want extra privacy and keep the curtains closed off from view of the courtyard. In addition, if a playground is to be included, it's most effective in an adjacent park or plaza rather than in the courtyard where it can raise issues with ground-floor units.
- In addition to surface parking at the rear of the lot, tuck-under parking is compatible if the ground floor facing the courtyard is deep enough to accommodate a useable room.
- Attached or tuck-under garages should be integrated into the design of the building and the amount of spaces should reflect the building's proximity to transit, retail, services, and food uses.

Implementation Options

Adopt ADU Code	Modify Current Zoning to Allow ADUs	Adopt Small Lot Code	Modify Current Max. Zoning Density	Adopt Cottage Court Code	Modify Current Zone District Standard(s)	Adopt Overlay Zone(s) or Standard(s)	Replace Zone(s) with Form-Based Code
N/A	N/A	N/A	✓	N/A	✓	✓	✓

ORDINANCE AND CODE ANALYSIS BY JURISDICTION

This analysis evaluates a wide variety of ordinances and codes for their focus on accessory dwelling units, small lot development, cottage court development, and form-based codes for small to large infill as well as greenfield development.

Accessory Dwelling Unit (ADU) Ordinances

The consideration of ADUs has become a national trend in the last two decades as people moving back into cities have created more pressure on the demand for housing. Cities that never allowed ADUs are now looking to allow them, while other cities are updating their codes to be less restrictive. Some states, such as California, New Hampshire, and Oregon have introduced statutes allowing ADUs statewide by-right. ADUs tend to be the most politically palatable of the four code approaches studied in this section as they typically have the broadest public acceptance. This is understandable given that ADUs represent the least amount of change when compared to individual buildings.

Portland, Ore.—Accessory Dwelling Units (Chapter 33.205)

last Amendment on the existing zoning code about ADU regulations No. 187471, effective 01/01/2016

Code Preparer: City of Portland

Contact: Phil Nameny, City Planner, City of Portland

Background and the reason the amendment was prepared

Portland's code has allowed ADUs in certain areas since the early 1900s. In an effort to spur development of more housing variety and affordability by efficiently capitalizing on existing infrastructure as housing demand became greater in the late 1900s, key amendments were passed in 1998, 2010 and 2016. In 1998, the amendment dropped owner occupancy and parking requirements and allowed ADUs to be developed citywide by-right. The size was capped at the lesser of 800 square feet or one-third of the main house size, along with limited design compatibility requirements. The 2010 amendment increased the allowable size relative to three-quarters of the primary residence and temporarily waived the system development charges (impact fees). The change in 2016 merged the development standards for accessory structures with the standards for detached ADUs. As a result, the accessory structure height was reduced and the ADU height increased. In 2018, the temporary waiver of system development charges was made permanent, if the property owner agreed to a recorded covenant that stated the unit would not be used as a short-term rental.

In 2017, the state of Oregon passed a statute requiring jurisdictions to allow ADUs wherever a house is allowed. There was no impact to Portland's existing code.

What does the amendment allow?

- By-right, an accessory dwelling unit may be added to a house, attached house, or manufactured home in an R (Residential), C (Commercial), or EX (Central Employment) zone, but may not be added to attached houses or duplexes in the R20 through R5 (low-density to medium-density residential) zones that use a provision to gain an extra unit on a corner lot.



- The maximum size is limited to the lesser of 800 square feet or three-quarters of the living area of the main house size.
- Building height is the same as for accessory structures, which was modified in 2016 to allow only up to 20 feet as measured to the midpoint of the gable when located outside of the required setbacks. Prior to the most recent amendment, accessory structures had the same height limit, 30 to 35-feet (depending on the zone), as the primary structure. The height limit was reduced in order to balance the character of infill development with existing neighborhoods. By aligning the standards for accessory structures and accessory dwelling units, this reduced privacy concerns and the incentive to illegally construct ADUs within accessory structures.
- Setbacks for detached ADUs are 40 feet from the front. The remaining setbacks match those of the primary structure; however, one can build within the setback within additional height limitations to keep the building no higher than one story.
- Parking is not required for the ADU. If the construction of the ADU removes a required parking space for the primary building, then that space must be replaced onsite. However, the houses in areas of the city that are within 500 feet of frequent bus service (every 20 minutes during commute times) are not required to provide any parking.
- Owner occupancy is not required.
- Short-term rentals are allowed with the payment of development fees (these fees are waived for long-term rentals).
- The ADU code is administered by-right with no discretionary review, except that some design compatibility with the main house is required for two-story ADUs. The building must match the main house or comply with general design guidelines. There are no design requirements for a single-story ADU.
- Floor Area Ratio requirements were removed in 2002. Since then the building intensity is now regulated through lot coverage standards (45 percent total lot coverage, and the detached ADU cannot exceed the 15 percent of the lot).

How was the code amendment adopted?

The City initiated the code amendment in 1998 with several updates since then, the latest being in August 2016. In 1998 there was neighborhood opposition to the changes. Over time, the amount of resistance has reduced with each subsequent change and more built results. Most of the continued concern has been around short-term rentals and privacy.

Built results

Following the amendment in 1998, there was some uptick in development of ADUs, but they were still very limited citywide, at an increase of 10 - 15 units per year. The greater impact on development numbers occurred since the 2010 amendment, when the city decided to waive the impact fees in order to respond to the development viability during the economic downturn, increase the allowable size relative to the primary structure, and adjust the design guidelines to address recurring concerns about privacy.

In speaking with city staff, based upon a review of the testimony received when the ADU regulations were expanded in 1998, there may have been some challenges in originally expanding the allowances. However, since these regulations did not result in a large influx, and the subsequent amendments have occurred over time, this incremental series of changes appears to have allowed property owners, builders, and neighbors to adapt and get used to the idea of ADUs. There are some continued complaints about the proximity of ADUs to property lines, the potential for noise, and concern over short-term rentals. The code structure and communication with the public were vital for the success of the ADUs in Portland; as developer and builder, Eli Spevak mentioned, "With a good code structure and education, people started accepting ADUs. The educational components include regular tours of ADUs done by ADU advocates, a dedicated website on the process, general word of mouth, and seeing neighbors' homes in progress. All of these elements and the recent amendments have really spurred development, such that the number of permit approvals increased to around 500 a year in 2016 and 2017, up from just 80 plus in 2010.

The people developing ADUs are primarily the homeowner and small-scale developers. According to Spevak, due to the high cost of building, ADU construction is mostly happening in the higher value parts of the city, concentrated in specific areas. It is more profitable than building in low value areas where rental rates are lower. In the lower land value areas, the choice to build an ADU is typically a lifestyle choice (needing room for family or caregiver) rather than an economic one. Over time, though, the ADU typically increases the value of the property.

Incentives for building ADUs

- Portland has made it easier for homeowners to build with good guidance from the planning and development departments about the process. Website pages and walking tours help to inform and educate people about the process and importance of ADUs.
- Prior to the City's 2010 removal of the requirement for System Development Charges on all ADUs, a payment of about \$10,000 - \$12,000 was required for each ADU. After the removal of the fees in 2010, the city saw around a 10-fold increase in the number of ADU permits. However, now that this fee waiver is accompanied by a covenant restricting use as a short-term rental for 10 years, there is a question about whether that will affect ADU development. Initial evidence for the first few months indicates an ADU permit slowdown, but it also correlates with a general recent slowing of permits.
- Several creative financing options have opened up that provide opportunities to pay for ADUs. Some programs propose a trade-off, such as in Multnomah County, where the county would pay for the ADU, but the property owner allows the county to host a homeless family in the unit for five years. Another private program (dweller.com) offers to obtain permits and build the ADU on the property in exchange for a portion of the rents over a period of time. At this time, these programs have resulted in only a handful ADUs out of the hundreds being built.
- Upcoming changes being considered include allowing two ADUs on a lot or 2 - 3 units per lot and modifying the allowed FAR in residential zones when adding an ADU. This is envisioned to be citywide.
- ADU allowance creates land efficiencies in single-family zones through the sharing of common space on the lot, such as driveways and yards.
- The detached smaller buildings provide flexibility to site buildings to fit the topography of sites.

Challenges in building ADUs

- As with most areas, construction costs have increased significantly in the last two decades, making it a challenge to balance rental income with construction cost.
- Conventional financing can be a challenge without comparable or existing rental income to support the loan application. Most are financed through home equity lines and cash. Over time as more ADUs are constructed, more comparables will be available.
- Building code challenges may be an issue when converting existing spaces into ADUs that need to meet current codes.
- On smaller lots, lot coverage limits may constrain the capacity to build a unit.
- Although Oregon has a property tax freeze measure, property taxes were being reassessed after development of an ADU because the county was seeing this change as a rezone, which therefore triggered a reappraisal of the entire property. In some cases this resulted in a 3- and 4-fold increase in property taxes. This was averted through a state determination that building an ADU does not constitute a rezone.
- Portland's code ensures that accessory dwelling units are compatible with the desired character and livability of residential zones, which may help public support but is also creatively limiting, particularly for contemporary styles. Some professionals question why this is needed for structures that are relegated to the rear of the property.
- Setbacks for corner lot/side street conditions are not stated and left to interpretation. If interpreted as needing 40 feet on both street faces, little to no developable area can be found for the ADU unless it is attached to the primary structure.

New Hampshire—New Hampshire Accessory Dwelling Units statute (RSA 674:71-73)

effective 06/01/2017

Statute Sponsor: Initial draft by New Hampshire Home Builders Association sponsored in the state senate by David Boutin, rewritten by Ben Frost

Contact: Ben Frost, Director, Legal and Public Affairs, New Hampshire Housing Finance Authority

Background and the reason the statute was prepared

New Hampshire's state legislature recognized that there is a growing need for more diverse and affordable housing opportunities to accommodate independent living and family caregiving at home. The goal was to increase the supply of housing without having to further expand land development beyond existing infrastructure. When the bill was introduced in 2015, the supporting coalition included real estate professionals, AARP, disability rights advocates, young professionals, and housing advocates. They saw that ADUs offered greater flexibility and affordability in housing options. Beyond the allowance of accessory dwelling units in single-family zones, the law largely establishes what local jurisdictions may or may not regulate as related to ADUs.

What does the statute allow?

- Accessory dwelling units must be attached or within the single-family dwelling. A municipality may permit detached accessory dwelling units, but it's not required.
- ADUs are allowed by-right, by conditional use, or by special exception in all zoning districts that permit single-family dwellings without additional requirements for lot size, frontage, space limitations, or other controls beyond what would be required for a single-family dwelling without an ADU.
- Any regulations applicable to single-family dwellings also apply to the accessory dwelling unit, including lot coverage standards and standards for maximum occupancy per bedroom.
- A municipality may regulate parking requirements to accommodate the ADU.
- Establishing design standards for the purpose of aesthetic compatibility with the principal dwelling unit as a single-family dwelling is allowable.
- Establishing minimum and maximum sizes for an ADU is allowed but it may not be restricted to less than 750 square feet and it cannot be limited to only one bedroom.
- Municipalities are allowed to require owner occupancy of one of the dwelling units, but it shall not specify which unit the owner must occupy. Familial relationships between the units may not be required.

How was the statute adopted?

The statute was introduced in 2015, passed in 2016 and went in effect 2017. Most towns held their town meetings with sufficient time to review in advance of final approval. Each municipality had the option to amend the law for their jurisdiction. Some made refinements based on what the statute was allowing to be regulated, and others accepted the statute as is without further refinements for their municipality. Generally speaking it was a tough public process to get it adopted, as the House has over 400 members with varying interests. Eventually through ongoing dialog the statute passed with a 2-to-1 margin.



There were some minor amendments made in 2017 to the statute. One of them allowed municipalities to prohibit accessory dwelling units associated with multiple single-family dwellings attached to each other, such as townhouses, and also to prohibit ADUs in association with manufactured housing. Another modification stated that ADUs may not be sold as condominiums unless the municipality explicitly allows it; such sales may be allowed either through zoning or subdivision regulations.

Built results

Across the state, ADU development has been slow but incremental. In communities such as Portsmouth and Merrimack, about one ADU a month is being permitted. One of the biggest challenges is the need to communicate the issues and solutions to local decision makers as well as communicating to homeowners that this is available to them (homeowner's guide to the website).

Incentives for building ADUs

- One allowance that helps minimize construction costs is that water and sanitary disposal systems for the ADU may be shared by those of the principal dwelling unit.
- A new septic system does not need to be built unless the existing system is unlicensed or has failed. The applicant for a permit to construct an accessory dwelling unit shall make adequate provisions for water supply and sewage disposal for the accessory dwelling unit, but separate systems shall not be required for the principal and accessory dwelling units.
- If an ADU meets the rental price standards of the Workforce Housing Law, then the municipality may count the unit as part of its "fair share" calculation.
- Annual ADU tours offer community members an opportunity to view built examples first hand, inspiring some to build their own structures and allowing others to see how they are compatible with the surrounding neighborhood.

Challenges in building ADUs

- The state allows local municipalities to adopt discretionary review for design standards and permit process in the form of conditional use permits and special exceptions. Even if limited to prescriptive requirements rather than discretionary ones, having another layer of review extends the approval process timeline and, as a result, the overall project cost as compared to a by-right process.
- The majority of municipalities typically require owner occupancy. While this practice typically garners the most local public support, it also limits the amount of development of this building type. Owner-occupied properties tend to be more likely to be used as a short-term rental or guest house rather than long-term rentals that alleviate overall housing demand.
- The requirement for an interior door between the principal dwelling unit and the accessory dwelling unit can add complication and cost for building this fire wall, especially when dealing with existing conditions.
- While permitting an ADU with an existing dwelling cannot require the construction of a new water system, the modification of the existing one may be necessary.
- If a municipality requires impact fees, whether they will apply will depend on how the local municipality charges their fees (by unit or by bedroom).
- Education of and communication with local decision makers and the broader public needs to be carefully thought through to ensure a successful rate of development.
- Primary public concerns are related to short-term rentals, which the ADU law does not refer to or limit their use for this purpose. Some New Hampshire municipalities (e.g. Portsmouth) are moving ahead with regulations limiting short-term rentals, but this does not mean that an owner cannot create an ADU. There are various initiatives in the legislature to study or regulate short-term rentals, but the state of these efforts is in flux.

Austin, Texas—Accessory Dwelling Units Ordinance, No. 20151119-080

approved 11/19/2015

Code Preparer: The City of Austin

Contact: Greg Dutton, Principal Planner, City of Austin Planning and Zoning Department

Background and the reason the ordinance was prepared

Although ADUs were permitted in various forms prior to 2015, the 2015 ordinance expanded and relaxed regulations. In 2015, the minimum lot size requirement was reduced, and the development standards were amended. For example, previously a driveway was needed to go up to the ADU itself, but with the amendments, parking is allowed in the primary driveway. Also, in 2015 a reduction in the number of required parking spaces passed for areas close to transit corridors. The question of whether the short-term rentals should be allowed slowed down the public process; however, the final suggestion for the 30 days maximum of short-rental passed.

What does the ordinance allow?

- For a two-family residential lot, the secondary unit must: 1) be contained in a structure other than the principal structure (i.e. only detached structures); 2) be located (a) at least 10 feet to the rear or side of the principal structure or (b) above a detached garage; (3) may be connected to the principal structure by a covered walkway.
- One onsite parking spot is required for the ADU unless the property is within a quarter mile of an Imagine Austin corridor served by transit. ADU parking requirements are less stringent than single-family use, which requires two onsite parking spots per dwelling unit.
- Building height may not exceed 30 feet and is limited to two stories.
- An ADU may not exceed 1,100 total square feet or a floor-to-area ratio of 0.15, whichever is smaller, with 550 square feet maximum on the second story.
- An ADU may not be used as a short-term rental for more than 30 days in a calendar year if the secondary apartment was constructed after October 1, 2015. For short-term rentals, a permit is required.
- Impervious cover for the site may not exceed 45 percent.
- Building cover for the site may not exceed 40 percent.

How was the ordinance adopted?

Council initiated the amendment process and asked staff to reduce regulatory barriers to building ADUs. Two public meetings were conducted and staff generated recommendations that were taken to Planning Commission and Council. Most of the discussion at Planning Commission and Council that had public input involved whether ADUs should be allowed in SF-2 zoning, which only allows a single dwelling (ultimately Council decided to not allow ADUs in SF-2 zones). Also, a limitation on short-term rentals was sought by the public and included in the final ordinance. In general the site-development changes got general support, but where ADUs could be built and how they could be used were the points of contention.

Built results

The number of ADUs constructed increased after the ordinance was passed but remains a small number compared to Austin's overall housing needs. The ordinance has not necessarily yielded smaller and more affordable units, as ADUs are typically built to the maximum size the constraints allow. However, this will still yield a home at a lower price point than the typical primary single-family home that is newly built.

Incentives for building ADUs

- Onsite parking is reduced for proximity to transit lines.
- ADUs garnered political support from the public due to the lack of affordable housing options.
- The code is administered by right, making for an efficient and quick approval timeline.
- Owner-occupancy is not required.
- The property may be turned in two condos, which provides an affordable home ownership option.

Challenges in building ADUs

- Financing is an issue for the same reasons discussed under the Portland section.
- Construction costs (including design, permitting and materials) can be prohibitive for individual homeowner at middle-income levels.
- Applicants may need to upgrade water/wastewater lines to accommodate ADU bathroom(s), which can add significant cost to construction and ultimately might work as a barrier to their development.
- ADUs are allowed in two-family residential lots (in SF-3, SF-5 and SF-6 but not in SF-1 and SF-2 zones). SF-3 is the most applicable single-family zone, but it only allows two units max (house and ADU or a duplex but not both). In that case, the owner or builder is more likely to default to a duplex as a more profitable investment, as the final cost is probably lower than an ADU.
- Applicants with smaller sites/lots may have trouble fitting onsite parking and/or building a unit large enough to be easily marketable (unit size is limited to 0.15 FAR).
- Limit of 550 square feet on the second level is a potentially a limiting factor.
- Minimum lot size requirement of 5,750 square feet also prohibits lots smaller than that from having an ADU.
- If the unit is above a garage, the unit is basically limited to one level because of the height restriction.
- Adding a unit will inevitably increase the appraised value and property tax. The property tax re-evaluation happens every year.



Los Angeles, Calif.—Accessory Dwelling Units SB 1069 and AB 2939

Code Preparer: SB 1069: State Senator Bob Wieckowski; AB 2939: Assembly member Phil Ting

Contact: Matthew Glesne, Planning Department, City of Los Angeles

Background

The 1985 citywide ordinance allowed ADUs with a discretionary conditional use permit (CUP). Upon passage of AB 1866 (2002), the discretionary component of the law was no longer enforceable. Later, in 2010, the City halted enforcing the 1985 ordinance altogether and relied solely on the standards in state law, combined with applicable existing local, objective zoning standards. A court decision in 2016 ruled the 2010 zoning interpretation invalid and put a halt on the permitting of any ADUs that relied upon the interpretations.

Since 2017, upon adoption of SB 1069 and AB 2299, Los Angeles is operating under state laws that allow ADUs by right, provided they meet objective criteria. A local ADU ordinance has been proposed to take the place of state law and is currently pending before City Council.

What does the ordinance allow?

- **Parking:** The state law allows local agencies to reduce or eliminate parking requirements for any accessory dwelling units located within its jurisdiction and states that parking requirements for accessory dwelling units shall not exceed one parking space per unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway. Los Angeles requires one spot for ADUs unless the location meets one of the city's four criteria, including proximity to public transit, then no space is required. Replacement parking is required if an existing garage is converted to an ADU; however, the parking may be located in the front-yard setback in an existing driveway.
- **Height limits:** The regulations default to the same requirements as for accessory buildings, which allows for two stories with no specified numeric maximum.
- **Setbacks:** Same as for an accessory structure, which includes an additional 5 feet from setback for second story.
- **Size:** Up to 1,200 square feet is allowed for a detached unit. Attached units are limited to no larger than 50 percent of the main unit. A minimum of 150 square feet is required for an efficiency unit. Houses on wheels will count as an ADU in proposed ordinance.
- **FAR:** Both units combined are limited to 0.45.

How was the ordinance adopted?

The City is currently operating under state law. In January of 2017, a California state law, SB 1069, took effect that allows homeowners to build an accessory dwelling by right. No local California ADU code can be more restrictive than state law on 10 specific items. Many local existing codes have not yet caught up with state regulation.

Built results

Since state law was adopted in 2017, approximately 6,500 permits have been issued for ADUs, with a current rate of about 350 per month. The number of ADU applications continues to increase, with about 5,400 applications submitted in 2018 alone. Approximately, 800 are in a holding pattern or have been effectively denied due to easement requirement conflicts with power lines. About 45 percent of all ADU permits since 2017 have been conversions within the existing space, either inside the primary structure or the garage. About 35 percent are attached additions and the remainder are detached new construction.

Incentives for building ADUs

- Sprinklers are not required unless the main home required them when it was built.
- Fees overall are lower compared to the average municipality. The largest segment of the fees are LAUSD school development fees. However, school fees are waived if the conversion is less than 500 square feet or is a conversion of already habitable space. Therefore, total fees range from less than \$850 for smaller conversions up to a maximum of about \$6,400 for new construction. Fees also depend on project valuations, which keeps conversions and additions less expensive. For sewer, an extension line is typically needed, but there are no capacity connection charges if it is a conversion.
- Additional electric or water meters are not required.
- Owner occupancy is not required for either structure.
- If you are in a transit corridor, you do not have to provide a parking space, but you have to replace any being removed. The replacement spots are not required to be covered and can be tandem or located on any part of the property.
- There is a housing shortage. Homeowners are seeing the benefits to building ADUs. The reduction in the regulatory barriers, partnered with clear process guidelines, educational materials, and nearby built examples have a significant influence on the number of ADUs that are constructed.
- Efficient permitting system.
- Los Angeles has found success by having their staff be well versed on the state law as well as be strong advocates and facilitators who help applicants through the process, and by encouraging all departments to talk to each other.
- A guidebook developed in partnership with UCLA Citylab is provided to facilitate public education.

Challenges in building ADUs

- Meeting California energy codes can be particularly challenging for conversion projects that have existing structures. The associated fees are high, as they are not proportionate to size and cost.
- Existing garages that fall within power line easements present hurdles for owners wanting to convert those garages into ADUs. Non-habitable spaces, such as a garages, are allowed within the easement, but habitable structures, such as an ADU, are not.
- There are conditions on short-term rentals specified in the city's short-term rental ordinance. ADUs are not mean for short term; it needs to be a permanent residence.
- Financing is the biggest challenge. Most people have to take out home equity lines in order to cover the cost of construction. Banks have been unwilling to grant loans based on potential projected income, which is likely to change as more ADUs are constructed and rented to provide comps.



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Small Lot Ordinances and Density Incentives

Small lot codes and density incentives to existing zoning are typically used in one of three types of situations: to enable lots smaller than the current zoning allows, to make development feasible on a lot with an irregular shape or size that cannot achieve what the zoning allows, or to allow more units on a lot than are currently allowed, but within the same overall size of buildings in the neighborhood. While these tools can be part of a comprehensive zoning code, they are most often created and applied to focused areas through individual ordinances or amendments to existing codes. This is usually in an effort to accommodate change within established neighborhoods while not changing the existing zoning. A key consideration in using this approach is to work with the neighborhood to clearly understand and establish what the long-term intended physical character is for the area. This is critical to focusing change and making it fit the neighborhood's expectations.

Denver, Colo.—Denver Zoning Code, Amendment to Minimum Lot Size in Single-Family Zones

Code Preparer: City of Denver, Code Studio, Ferrell Madden Associates

Contact: Peter Park, former Director of Planning, City of Denver

Background and the reason the amendment was prepared

The amendment was part of an overall code update that was prepared primarily in response to the significant changes in physical character that many 1920s single-family neighborhoods were experiencing. Houses were being demolished to meet the 1955 zoning that required 6,000 square feet for a new house or duplex. The zoning was not coordinated with the prevalent pattern of the neighborhoods that consist primarily of 25-foot wide lots with alley access. The 1955 zoning immediately made the houses and their lot patterns nonconforming, presenting major issues to owners and potential owners for refinancing, insurance, etc. Further, the new housing was not affordable.

As these issues gained support to be addressed, smaller homes were considered on the existing narrow lots. But the process was lengthy and cumbersome and proved to be ineffective. This led to the need for using a Planned Unit Development (PUD) process for these types of projects, a planning tool intended for sites and projects larger than one house.

What does the amendment allow?

- In 2010 the city thoroughly revised its zoning code and rezoned most of its urban areas to reflect the prevalent lot patterns and the physical scale and character of the house-scale buildings.
- The 2010 code update reduced the minimum lot size of some residential areas to 3,000 square feet if single-family or 4,500 square feet if multifamily.
- A PUD is no longer necessary for these types of lots.
- Small houses are once again allowed on small lots and with a streamlined process.
- ADUs are allowed in all residential zones, and their size is regulated by the size of the lot.
- One off-street parking space is required for ADUs. Interestingly, Denver has a history of not requiring off-street parking for single-family houses and duplexes, but builders typically provide it anyway.

How was the amendment adopted?

The amendments to single-family zoning were part of a larger, comprehensive code update and consistent rezoning process. The new standards use an approach similar to building types but at a broader level of detail that focuses on the overall envelope rather than the specifics of individual building types. This was in response to strong concerns from the development community and designers about focusing the standards on overall form and not letting the standards dictate design. Staff met with neighborhoods to explain how density and form are related, as well as the importance of other guidelines such as lot coverage and height.

Built results

The 2010 code has resulted in a range of buildings from ADUs, small houses and duplexes to small and large multifamily buildings.

Incentives for building small homes

- The reduction in the required minimum lot size is a major incentive because the lot size directly reflects the size(s) of possible houses.
- The continuation of not requiring off-street parking for single-family houses provides an owner or builder with the option of reducing house size and construction cost.

Challenges in building small homes

- Several single-family neighborhoods have experienced the situation of new multifamily buildings that comply with the new standards but do not fit in with the established neighborhood character and pattern of houses. This is most evident through the larger massing of the new buildings and the lack of pedestrian entries facing the street. The new multifamily buildings are referred to as 'Slot Houses'. Inadvertently, the 2010 code update did not prevent certain multifamily buildings from being built in single-family neighborhoods. As of the writing of this report, the issues of incompatible size and massing are being addressed. However, because of their higher yield and relatively simple process, Slot Houses are still appealing for builders. Until small houses are provided with a simpler process than multifamily buildings, there is not a significant incentive to build small houses, and the effort is perceived as nearly the same amount of effort as for a 'Slot House'.



Los Angeles, Calif.—Small Lot Ordinance

Ordinance Preparer: City of Los Angeles

Contact: Jenna Monterrosa, City Planner and Council Liaison for Los Angeles Department of City Planning

Background and the reason the ordinance was prepared

The ordinance was prepared in 2005 to allow for the subdivision of underutilized land into fee-simple homes in multifamily and commercial areas. Intended for infill development and a smart-growth alternative to traditional, suburban style, single-family subdivisions, this ordinance allows small lot homes to have smaller lot areas with compact building footprints and reduced building setbacks, passageways between buildings, and open space. Key to this ordinance is the objective to realize more housing that can be sold in the same way as a single-family house and not be dependent upon a condominium approach.

In 2014, the ordinance was supported by Small Lot Design Guidelines to help guide interpretations and clarify solutions dealing with adjacent houses, uses, and topography.

In 2018, a comprehensive update made the following changes to the ordinance:

- Amended code regulations that reduce previous exceptions to the zoning code;
- Established a review process for compliance with the Small Lot Design Standards through an administrative clearance process;
- Established a process to easily subdivide existing apartment homes constructed more than 45 years ago into Small Lot Homes; and
- Established map standards that regulate the design of a small lot's subdivision map.

What does the ordinance allow?

- Small lot home density calculations are based on the zoning code's multifamily dwelling unit requirement, rather than how single-family homes are typically calculated.
- Each small lot home must be structurally independent, without shared foundations or common walls. The amount of separation between buildings is the minimum required by the Building Code.
- Duplexes and triplexes are allowed, but typically, each lot is a single-family lot.
- Each lot may be as small as 18-feet wide and 600 square feet.
- Small lot development is not allowed in areas that are solely single-family houses or duplexes.

How was the ordinance adopted?

The ordinance was adopted into the City's zoning code (LAMC Section 12.22-C27) in 2005 and later supported with design guidelines that are advisory policy direction for implementing the standards.

Built results

The results are typically not individual small homes but individual homes that are technically independent and/or detached that visually appear as one large building. The separation can be as little as 4 to 6 inches that is covered by a sheet metal cap at the top of the building. Although the ordinance was intended to provide for a variety of housing types and ownership, the results tend to maximize each site and are not necessarily affordable.

Recent amendments to the ordinance are likely to result in slightly reduced-sized homes. These amendments slightly reduce lot coverage, increase minimum lot width, and increase setbacks. These changes, as well as the addition of an administrative clearance process to require adherence to design standards, are intended to improve the compatibility of small lot subdivision projects in existing neighborhoods.

Incentives for building small homes

- These projects go through a streamlined administrative process that is nearly a check-list type approach.
- The process allows the staff to provide administrative relief from the standards based on the situation.
- The ability to provide fee-simple ownership in multifamily zoned areas.
- Compared to condominium projects, small lot projects do not require an HOA and require less parking and common open space while allowing higher lot coverage (75 percent).
- The process has been improved to allow construction prior to full recordation of the subdivision. However, the units are not allowed to be occupied until full recordation of the subdivision.

Challenges in building small homes

- The original setback requirements were interpreted as only applying to the perimeter and not between individual units as intended. This has been revised to require the front setback to match what the zone requires. The rear and sides have been revised to require a larger setback as the building height increases.
- Sometimes a small lot subdivision is proposed in an area that is zoned for multifamily but developed with single-family houses or duplexes. In these situations, a neighbor's perception is that the zoning is changing, so they oppose the project.
- This ordinance was prepared to not result in removal of the numerous cottage courts that already provide small homes.
- The requirement to have a street-facing entry has been clarified and improved.
- Condominiums require more parking and more common open space than single-family buildings. This ordinance has been used by developers to avoid the condominium requirements while producing a building that appears to the neighbors as a condominium building, even though it consists of individual single-family units.
- Many buildings result in what appears to be one large building. The design guidelines have been clarified to require a variation in the roof line when the building contains 3 or more units.
- Small lot homes can face challenges that relate to access (vehicle turnaround/back-up space, fire, sanitation). This is unique to small lot subdivisions because regulations are based on the traditional single-family residential or apartment building type. For example, if a fire lane is required because a fire hose is unable to reach a small lot home that is more than 200-feet from the street, driveway access must be widened, which can reduce the building size or potentially eliminate units.



Asheville, N.C.—Amendments to Residential Zoning Districts (Ordinances 4068 and 4621)

Ordinance Preparer: City of Asheville

Contact: Vaidila Satvika, Urban Planner II, Department of Planning and Urban Design

Background and the reason the ordinance was prepared

The ordinances were prepared in response to multiple factors that ultimately made the City reconsider its standards for residential zoning districts to help meet housing needs: a very low vacancy rate of 3 percent, residential districts that were not meeting the permitted zoning potential, no additional annexations allowed by the State, and a realization that older zoning codes provided greater flexibility than current regulations had dropped. For example, the 1948 zoning code allowed multifamily units in all residential zones but was later changed to not allow these units in most residential zones, primarily through the establishment of single-family zoning districts. Supporting the direction for change there was strong public feedback showing clear support for reducing lot sizes, incentivizing duplexes and multifamily buildings while establishing 'neighborhood-scale multifamily design standards', and seeking better design regulations for multifamily buildings to protect neighborhood character.

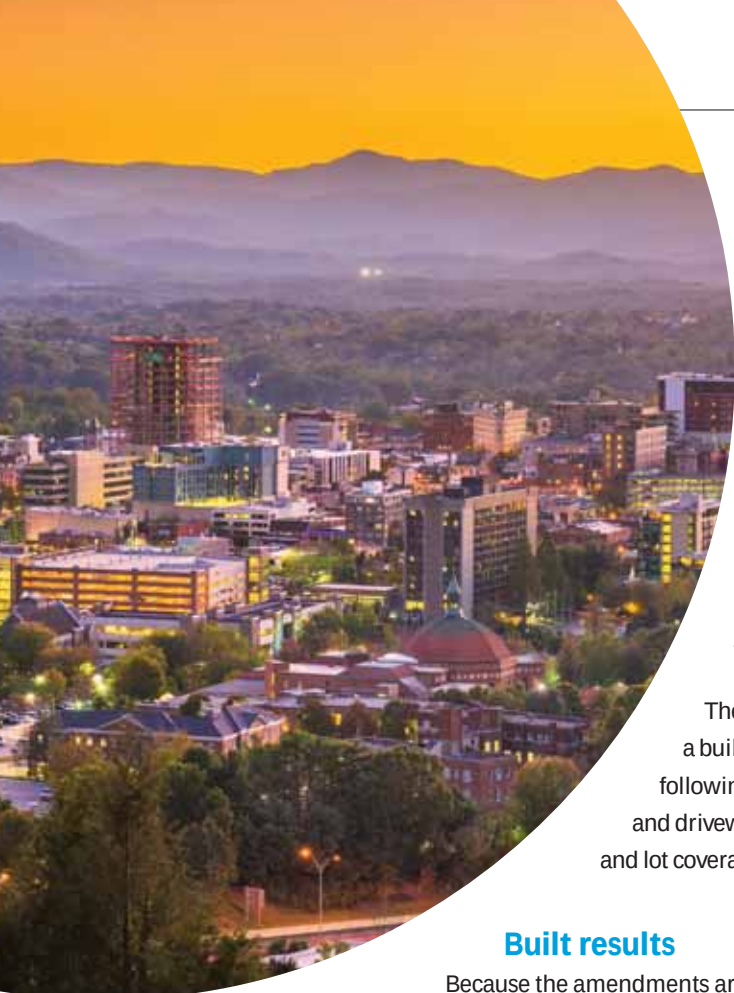
What do the ordinances allow?

- The new standards allow a greater variety of housing options and more incentives for multifamily buildings through a twenty percent reduction in required lot size and reduced land requirements in multifamily districts. These changes enable duplexes to fiveplexes on lots that previously only allowed single-family houses. This is significant in providing more housing, especially because approximately two-thirds of the city's residential areas are zoned exclusively for single-family houses. With the new standards, these single-family districts can more easily carve up larger properties and maintain the house form, physical scale, and character of these lower-intensity neighborhoods.
- The amount of off-street parking was not changed but the location requirements were adjusted to allow uncovered parking in the front and sides of a lot. In addition, the driveway width standard for small multifamily buildings was reduced from 12-feet to 9-feet, which gives more flexibility to designers where site constraints demand smaller house sizes and tighter accommodations for vehicles.

How were the ordinances adopted?

The ordinances revised existing zoning standards and embedded language from earlier Asheville zoning codes. The amendments were adopted in late 2017 after significant community outreach that provided a dialogue between staff and the public to work through the issues.





The standards included changes to definitions, lot frontage, lot area, density, building footprint, parking, access, and design standards for small-scale multifamily buildings. The community outreach program that was used to understand community concerns and to explain options and details of proposed standards was very well prepared. By comparing the 1948 standards with the current zoning standards that replaced them, staff was able to demonstrate that Asheville had lost regulations that helped to establish some of its best neighborhoods. By showing images of charming buildings that were previously permitted, the public was able to understand in a clear and simple format and to understand and appreciate the reasons and need for the proposed changes.

The new regulations for multifamily projects includes requirements that a building's design is compatible with the neighborhood on at least the following characteristics: number and location of entries, roof style, parking and driveways, planting and street trees, orientation of building, building mass and lot coverage, setbacks, height, and front porch.

Built results

Because the amendments are relatively new, built results are just starting to be realized.

Incentives

- The reduction of minimum lot size standards provide more flexibility for property owners to use their land more efficiently.
- Multifamily-zoned properties can much more easily add units because of the relatively low amount of additional lot area (1,000 square feet) needed for each additional unit.
- Through the multifamily design standards, neighborhoods are assured that multifamily buildings will be relatively consistent with the context of houses in the area.
- Additional housing units are being added incrementally throughout the city to disperse the negative side effects of development.

Challenges

- Because built results are just beginning to be realized, concern is still relatively high about the actual results that the amendments will allow.

Kirkland, Wash.—Cottage, Carriage and Two/Three-Unit Homes, Kirkland Zoning Code, Chapter 113, Ord. 4152 § 1, 2008; Ord. 4120 § 1, 2007

Code Preparer: City of Kirkland

Contact: Adam Weinstein, AICP, Deputy Planning Director

Background and the reason the code was prepared

The code was prepared in response to the State of Washington Growth Management Act of 1989 that requires cities to increase density and affordable housing to stop sprawl. The ordinance is aimed at addressing the changing composition of households and the need for smaller, more diverse, more affordable housing choices, while ensuring compatibility with surrounding single-family residential development. However, the ordinance was prepared after a demonstration project was allowed so that the idea could be tested and public feedback received before allowing more projects. Although some small and compact housing projects had been built in the region, the city was reluctant to adopt a new code to allow such projects.

What does the code allow?

- Three types of buildings:
- Cottage: A detached, single-family dwelling unit containing up to 1,500 square feet of gross floor area.
- Carriage Unit: A single-family dwelling unit up to 800 square feet in gross floor area, located above a garage structure in a cottage housing development.
- Two/Three-Unit Home: A structure containing up to 3 dwelling units designed to look like a detached single-family home.
- The code allows these housing types only in the following low density zones: RS 7.2, RSX 7.2, RS 8.5, RSX 8.5, RS 12.5, and RSX 12.5.
- Projects with 10 or more housing units are required to provide 10 percent of the units as affordable to median income households.
- The allowed density is twice the maximum number of detached dwelling units allowed in the underlying zone, and the allowed FAR is up to 0.35.
- The number of allowed cottages ranges from 4 - 24, with up to 12 per cluster.
- Two- to three-unit homes are limited to either one two-unit or one three-unit home, or as part of a cottage development, unless approved through a discretionary process.
- Parking is required at one space per unit less than 700 square feet, 1.5 spaces between 700 - 1,000 square feet, and two spaces for units over 1,000 square feet.
- Lot coverage is allowed up to 50 percent, and there is no minimum lot size.
- Community buildings and community space are encouraged.
- Administrative approval process includes review and feedback from city about the design, open space, and parking.
- Each cottage can be subdivided into an individual lot to provide for rental and ownership opportunities.

How was the code adopted?

The code was adopted in 2007 and is an optional infill zone that developers can apply to their site. The process for adopting the ordinance was relatively easy.

Built results

Several projects have been built, and most are considered very successful. One of the limiting factors is that there is very little amount of land left to be developed, so there is not a lot of opportunity for larger projects similar to the demonstration project at Danielson Grove. For those that have been built, while individual unit prices are high, they are somewhat more affordable than standard new single-family units.

Incentives

- The administrative process expedites the review and approval of these units.
- Only allowed in single-family zones, which greatly clarifies where these units can be considered.
- City is promoting these units as alternatives models of housing closer to transit corridors.

Challenges

- Limitations on proximity to other similar projects.
- Very high land prices to build a small cottage end up being compared with the effort and expense needed to build a large single-family house.
- Most development firms do not have much experience with this housing typology.
- Some developers want to build this type as attached units, while the intent is to build detached units, causing delays in the review and approval process.
- ADUs are not allowed in cottage courts.
- When garages are attached to the unit, the resulting size of the cottage looks more like a single-family house instead of a small cottage. This is especially concerning as the distance between units decreases.



Cottage Court Ordinances

While cottage courts have existed in some iteration for over 100 years, only recently have there been ordinances written specifically to create cottage courts. In the early 1990s, Langley, Washington was the first community to have a contemporary cottage housing ordinance. Langley's ordinance provided incentives to create infill housing and small homes in any residential zone if limited to 1,000 square feet in size and if oriented around a green with height limitations and parking screened from the street. Following adoption of this ordinance, a developer could double the density in any zone. Since then, a handful of communities have adopted specific cottage court ordinances or amendments to their existing code that regulate cottage court standards.

In addition to being enabled through a stand-alone ordinance, it is increasingly common to find cottage courts as an allowed building type in a broader code, as seen with Kirkland in the section above, as with Raleigh described in the section below, or in several of the form-based codes in Section D. Alternatively, cottage courts can be developed as a Planned Unit Development (PUD). But that can be an expensive and time-intensive process depending on the community. Most cottage court developments are condominium-oriented, but some are fee-simple with actual lot lines. The latter configuration presents challenges, in that every lot needs to be serviced on a public right of way for the parking configuration but fee-simple ownership is preferred from a bank financing perspective.

Despite these codes and modifications to the zoning standards, there has not been a notable amount of this building type built to date. There is much speculation as to the reasons why this is the case. Some interviewed for this report point to the key reason being very high land and construction costs making these smaller homes financially infeasible for a middle market price point. The communities where cottage courts have been successfully built, places such as Kirkland, Redmond, and Palo Alto, have a high upper end on housing prices. Other reasons cited are cumbersome review processes and high impact fees. In Milwaukie, Oregon the current cottage court ordinance only allows cottage courts in multifamily zones, defeating the density incentives when compared to other allowed building types. The planning staff in Milwaukie recognizes this limitation and are now in the process of amending their code to allow cottage courts in single-family zones. In addition to the above obstacles, there is the general public's perception that small units will reduce the value of adjacent properties.

Cottage courts do require a certain buy-in to a community-oriented living style, and developers may be reticent to attempt a new model. However, demand and interest has been growing for community-oriented developments, especially among seniors. It's important to point out that when cottage courts first were developed in the early 20th century, this type of housing was in response to the need for a unit that a single worker could afford and that did not use up lot area for parking. That is why these units tend to be very small and typically near transit and employment areas. Over 100 years have passed since the invention of the cottage court, but the need is still the same or even broader as older people are also now interested. Better refinement of the codes and more built projects will help generate public buy-in and support. The examples highlighted in this section are shown largely for their lessons learned. Both municipalities have recognized certain shortcomings of their existing codes and are in the process of making amendments to their standards to address what they have learned.

Ashland, Ore.—18.2.3.090 Cottage Housing Code

Code Preparer: City of Ashland

Contact: Bill Molnar, Community Development Director, City of Ashland, OR; Mark Knox, KDA Homes, LLC

Background and the reason the code was prepared

The cottage housing code was initiated by the city to address high housing costs and demand for market-rate, non-deed-restricted housing. In its review of potential housing to types to consider, the city focused on lower-intensity, shared format housing types such as co-housing, cottage courts, and pocket neighborhoods. This approach was taken to fit new housing into the established pattern of detached houses. A key factor in preparing the code was to make effective use of limited sites within the city's urban growth boundary, while recognizing that most available sites are within single-family neighborhoods. In addition, the state of Oregon requires that cities have clear and objective standards for housing development.

The code's initial focus was on how to allow more housing—three to five units—on larger single-family lots, while keeping the additional units small, in physical balance with the neighborhoods. As the code continued to be developed, the possibility of larger sites within neighborhoods raised the need to be clearer about the total number of units to keep good physical balance with adjacent houses. This led to the requirement that the units be small and be organized around a large, shared open space.

The time to prepare, consider and adopt the code took 18 months, with the ordinance adopted in 2017.

What does the code allow?

- **Units:** Minimum 3, maximum 12 (up to half the units may be attached).
- **Density:** 11.6 to 17.4 dwelling units per acre.
- **FAR:** Maximum 0.35.
- **Unit size:** Maximum 1,000 square feet. In projects of only three units, two must be less than 800 square feet; in projects of four or more units, 75 percent must be less than 800 square feet.
- **Height:** Maximum 18 feet to the eave, with the ridge of a pitched roof allowed up to 26 feet.
- **Lot coverage:** Maximum 50 percent in zone (house, porch, driveways, sidewalks, 'not natural'); this code increases it to 55 percent if there is porous concrete, grass-crete, etc., but still it is not enough.
- **Building separation:** Minimum 6 feet (typically 12).
- **Fences:** Allowed between units but not taller than 4 feet.
- **Public street(s):** May be waived if project meets block length standards by providing public access for pedestrians and bicyclists through an alley, shared street, or multi-use path.
- **Parking:** One space per unit (two required in zone); parking spaces are required to be consolidated to minimize the number of parking areas. Guest parking is not required.
- **Open space:** Minimum 20 percent of total site area, with a minimum dimension of 20 feet, and required to consist of a central open space or series of interconnected open spaces. Parking areas, driveways, wetlands, and steep slopes do not count toward this requirement.

- **Requirement to abut open space:** Minimum 50 percent of units required to abut the site's open space.
- **Private outdoor area:** Minimum 200 square feet per unit (e.g., patio, porch, garden) with a minimum dimension of 8 feet.
- **Common buildings:** Maximum 25 percent of the required open space but not more than 1,500 square feet may be utilized for a community building.
- **ADUs:** New ADUs are not allowed. If one exists on the site, it can continue.

How was the code adopted?

The ordinance was adopted as a cottage court code that only applies in single-family zones. Using this tool does not require a zone change. When this tool is applied, it is as a separate set of standards that specifically change certain standards while relying on the rest of the existing ordinances and standards.

Oregon state law requires clear and objective standards and enables by-right approval. However, because of these sites being subdivided into individual cottage lots, that becomes a discretionary action and requires Planning Commission approval. There is interest in someday delegating these approvals to the Community Development Director, but this will depend on the built results being acceptable and not resulting in the need for more review to address issues.

Built results

The first project to be built under the new ordinance is in the review and approval process and scheduled for a mid-February approval. The project is on a 0.75-acre site in an established single-family neighborhood and consists of 12 cottages. The project and surrounding neighborhood are about a half-mile (10-minute walk) from downtown Ashland and transit. There is an elementary school within a block of the site.

The project features a shared garden that is shaped by the 12 cottages. The cottages are all single-story and have porch frontages on the adjacent street or to the shared garden. The project's marketing is aiming at buyers interested in small lot development cottage courts and Missing Middle Housing.

This first project was submitted and approved for construction within a 4.5 month time frame, with construction expected to start in April and sales ready by November.

Incentives for building cottage courts

- Off-street parking was reduced from 1.75 to 1 per unit. This was made possible by much staff research and by looking at the actual neighborhoods to understand actual parking habits and needs.
- Minimum separation between units was reduced to 6 feet from 12 feet.
- Duplexes are allowed (during code preparation, up to three attached units were considered).
- Additional density up to 17 beyond the existing 11.6 dwelling units per acre.
- Clear and objective standards have limited frivolous appeals.

Challenges in building cottage courts

- Developers have identified that impervious surface limits are too restrictive and lot coverage is too low. Staff acknowledges these issues but wants to review built results before considering changes to the standards.
- The community is very concerned about landscaping and wants as much as possible. The required shared courtyard helps to address this issue.
- Market acceptance is slow because new projects like this do not exist.
- Until the built results convince people otherwise, there is still neighborhood opposition to any increase in density.
- There is strong concern about the ability for residents in the neighborhood to easily evacuate in a fire emergency.

Raleigh, N.C.—Unified Development Ordinance (UDO) which includes Cottage Court Building Types

Code Preparer: Code Studio

Contact: Kenneth Bowers, AICP, Planning Director, City of Raleigh

Background and the reason the ordinance was prepared

The cottage court provision was added to the code as part of a ground-up rewrite of the entire development code that became effective in 2013. For the residential portion, the ordinance is written as a form-based code that allows a cottage court building type. This type contributed to some of the overall objectives of the UDO, such as providing neighborhoods with a variety of housing types to serve the needs of diverse population, removing barriers and providing incentives for walkable projects, and encouraging compact development.

What does the ordinance allow?

Within the UDO the regulations related to the cottage court building type allow for the following by administrative approval:

- **Total units:** 5 cottages maximum at the minimum site size, with additional cottages permitted with additional site area.
- **Building footprints:** 1,000 - 1,400 square feet, with a detached accessory maximum of 450 square feet.
- **Building height:** 25 feet maximum building height.
- **Parking:** Two spaces per unit which is not required to be covered and no guest parking needed. Since there are no alleys, driveways are needed.
- **Setbacks:** Setbacks are the same as in single-family and there is no requirement for the cottages to face the green.
- **Short-term rentals:** not currently allowed

How was the ordinance adopted?

The UDO was a city-initiated process that was adopted through a public process involving City Council approval. While it was a fairly intensive process with plenty of controversies surrounding the rewrite, the cottage court provision did not attract a lot of attention at the time and went through smoothly.

Built results

In terms of the success of the ordinance, there has been little market response to this new option. To date, only one cottage court has been built. The belief is because the cottage court option does not allow additional density, therefore a conventional subdivision will generally produce a better economic return because the houses will be bigger. If the city wants to see more cottage courts, they recognize they probably need to allow additional density above conventional single-family. A text change to increase the permitted density of cottage courts has been authorized by City Council and is pending review in Planning Commission. Potential reductions in required parking for residential uses are being discussed in a City Council committee.



Incentives for building cottage courts

- Required lot sizes got a little bit smaller with the new code.
- While there are no density bonuses, size limitations of cottages allow for more units over the same area.
- If you were able to get more units per prescriber area the unit prices would be more attainable.
- The choice to live in a cottage court about a lifestyle incentive. The cottage courts create more a neighborhood setting with less maintenance burdens than a single-family residence.

Challenges in building cottage courts

- While multiple units are allowed on a single lot the cottage court developments are still required to meet the density of the zone. The city staff have been asked to look for a revision on the cottage court related to the density. Currently the size limitation of the units and the court do not allow for more density.
- The parking requirements are the same as the single-family units which is challenging to do with a two car parking minimum for multiple units on a single lot.
- No reduction in impact fees as they are per unit as in any other development.
- The cottage court is typically handled as condos with an HOA which adds a complication as compared to a single-family residence.

Form-Based Codes (FBCs)

Form-based codes (FBCs) have existed since 1987, with the first adopted in Seaside, FL. The Seaside FBC was largely in response to the developer proposing a project based on historic, highly appealing real estate in the area that the zoning and regulations no longer allowed. This disconnect revealed a major problem in many communities; the zoning does not reflect community needs and does not acknowledge appealing patterns and building types that existed before the zoning. In the interest of time and expense, the developer focused on the issues to be resolved for that project and understandably avoided the more systemic issues that could have delayed the project for years. The easiest path was to adopt a Planned Development specific to that site that would essentially replace the zoning and allow the project. In these cases, the applicant negotiates with the city/county on the standards in exchange for 'better site design' or enhanced results that would otherwise not be achieved through the regular zoning. The applicant and their town planner (DPZ) prepared the FBC that became the content for the Planned Development. As this pattern of broken and unresponsive zoning repeats itself across the U.S., FBCs are being applied to broader and broader areas, having been applied across many areas in large cities.

Novato, Calif.—Northwest Quadrant Zoning District; 19.14.060 Novato Zoning Code

Code Preparer: Opticos Design, Inc.

Contact at City: Bob Brown, former Community Development Director; Vicki Parker, current Community Development Director

Background and the reason the code was prepared

This is a code for one neighborhood in this small city. The city itself is mostly suburban except for this neighborhood and the adjacent Main Street. The neighborhood is low- to moderate- intensity with about 50 percent single-family houses and duplexes, and about 50 percent out-of-scale apartment buildings. These out-of-scale apartment buildings are why the community has been very tough against new multifamily zoning and buildings and why this code was prepared.

The current zoning limits development to 10 dwelling units per acre, but the General Plan allows up to 20 dwelling units per acre. In response to the negative reaction and strong opposition to the large apartment buildings built under the County zoning before Novato's incorporation, which allowed 20 dwelling units per acre, the zoning was reduced so that the full amount of density allowed by the Comprehensive Plan was not allowed. In addition, in 1977, a policy was adopted preventing new apartment development when a "... *sound single-family home exists on the property*". This led to approximately 28 years of disinvestment. As a result, the community asked for options. After working through a variety of choices, the community focused on applying standards to the neighborhood that would allow the General Plan maximum of 20 dwelling units per acre. Much education was needed to show that 20 dwelling units per acre could be achieved with smaller house-scale buildings that are more compatible with the scale of older homes than the previous apartment buildings that the neighborhood wants to avoid. The education effort was a combination of public outreach in community workshops and city staff working with local stakeholders throughout the process.

How was the code adopted?

The code is mandatory and replaces the existing zoning with one form-based zone. The standards apply to new buildings and additions.



What does the code allow?

The code applies the development standards through six building types ranging from carriage houses and ADUs, detached houses to duplexes, triplexes to sixplexes (multiplex small), and cottage court up to courtyard buildings. The code also identifies standards for frontage types to shape the public realm along the front and side streets of each lot. The idea of connecting the public realm to individual development of buildings was well received and confirmed that this was not just about fitting in new buildings but also about improving the public realm. The code relies on existing parking, landscaping, site plan, land use requirements, and review procedures.

- **Height:** All buildings are limited to 20 feet to the highest top plate (eave) and 35 feet overall. The code allows buildings to expand, but through secondary wings. Wings are required to have a smaller scale and height for better compatibility with neighbors.
- **Lot coverage:** Maximum of 40 percent.
- **Density:** The code was carefully prepared and tested to comply with the City's limitation on residential density of 20 dwelling units per acre, while fitting new buildings in with the prevailing low-intensity physical character. The allowed building types and their standards were prepared and tested to comply with this limitation. Because of this, the code does not need to mention or use density as a regulation. This is important, because the community realized that regulating by density was not serving them well and that they needed to reconsider focusing first on the desired and more predictable physical form.
- **Building types:** A total of six house-scale building types are allowed, each with its own lot size, coverage, and building size requirements, to generate buildings that reflect the scale desired by the community.
- **Frontage:** A total of four types ranging from projecting porch, engaged porch, to stoop and dooryard provide the options for how the street-facing facades connect to and shape the public realm.
- **Parking:** The intent and the standards have been crafted to generate house-scale multifamily buildings that are physically compatible with single-family houses. However, the community chose to not modify the requirements for off-street parking because of the existing shortage of on-street parking and significant concerns about reducing what are already considered inadequate parking standards. Over time, this may be possible to adjust, especially given the immediately adjacent neighborhood Main Street and access to transit.

Integral relief from standards

The code describes the situations where an exception may be granted administratively through design review. The community chose to allow this type of flexibility only on requests to reduce required setbacks. Given that the context is a mature neighborhood setting, the reality of existing conditions (site features, trees, etc.) makes it necessary to build in this type of flexibility, but with clarity about when and how much of a reduction to allow. Typically, additional topics are included for this type of relief, but this community chose to address topics other than setbacks through the Planning Commission.

Built results

The code awaits adoption along with the new General Plan in early 2019. The community and City staff are optimistic and excited about implementing the code.

Challenges

- The first new buildings will test the community's reliance on the code to generate physically compatible and appealing multifamily buildings. This means that the design review process will likely be intensified, but because of the code's comprehensiveness and clarity, it is expected that the need for new discussions or topics at design review will be minimal.

Miami, Fla.—Miami 21 Code

Code Preparer: Duany Plater-Zyberk

Contact at City: Joseph Eisenberg, CNU-A, EcoDistricts AP, Planner II – UDRB and WDRC Liaison, City of Miami, FL

Background and the reason the code was prepared

This code addresses the entire city of Miami (37 square miles of land area) and was a complete rewrite of the previous zoning code. The focus of the following analysis is on the low- to moderate-intensity neighborhoods, which represent about 60 percent of the total city (T3 and T4 zones). The new code was in response to years of complaints about the previous code's unresponsiveness to existing conditions and the need to better accommodate reinvestment. The previous code allowed up to 75 dwelling units per acre but lacked the information with which to adequately address the lower end and middle of the range. This resulted in physically incompatible, out-of-scale development next to and within low- to moderate-intensity neighborhoods. This occurred mostly along corridors that backed up to neighborhoods. A need for better transitions between those two very different types of environments became a key reason for taking a comprehensive look at the existing zoning code and review procedures.



How was the code adopted?

The code was adopted in 2009 and is mandatory, replacing the previous zoning and review processes and procedures. During the code's public review process and leading up to the adoption hearings, the code preparers and city staff held over 200 public meetings to communicate about the code's details and to identify refinements. This high level of interaction led to a relatively smooth adoption process and immediate development proposals.

What does the code allow?

The code allows development across a variety of walkable urban neighborhoods. The code does not regulate building types but the standards allow equivalent types, ranging from as small as 'carriage house' accessory apartments, to townhouses, duplexes, small to medium multifamily buildings, and 3-story Main Street buildings with housing. The code allows development in a range from 9 to 36 dwelling units per acre. In lower-intensity neighborhoods (T3 zone), the code requires a mix of building types to provide housing choices other than single-family houses. In moderate-intensity neighborhoods (T4 zone) where more multifamily buildings are allowed, the code limits building width to avoid buildings with too large of a footprint. The code applies a variety of height setbacks on adjacent zones to make sure that the scale and physical character of these low- to moderate-intensity neighborhoods is maintained.

The code was carefully prepared to fit the wide range of physical conditions and intended physical character in low- to moderate-intensity neighborhoods across the entire city. This was done through an extensive analysis of existing and intended physical patterns in each type of neighborhood. This process identified the prevalent patterns of building setbacks, building height, and lot coverage to develop the standards. In addition, the standards were further tailored to each neighborhood through a three-level system: Restricted, Limited, and Open. Each level either reduces or increases the allowable maximum based on its location in the neighborhood (e.g. corridor sites typically are Open, while the interior of neighborhoods may be Restricted). This is an effective way to recognize different needs in a zone without creating more zones for a narrow purpose.

- **Height:** The code measures height to the highest eave. The T3 zone allows up to two stories (25-feet) and the T4 zone allows up to 3 stories (40 feet).
- **Lot coverage:** The T3 zone allows 50 percent lot coverage, with the second floor restricted to 30 percent in certain areas. The T4 zone allows 60 percent.
- **Density:** The T3 zone allows from 9 to 18 dwelling units per acre, and the T4 zone allows up to 36 dwelling units per acre.
- **Building types:** This code does not specify or regulate building types.
- **Frontage:** A total of six types, including common lawn, porch, terrace, forecourt, stoop, and shopfront, provide the options for how the street-facing facades connect to and shape the public realm. The shopfront is an option in certain locations and can be added to an otherwise residential building, providing flexibility for the owner while complying with the zoning.
- **Parking:** Parking was approached on the basis of proximity to high-quality transit. For example, the base requirement per unit is 1.5 spaces, but that can be reduced by 10 to 30 percent depending on the proximity to high-quality transit (within a quarter or half-mile). In addition, visitor parking is 1 per 10 spaces, which is low, but it is required off-street and uses up valuable site area. Projects of four units or less are not required to provide off-street parking. However, the market has not adapted to this and still expects some off-street parking.

Integral relief from standards

The code provides many opportunities for administrative reductions in the standards through a ‘waiver’ process. The waiver process identifies the topics and situations that qualify for a waiver, along with the amount of reduction available, enabling timely review and approval. The code provides additional forms of relief from the standards, but they require Planning Commission review.

Built results

The code has enabled much reinvestment due to the clarity of the process and how the code’s standards were made relevant to a wide variety of stakeholders. Built results range from carriage houses, detached houses, duplexes, rowhouses, small- and medium-size multifamily buildings, and small Main Street buildings that include housing. So far, the most popular building type is the duplex. According to city staff and the code preparers, not as much medium-size multifamily housing is being built because off-street parking requirements are still too high, yet the market still expects some off-street parking.

Challenges

- The market’s ongoing expectation for plentiful off-street parking and developer’s goal to have lower parking requirements.
- Very high property values in low- to moderate-intensity zones resulting in pressure to develop more than allowed by new zoning.

New Town St. Charles, Mo.—The New Town Code

Code Preparer: Duany Plater-Zyberk

Contact: Tim Busse, Town Architect, The New Town at St. Charles

Background and the reason the code was prepared

This code is for an entirely new development on a 726-acre agricultural site. This project was planned in 2002 as a new community, for the purpose of offering a range of affordable housing choices in six walkable urban neighborhoods.

How was the code adopted?

The code was adopted in 2003 through the Planned Mixed-Use Development process and covers the entire 726-acre site. The code replaces existing land use requirements and existing review procedures and is applied to each lot as it is developed.

What does the code allow?

The code identifies four zones, two of which are the focus of this analysis: T3 and T4. The T3 zone allows medium-to-large detached houses up to two stories, along with a carriage house in an accessory building. The T4 zone allows up to three stories through small-to-large detached houses, rowhouses (townhouses), live-work buildings, and apartment buildings (mansion buildings with 4 to 6 units).

The code was carefully prepared to fit the range of intended physical character of each neighborhood through extensive analysis of historic patterns in the region. This information and the developer's ideas were transformed into a master plan through a multi-day design charrette in 2003 with construction starting in 2005. The master plan identified the new network of blocks and a variety of streets along with direction for the standards: building types, setbacks, building height, and lot coverage.

- **Height:** The code only specifies height in stories. The T3 zone allows up to 2 stories, and the T4 zone allows up to 3 stories.
- **Lot coverage:** The T3 zone allows 40 percent and the T4 zone allows 60 percent.
- **Density:** The code does not regulate the density of individual buildings but the overall number of units is identified and agreed to during schematic planning ('sketch plan') for each site.
- **Building types:** A total of seven building types are allowed in the zones: two types in T3 and six types in T4. The code includes plan diagrams showing the standards for each allowed building type in each zone. Applicants preparing their own plans require review and approval by the Town Architect prior to submittal to the City for final approval. Applicants who use the Town Architect to prepare their plans do not require City approval.
- **Frontage:** A total of seven frontage types shape the public realm; common lawn, porch and fence, terrace, forecourt, stoop, shopfront, and gallery are allowed depending on the location.
- **Parking:** Parking was approached from the basis of needing less off-street parking because walking and biking are integrated into the site design of the overall development and for each block. On-street parking is allowed and counted toward the required amount.



Integral relief from standards

The code does not provide options for administrative reductions in the standards. However, the project was established with a town architect representing the developer and the community. The town architect reviews all proposed plans and makes a recommendation to the Architectural Review Board, and informs the City if the plans are consistent with the code and ready for approval. Because the master plan and vision are clear about the physical expectations for the site, the town architect can work with developers and individual owners to adjust their plans through a simple process. If the town architect recommends that a variance is necessary, the town architect submits the variance to the City for review and approval in the same way as it reviews proposed plans.

Built results

This development is over 50 percent built-out. The built results range from carriage houses, detached houses, and rowhouses to mews units along a pedestrian passage, small- and medium-sized multifamily buildings, and Main Street buildings that include housing.

Challenges

- Cost of installing required fire sprinklers in mixed-use buildings. While an understandable requirement for mixed-use buildings, this has made it difficult to build an individual live-work unit.
- Health Department requirements result in making small restaurants difficult and expensive.
- Building Department staff who were initially unfamiliar with the zoning and standards for the project needed specialized training to become familiar with the community's principles and different approach to neighborhood development.
- Local utility companies, City Public Works and Fire Department officials continually push for more conventional (larger), easements.
- Local utility companies, City Public Works and Fire Department officials continually push for more conventional (larger), easements, streets and alleys. This affects development costs as well as unintended consequences of overly wide alleys then being considered streets and additional requirements.
- The status quo is acceptable for the majority of builders in the area, and despite this project's success, local builders view this project differently and not an example to follow.

Daybreak, South Jordan, Utah

Code Preparer: Daybreak Communities

Contact: Cameron Jackson, Daybreak Communities

Background and the reason the code was prepared

The code was necessary to build an entirely new development on a 4,150-acre site of agricultural land. The developer, Daybreak Communities, worked with the community of South Jordan to plan the site for several villages of walkable neighborhoods, neighborhood and community-level Main Street environments, and employment areas. The previous zoning did not allow the proposed development and did not anticipate the extent of this master plan. In 2002, a master plan was prepared for the entire site along with a new zoning district supported by design guidelines. The guidelines for houses are more detailed than those for buildings of attached units. This is because of the very wide range of physical contexts that the guidelines would have to address and the team's intent to keep things simple.

How was the code adopted?

The developer worked with the community through a master planning process to establish the needs in this area and the types of development that would best address those needs. In addition to providing a wide range of housing choices, it was established that new circulation techniques would be part of the new community including light rail transit. These types of solutions were integrated from the outset to demonstrate that this development was addressing and improving upon existing issues and not simply adding houses.

As part of the master planning process, the zoning was changed to PC (Planned Community) with a broad entitlement across the 4,150-acre site for 20,000 units and 9 million square feet of non-residential space. The master plan and new zoning were prepared to be clear enough about the intent of what is and is not allowed so that all approvals are 'by-right', not requiring any discretionary review. In addition, the master plan and standards include flexibility for the developer to respond to changing market needs without needing to revise the plan or standards.

Each new project is reviewed and presented to the City for final approval after Daybreak Communities has reviewed and confirmed that it meets the standards and intent of the master plan. As part of its review, Daybreak's design team works with the individual developer's design team to plan each block in the project and to distribute the building types to different blocks instead of the typical practice of concentrating them on the site that each developer controls.

Each application is approved 'by-right' because of the clarity and flexibility of the master plan, the zone, and the on-going education/community engagement by the developer each time far before the application is submitted to the City.

It is important to note that this project was given a high amount of flexibility along with zoning and standards that are not overly detailed because of four key actions by the developer: a demonstrated commitment to solving housing, circulation and environmental issues through innovative development patterns and techniques, not 'business as usual'; an integral design team that functions in a role similar to the town architect's role in other large developments; a demonstrated commitment to high quality design; and ongoing community engagement for each project. This type of commitment by the developer explains the city's high comfort level with how the project is implemented even though the plan and standards are less detailed than most large projects.



What does the code allow?

The zoning allows up to 20,000 units and 9 million square feet of employment, retail and service. The zoning and guidelines allow a palette of building types that continues to grow as the project continues: small to large houses, duplexes, fourplexes, townhouses arranged in groupings of 3 to 9 with the typical grouping at 4 to 6 units, mews, 3-story apartments and 4-story units near the light rail station. The code replaced the previous land use requirements and existing review procedures.

The code was carefully prepared to fit the range of physical conditions and intended physical character in each village through an extensive analysis of historic patterns in the area, while integrating flexibility. This information was transformed into a master plan for the entire site in 2002 with construction starting in 2004. The master plan identified the new network of blocks and a variety of streets along with direction for building setbacks, building height, and lot coverage with which to make the standards.

- **Height:** The code allows the building types relevant to this analysis up to 4 stories.
- **Lot coverage:** The code does not regulate lot coverage, relying instead on building setbacks and required open space.
- **Density:** The code does not regulate the density of individual buildings but regulates the overall number of units agreed to within the 4,150-acre site.
- **Building types:** The code does not regulate building types, but as mentioned above, the palette of building types being developed is used as a reference point for new projects.
- **Parking:** Off-street parking is required at one space per unit, but the market is still largely suburban and is asking for more parking and is being built at two spaces per unit.

Integral relief from standards

The development is implemented through a design team that works for the master developer, Daybreak Communities. The design team reviews all proposed plans and only presents the proposed project to the City when it meets the requirements. As part of that collaboration, Daybreak's design team works with each developer to adjust their plans and/or propose a solution that is within the intent of the master plan and zoning without the need for specific procedures.

Built results

This development is far from built-out, having started construction in 2004 and approximately 25 percent complete (5,200 of 20,000 units). The built results range from a variety of detached houses, duplexes, townhouses, and mews units to small- and medium-size multifamily buildings, and Main Street buildings that include housing.

It's important to note that even though this project provides 'by-right' approval and no community engagement is required, this master developer understands the need to engage the community on each proposed project to maintain communication and a positive relationship. *"You need to communicate about how it works, why it works, and why it makes a difference."* – Cameron Jackson

Kentlands, Gaithersburg, Md.—MXD Zone, Mixed Use Development, Division 19, Sec. 24-160D

Code Preparer: Duany Plater-Zyberk

Contact at City: Trudy Schwarz, Planning Division Chief, City of Gaithersburg, Maryland

Background and the reason the code was prepared

This code was necessary to build an entirely new development on a 352-acre site formerly occupied by a farm and a few houses. The goal of the developer from the outset of this project in 1987 has been to develop walkable urban neighborhoods, including a small downtown. This development pattern remains very different from the sprawling suburbs surrounding the project. The code implements a master plan and vision for the site that were prepared in a public design charrette. The code was adopted in 1988 through the MXD (Mixed Use Development) zone and replaces the existing zoning as each area or lot is developed.

The previous zoning did not allow the proposed development. In addition, the previous zoning reflected a development pattern and building types that did not promote nor were able to implement the walkable environment proposed by the developer. The adopted language in the MXD zone states “...it is intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use projects than the procedures and regulations applicable under the various conventional zoning categories.” In addition, the code states as one of its purposes “...locating employment and retail uses convenient to residential areas; reducing reliance upon automobile use and encouraging pedestrian and other non-vehicular circulation...”

How was the code adopted?

The code was adopted as a mandatory zoning district that is applied as each site within the 352 acres is developed.

What does the code allow?

The code uses one zone but articulates the intended physical character through a palette of eight building types: carriage houses, small to large houses, duplexes, townhouses, garage townhouses, live-work buildings, apartments and Main Street buildings. In addition, the code allows each lot for single-family house (attached or detached) to also contain an urban cottage, a smaller, secondary unit. The urban cottage can be up to 1,200 square feet. The code replaces existing land use requirements and existing review procedures.

The code was carefully prepared to fit the range of physical conditions and intended physical character in each neighborhood through an extensive analysis of historic patterns in the area. This information was transformed into a master plan for the 352-acre site through a multi-day design charrette in 1988 with construction starting in 1991. The master plan identified the new network of blocks and a variety of streets along with direction for the standards: building types, setbacks, building height, and lot coverage.

- **Height:** The code allows the building types relevant to this analysis up to 4 stories. Interestingly, there is no height limit for structures or portions of structures with a footprint of less than 215 square feet.
- **Lot coverage:** The code does not regulate lot coverage, relying instead on building setbacks and required open space.



- **Density:** The code does not regulate the density of individual buildings but regulates the overall number of units within the 352-acre overall site. The code regulates non-residential space through floor area ratios that vary depending on the use (e.g. retail up to 0.60, office up to 0.65, and other commercial up to 0.15).
- **Building types:** The code identifies eight building types, ranging from small detached houses to rowhouses to apartment buildings and Main Street buildings.
- **Frontage:** The code does not specify frontage types but requires, as most FBCs do, that a minimum amount of the building's facade be placed along the front setback. This is intended to shape the public realm and is typically done in other FBCs through frontage types.
- **Parking:** The parking requirements are more suburban at two spaces per unit and reflect the larger suburban context surrounding the development.

Integral relief from standards

The code does not provide options for administrative reductions in the standards. However, the project was established with a town architect representing the developer and the community. The town architect reviews all proposed plans and makes a recommendation to the city, who has final review authority. Because the master plan and vision are clear about the physical expectations for the site, the town architect can work with developers to adjust their plans without the need for specific procedures.

Built results

This development is nearly built-out, having been under construction since 1991. The built results range from carriage houses, detached houses, duplexes and rowhouses to small- and medium-size multifamily buildings and Main Street buildings that include a variety of housing choices.

Cincinnati, Ohio—Chapter 1703 Form-Based Code

Code Preparer: Opticos Design, Inc.

Contact at City: Alex Peppers, AICP, Supervising City Planner, Department of City Planning

Background and the reason the code was prepared

This code is a form-based set of nine zones and standards for 42 neighborhood centers and the adjacent neighborhoods. Six of the zones are relevant to the focus of this analysis. The areas to be zoned with form-based zones were identified by the community as currently walkable or as areas that they desired to be walkable. This was part of a larger effort to apply a form-based approach to Cincinnati's Comprehensive Plan, '*Plan Cincinnati*'. The neighborhoods range from low-intensity single-family neighborhoods with thriving neighborhood Main Streets to higher intensity neighborhoods with and without neighborhood Main Streets.

How was the code adopted?

Once applied, the code is mandatory and replaces the existing zoning with form-based zones. Then, the standards apply to new buildings and additions. The first part of the process was to generate the palette of form-based zones through a public design charrette process. Once the communities could see why each zone was created, they could then identify which zone(s) are to be applied to their neighborhood. This process was established with a pilot group of four neighborhoods that tested this process, paving the way for future neighborhoods to do the same when ready. This technique offers clarity about the process, while leaving the timing and refinements up to the individual neighborhoods.

What does the code allow?

The code allows a range of building types, including carriage houses, duplexes, sixplexes, multiplex buildings, live-work buildings, courtyard buildings, and Main Street buildings with housing. The buildings range from 2 to 4 stories depending on the zone. The code replaces existing land use requirements and some procedures, while relying on most existing review procedures.

The code was carefully prepared to fit the range of existing lots in each neighborhood through an extensive microscale documentation and analysis. This identified the prevalent patterns of building types, setbacks, building footprint, building height, ground floor height, and lot coverage.

- **Height:** The code specifies height in stories and feet. The T3E, T3N, T4N.MF and T4.SF zones allow up to 2.5 stories. The T5MS and T5.LS zones allow up to 4 stories.
- **Lot coverage:** The T3 zones are limited to 35 percent, while the other zones are limited by the setbacks and open space requirements.
- **Density:** The code does not mention or use density as a regulation. This is possible because of the extensive analysis and testing of the existing and range of allowed building types and how they fit on the existing lots in each of the different neighborhoods. With this understanding about the actual performance, size and scale of each building type, the need to regulate by density no longer existed.



- **Building types:** Nine allowed building types, including carriage house, detached house, duplex, sixplex, cottage court, rowhouse, live-work, multiplex (up to 20 units) and Main Street building, provide the options for development across these neighborhoods. This wide palette of types is necessary to address the intended physical character of the 42 neighborhoods, as many of the desired types already exist but were not acknowledged by the existing zoning.
- **Frontage:** Eight frontage types are identified for shaping the public realm along the front and side streets of each lot. Each frontage type connects the public realm to individual development of buildings while improving the public realm.
- **Parking:** The approach to parking acknowledges the existing and intended neighborhood main streets with the range of services, retail and restaurants within short walking distance of most dwellings in these neighborhoods. The T3 zones require at least one space per unit. The T4 zones require from 0.5 to 1 space per unit and the T5 zones require one space per 1,500 square feet.

Integral relief from standards

The code describes a set of situations where a variation from the standards may be granted administratively. The allowable situations for granting a variation include reductions in setbacks, reducing the amount of facade along a build-to line, reducing lot dimensions, and reducing off-street parking requirements. Each neighborhood has existed for over 100 years, which presents many situations and unique factors in existing conditions (site features, trees, etc.). This makes it necessary to integrate this type of flexibility, but with clarity about when and how much of a reduction to allow.

Built results

The built results are primarily in the upper end of the intensity range with low- to moderate-intensity buildings expected in the next group of development applications.

Mesa, Ariz.—Central Main Area Code— Chapters 56 through 64

Code Preparer: Opticos Design, Inc.

Contact at City: Jeff McVay, Manager of Downtown Transformation, City of Mesa, AZ

Background and the reason the code was prepared

This code is a set of form-based zones for the central area of Mesa, including the downtown. The code was prepared to realize better walkable urban development while improving the review and processing time for development applications.

How was the code adopted?

The code was adopted as an optional form-based code in 2012. The optional aspect was in response to the then-proposed Proposition 207, which was later adopted and requires cities to reimburse property owners for real loss in property value attributed to a zoning action. To avoid the exposure to significant claims anticipated with a large-scale city-initiated rezoning, Mesa decided to provide the form-based code as an option to the existing zoning. As a result, if an applicant/owner wants to use this code, this code requires that they choose to opt into the form-based code as part of the application process. The process is simple and quick, but the owner must opt into the form-based code or stay with the existing zoning.

Once the applicant opts into the form-based code, the code is mandatory and replaces the existing zoning. Then, the standards apply to new buildings and additions. The new zones were identified and applied through a public design charrette process that tested the emerging standards against the community's expectations before making the draft standards.

What does the code allow?

The code includes six zones ranging from low-intensity single-family neighborhoods (T3) up to intense downtown Main Street environments (T5 and T6). The low- to moderate-intensity neighborhoods are the focus of this analysis (T3N, T4N, T4NF, and T4MS).

The code was carefully prepared to fit the range of intended physical character of each neighborhood through extensive analysis of historic patterns in the region. This information was transformed into possible outcomes and corresponding standards through a multi-day design charrette in 2010. Those results were integrated into the City's master plan for the area and then into form-based zones.

- **Height:** For the T3N, T4N, T4NF, and T4MS zones, the code only specifies height in stories. The T3N zone allows up to two stories, the T4N and T4F zones allow up to 3 stories, and the T4MS zone allows up to 4 stories when including certain affordability/senior components.
- **Lot coverage:** The code does not regulate lot coverage, relying instead on building setbacks and required open space.
- **Density:** The density of individual buildings is determined by the building types allowed in each transect.



- **Building types:** A total of nine building types are allowed in the zones including carriage house, single-unit house, bungalow court, duplex, townhouse, mansion apartment, apartment house, courtyard building, Main Street building and Mid-rise building: 6 types in T3N, 9 types in T4N, 9 types in T4NF, and 2 types in T4MS. The code includes plan diagrams and descriptions showing the standards for each allowed building type in each zone.
- **Frontage:** A total of ten frontage types are identified for shaping the public realm including common yard, porch and fence, stoop, forecourt, dooryard, shopfront, terrace, and gallery, and arcade depending on the location.
- **Parking:** The approach to parking is progressive and based on the proximity to walkable services and the light rail transit along the Main Street corridor, which spans most of the code area. Developers have responded to the reduced parking requirements, but lender parking requirements have resulted amounts in excess of the allowed minimums. However, recent projects have effectively worked with lenders to fund projects with urban parking ratios.

Integral relief from standards

This code does not include provisions for adjustments or modifications because it relies on existing variance procedures and an informal process during zoning clearance review.

Built results

The majority of the built results were developed with the mid-rise building type and a small number were built with the single-unit house. To date, the vast majority of units are all for rent. Although the City believes there is much demand for ownership units, the for-sale end of the spectrum has not been realized because of developers' concerns about recent history of unfounded litigation against condominium projects.

Challenges

- Lawsuits against condominium ownership.
- The existing base zoning can occur next door to a parcel that opts into the form-based code, affecting the form-based code's predictability of what can be expected on any block.
- Lack of integrated relief from standards for design excellence.

Peninsula Neighborhood, Iowa City, Iowa—Peninsula Code

Code Preparer: Ferrell Madden Associates

Contact at City: Anne Russert, AICP Senior Planner, City of Iowa City

Background and the reason the code was prepared

This code is for an entirely new development on a 70-acre site within Iowa City. The neighborhood is the result of the city purchasing the site in 1995 to protect its water supply while providing affordable housing and demonstrate excellence in neighborhood design through this prominent site. The city commissioned a public participation charrette led by Dover Kohl Partners to determine a community vision for the site that resulted in a master plan and design guidelines. The city then hired a development team to write a form-based code for the project and move forward with its implementation.

How was the code adopted?

The code is mandatory and was adopted in 2001 through the Planned Unit Development process. The site was rezoned to OPDH-5.

What does the code allow?

The code implements the vision for a low- to moderate-intensity neighborhood of up to 340 units. The code identifies ten building types ranging from small-to-large houses, duplexes, up to small and large apartment buildings and live-work/Main Street buildings. ADUs are allowed by-right but require that the owner of the primary house occupy one of the units.

- **Height:** The code specifies maximum height in stories and feet. The maximum allowed height ranges from two stories and 35-feet for the four types of houses, to 3 stories and 35-feet for rowhouse buildings, to 3 stories and 48-feet for small apartment buildings, to 4 stories and 40-feet for live-work/Main Street buildings, and 4 stories and 48-feet for multi-unit buildings. The multi-unit building type is further limited to 200-feet in length. This along with a maximum height standard is an effective technique to reduce the visual size and scale of a building in this type of neighborhood.
- **Lot coverage:** The code does not regulate lot coverage, relying on building setbacks and required open space.
- **Density:** The code does not regulate the density of individual buildings.
- **Building types:** A total of ten building types are allowed ranging from estate house, peninsula house, bungalow, cottage, and cottage flats (duplex), to townhouse (two stories), rowhouse (3 stories), live-work (Main Street building), small apartment, and multi-unit building. The code includes plan diagrams and descriptions showing the standards for each allowed building type.
- **Frontage:** The code requires that a minimum amount of the facade be placed at the minimum setback line and requires porches in certain locations.
- **Parking:** The approach to residential parking is not aggressive and counts on-street parking as visitor parking. The non-residential requirements are reduced to apply only above 1,500 square feet to encourage small businesses.



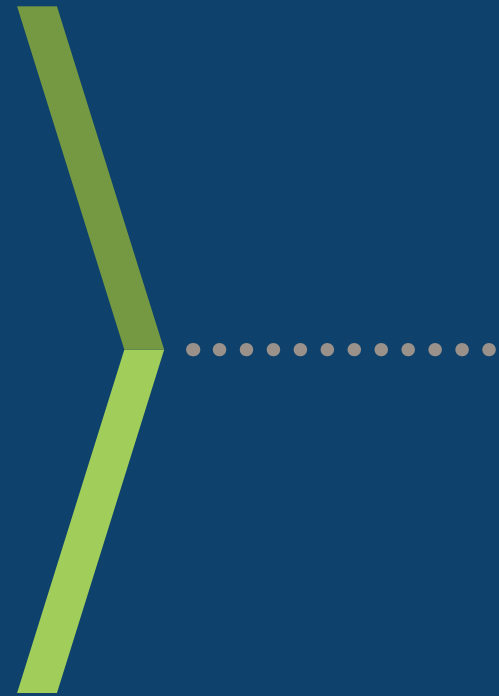
Integral relief from standards

This code does not have provisions for adjustments or modifications because it relies on the City's existing variance procedures.

Built results

The neighborhood is built-out with all of the allowed types and has attracted some of the expected neighborhood services and retail, making this a complete walkable environment.

CHAPTER 3: Case Studies



CHAPTER SUMMARY

The intent of this chapter is to highlight built examples that were developed under the code types analyzed in the previous chapter. The majority are from the selected code examples described in Chapter 2. Finding examples that are affordable for their region, are used as a permanent residence, and that are built under a code that meets the eight criteria in Chapter 1 proved challenging, as many of the qualifying codes were adopted fairly recently.

- Innovative projects are frequently developed as planned unit developments or pilot projects as a relatively inexpensive way to test potential ideas for a comprehensive set of amendments or new code.
- The case studies all reflect a high level of design as individual buildings and an equally high level of design to best fit into their context.
- Two examples are highlighted for their unconventional approach or situation. Boiceville Cottages was built in phases as a pocket neighborhood in a rural community without zoning, while Alley Flats is a nonprofit operating as a developer to help lower income individuals build ADUs on their property.
- Often, requests for a change in standards are perceived as negative but, in some situations, good design may require a change to the standards, as was the case with Meridian Court.
- By enabling smaller units, the neighborhood and its amenities are attainable to more individuals; benefits include proximity to nature or other large open space, proximity to retail, services, food uses and transit, and/or the opportunity for community interaction, as is the case for these selected examples.



ACCESSORY DWELLING UNIT (ADU) CASE STUDIES

Garage Conversion ADU

Portland, Ore.

- **Code type example:** Accessory Dwelling Units
- **Contact:** Kol Peterson, Owner/Builder

Client/Team

- **Client:** Kol Peterson (homeowner)
- **Designer:** Das Chapin
- **Developer:** Kol Peterson
- **Builder:** Adrian Hutapea

Size and scale

One ADU attached to a primary residence on a 50-foot x 100-foot lot in a single-family residential zone.

Unit size range

- **Primary Unit:** 900 square feet
- **ADU:** 800 square feet

Density

18 dwelling units per acre

Project timeline

The project started in 2018 and took approximately one month to design, one day to permit, and five months to build. The owner worked closely with a designer who has extensive construction experience. The owner did the permitting himself, served as the general contractor for this project, and did about 30 percent of the actual construction as well.

Project costs

- **Soft Costs:** \$1,000
- **Construction Costs:** \$100,000 (\$75,000 out of pocket, \$25,000 sweat equity)
- **Sale Price:** Kol bought the house for \$435,000. After renovating the upstairs and building the basement ADU (totaling \$175,000), the property is worth approximately \$600,000.





Project description

The owner built this ADU on a 5,000-square foot lot (50 feet x 100 feet) located near his primary residence by converting the attached garage on the split-level 1973 house into an ADU. It is an 800-square foot, two-bedroom unit with one bedroom that is fully accessible and a comfortable fit for two people. The primary dwelling unit is the upper level of the same structure and contains 900 square feet, with three bedrooms and one bathroom. Both are long-term residential rental units. One off-street parking spot was required for the primary unit. The spot is located in the front yard setback, which required a variance.

Zoning and neighborhood description

The property is located in a highly desirable neighborhood called the Alberta Arts District in inner northeast Portland, has a Walkscore ranking of 84, and is zoned R5, which is the standard, typical residential lot size and zoning type in Portland. The property is within walking distance of where the owner lives, so it was convenient to develop the property as well as manage it. The site is within one-quarter of a mile of a commercial corridor.

Successes

- The extreme efficiency of the overall timeline, particularly for the permitting.
- Building a nice-looking unit for \$100,000.
- Energy efficient and accessible.
- A good return on investment through the rental. Each unit rents for \$1,850 per month. Collectively, they produce \$1,000 more per month than the 30-year PITI payments.

Challenges/Lessons learned

- The upper unit was vacant during most of the construction of the lower unit. On one hand this was beneficial, as the work was quite noisy all the way through the finish stages of construction, but it also meant loss of income for that unit.
- Despite using all of the best practices for mitigating noise between the two units, step noise was not eliminated. In hindsight, one solution would have been to carpet the upstairs unit instead of installing vinyl flooring.



The Farmhouse, Attached ADU Portland, Ore.

- **Code type example:** Accessory Dwelling Units
- **Contact:** Lucas Gray, Propel Studio

Client/Team

- **Designers:** Propel Studio
- **Photos:** Propel Studio Architecture

Size and scale

50-foot wide per 100-foot deep lot, two dwelling units total

Unit size range

- **ADU:** 800 square feet over two levels
- **Primary unit:** approximately 1,500 square feet

Density

18 dwelling units per acre

Project timeline

- **Design:** 3 months
- **Permitting:** 3 months
- **Construction:** 6 months
- **Completed:** 2017

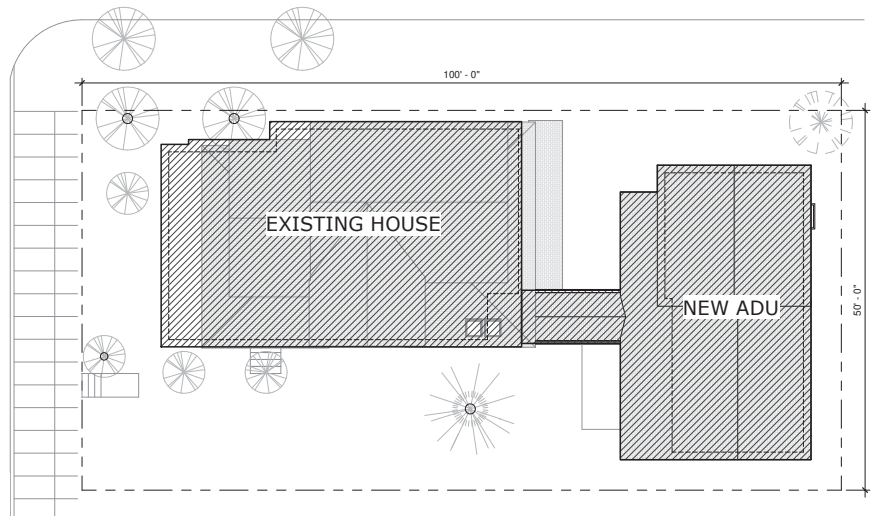
Project costs

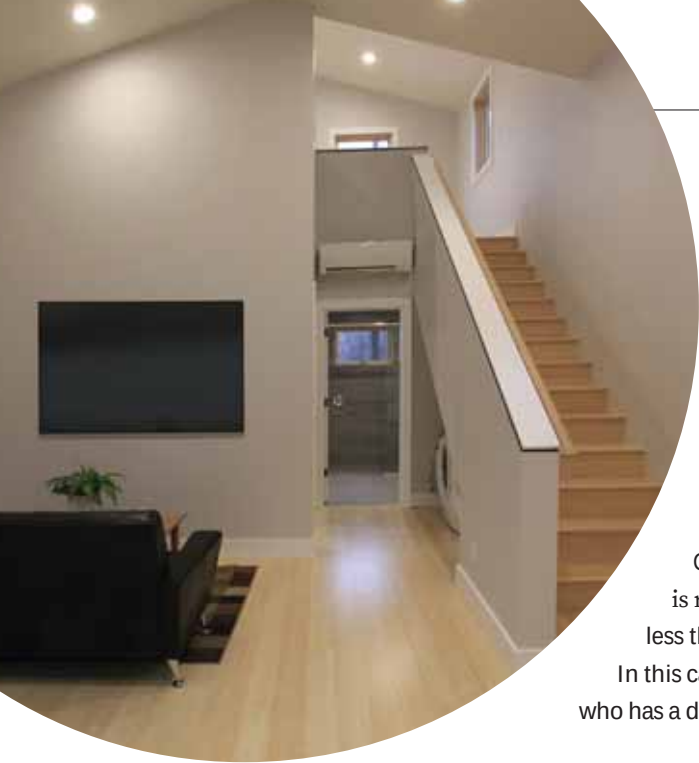
- **Soft Costs:**
 - Architecture: \$15,000
 - Engineering: \$2,500
 - Permitting Fees: \$7,500
- **Construction Costs:** \$200,000
- **Sale Price:** not applicable

Project description

This new construction, two-bedroom accessory dwelling unit is located in southeast Portland Woodstock Neighborhood. The ADU is attached to an existing traditional farmhouse via a covered breezeway. The design represents the traditional, regional farm vernacular, including cedar siding, shingle roofing, and gable roof forms.

Passive solar design principles are incorporated to obtain maximum winter heat gain and summer cooling. A deep soffit overhangs the facade, shading the windows and French doors from high-angled summer sun, reducing heat gain in the summer months. Operable windows allow for cross ventilation.





The ADU also has a high-efficiency building envelope, FSC-certified wood products, an energy-efficient, mini-split mechanical system, high-efficiency LED lighting, occupancy-controlled ventilation, and low or zero VOC/Formaldehyde products selected throughout. The open Living/Dining/Kitchen “great room” faces west, with a window wall and full-glass French doors overlooking the patio and garden. The slab-on-grade construction offers barrier-free ADA accessibility throughout the unit.

Considering the rapidly rising housing costs in Oregon, this project is relatively affordable. It is extremely rare to find a detached home for less than \$350,000, even in farther out, or less desirable neighborhoods. In this case, the owners got to build a new unit close to house their mother, who has a disability, for a lot less than buying a new home.

Zoning and neighborhood description

The project is located in an older, established city neighborhood with a commercial corridor nearby and Missing Middle Housing throughout. The project was developed under the current code which waives the system development fees, saving about \$13,000. Parking is not required for either the primary residence or the ADU due to the proximity to public transportation.

Successes

- Designed for aging-in-place with a barrier-free ground floor and accessible bathroom.
- Upstairs offers a “bonus-room” or a potential bedroom for a future live-in caretaker.
- Built with sustainable building materials.
- Open living area that is spacious for a small dwelling.
- Strong connection to the interior and exterior.
- Designed to fit in with the farmhouse aesthetic of the main house.

Challenges/Lessons learned

- Restrictive/unclear setback requirements made the site location challenging. The code indicates a 40-foot setback from the front but does not clarify how to address corner lots. For this particular site, the only way to locate the structure in a way that was code compliant was to attach the ADU to the main house with a breezeway.
- In certain conditions, the code requires design standards that are quite traditional, which is very limiting to design creativity. It is not clear why this is required for a structure that is behind a primary residence.
- Cost of cedar is rapidly increasing due to current tariffs.
- Site conditions often make it difficult to have easy accessibility all the way from the sidewalk and/or driveway to the ADU unit, even if the unit itself is fully accessible.



Duval, Detached ADU

Austin, Texas

- **Code type example:** Accessory Dwelling Units
- **Contact:** Nicole Joslin, AIA, LEED AP, Executive Director, Austin Community Design and Development Center

Client/Team

- **Designer:** ACDDC
- **Interiors Designer:** Annette Patterson
- **Constructed:** Z Works Design Build

Size and scale

0.24-acre site, two dwelling units total

Unit size range

- **ADU:** two-bedroom, 2.5 bath, two stories, 849 square feet. The unit size range for the Alley Flat Initiative in general is 400 to 1,100 square feet.

Density

8.5 dwelling units per acre

Project timeline

- Design began in July 2014
- Construction began in September 2015
- Completed May 2016

Project costs

- **Soft Costs:**
 - Architecture: \$2,000 (Alley Flat Initiative offers reduced fees through grants for an affordable housing commitment by the owner)
 - Engineering: \$4,000 (includes both structural and civil engineering)
 - Permitting Fees: \$4,100 (only paid water tap fee, all other permit fees are waived through SMART Housing)
- **Construction Costs:** \$163,000
- **Sale Price:** not applicable

The Duval project was developed through the Alley Flat Initiative, which began informally in 2003 with the idea that infill housing in Austin's Boggy Creek watershed could concurrently resolve ecological and social equity problems as a form of "civic environmentalism". That idea expanded in 2005, when a partnership formed between the UT Center for Sustainable Development, the Guadalupe Neighborhood Development Corporation, and the Austin Community Design and Development Center (ACDDC). In 2014, the City of Austin Office of Sustainability joined the





partnership to pursue the Green Alley Demonstration Project, which envisions affordable housing, alleys and small streets as ecological infrastructure. The collaboration continues to grow to tackle more barriers to affordable infill development.

Alley Flats are distinct from other ADUs because they achieve at least a 3-star Austin Energy Green Building rating and participate in the City of Austin's S.M.A.R.T. Housing program for the first five years after they are constructed. Per the program, tenants are limited to households with income at or below 80 percent MFI (Median Family Income,) and rent may not be more than 30 percent of a tenant's household monthly income. The ACDDC functions as a developer, offering services to the homeowner who is building the ADU from design through construction, plus additional educational materials and expertise.

Project description

This Alley Flat is occupied by a single father who is related to the property owner and whose extended family lives in the neighborhood. This two-bedroom ADU nestles neatly into a site that is constrained by setbacks and an existing heritage tree. The family-friendly floor plan was devised in partnership with the future residents in order to maximize privacy and functionality within the small footprint. Generous windows in the double-height living areas allow for filtered daylight through the Live Oak tree to fill the interior spaces. Both the ADU and primary residence are occupied as long-term rentals.

Zoning and neighborhood description

The project is located in the Hyde Park neighborhood, which is located just north of the University of Texas campus. It is mostly comprised of single-family homes, and a section of the neighborhood has been designated as a Local Historic District. This designation adds specific regulations for design standards and other development requirements that might make it harder to develop a variety of housing options.

Successes

- This unit is in the first year of its affordability period. The tenants have a household income below 80 percent MFI and their rent is no more than 28 percent of their income. Like many single parents, if it were not for the affordable rental amount, he would not otherwise be able to live near his family and the social networks he relies on.
- 3-star Austin Energy Green Building rating

Challenges/Lessons learned

- Built a socially, economically, and environmentally sustainable development model that preserves the diversity of our neighborhoods, provides new economic opportunity, and fosters social equity in rapidly changing neighborhoods.

SMALL LOT ORDINANCES AND DENSITY ADJUSTMENTS CASE STUDIES

GASPAR Townhomes

Los Angeles, Calif.

- **Code type example:** Small Lot Ordinance
- **Contact:** Alan Scales, AIA, Principal, KTG Architects

Client/Team

- **Architect/Designer/Land Planner:** KTG Group, Inc.
- **Developer/Builder:** Planet Home Living
- **Interior Designer:** Madison Modern Home
- **Photographer:** Chang Kyun Kim

Size and scale

0.34-acre site for entire project; 1,500-square foot lot per home, 10 dwelling units total

Unit size range

1,893 square feet; 3-bedroom units side-by-side

Density

29.4 dwelling units per acre

Project timeline

- Project Design Started early 2012
- Completion 2014

Project costs

- **Soft Costs:** not available
- **Construction Costs:** not available
- **Sale Price:** Starting from the mid \$700,000s

Project description

The target client group was young professionals and empty nesters. The 3-story living with three bedrooms and dual-master floor plans make these homes the ideal fit for this group. Nestled in the hills of Echo Park, the infill design corresponds to the underlying zoning, with 10 side-by-side townhomes constructed six inches apart from each other, and with no shared walls between homes. Upper-level living spaces and roof decks take advantage of sweeping views of the downtown Los Angeles skyline. The driveway is designed as a pedestrian street with enhanced paving and landscape, activated by both garage and entry doors. Cars are allowed, but it is designed to feel more pedestrian friendly. Most of the houses have small, private rear yards.





Zoning and neighborhood description

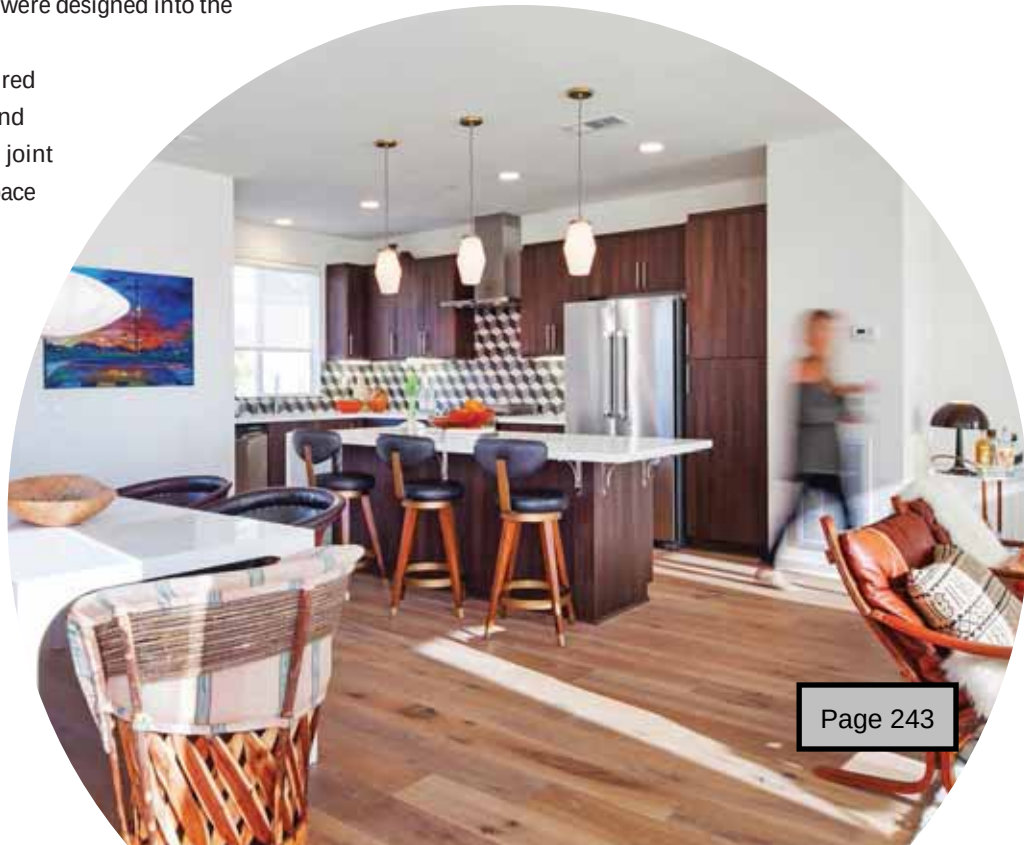
This 0.34-acre urban infill site maximizes the allowances in the city's Small Lot Ordinance. The aim was to design contemporary, urban context, detached housing within an established historic, eclectic neighborhood on a challenging hillside lot. With the wide variety of shopping and entertainment off Sunset Boulevard just one block away, residents can easily walk to restaurants and local shops as well as enjoy the adjacent Elysian Park, ideal for dog owners and active lifestyles.

Successes

- Sold out in one month of opening.
- Fee-simple ownership attracted a larger buyer pool than condos would and reduced the construction liability.
- The fee-simple ownership also eliminated the need for HOA fees.
- Innovative open floor plans respond to the natural grades of the site, creating upper level living that is adjacent to rooftop deck and result in sweeping views of the downtown skyline.

Challenges/Lessons learned

- The zoning analysis was beyond challenging on this one and is vastly important to get right; between the underlying RD1.5 zoning and height district, consideration was required to overlay the small lot ordinance and hillside ordinance.
- Gaining city approval starts with review and a motion of approval/denial by local Neighborhood Council (NC). At the time, small lot housing was relatively new and unfamiliar to those reviewing it and made some neighbors uneasy about a change to their neighborhood. Several meetings were required to gain NC support prior to getting the formal city approvals.
- Hillside design and construction posed a challenge when building these small lot homes, so careful attention was required to minimize the impact of retaining walls on the surrounding neighborhood. In order to allow the homes to integrate and fit within the natural grades of the site, retaining walls were designed into the building's foundation.
- Technical coordination was required for utilities, stormwater control and implementation of the expansion joint cover that is installed at the air space between homes.



Danielson Grove

Kirkland, Wash.

- **Code type example:** Density Incentives for Smaller Homes
- **Contacts:** Ross Chapin, Ross Chapin Architects; Jim Soules, Soules Company; Linda Pruitt, Cottage Company

Client/Team

- **Architect:** Ross Chapin Architects (Ross Chapin FAIA, Karen DeLucas)
- **Developer:** The Cottage Company (Jim Soules, Linda Pruitt)
- **Civil Engineer & Landscape Architect:** Triad Associates

Size and scale

2.08-acre site, 16 dwelling units total

Unit size range

Single-family, market-rate homes ranging in size from 700 to 1,500 square feet

Density

7.7 dwelling units per acre gross. The site contained many large fir trees that were required to be retained. The net buildable density is closer to 10.7 dwelling units per acre.

Project timeline

- **Design:** Initiated in 2003
- **Construction:** 2004 through 2005
- **Sales:** Last homes sold in 2006

Project costs

- **Soft Costs (permits, consultants, interest, sales, admin):** \$112,000 per home
- **Construction Costs (labor, materials, subcontractors, supervision):** \$154 per square feet
- **Land:** \$29,000 per home
- **Sales Prices:** not available

Project description

Danielson Grove is a community of sixteen detached homes ranging from 700 to 1,500 square feet. It is a demonstration project of an innovative code program that achieved market acceptance of smaller, community-oriented homes as an infill development within a single-family neighborhood. The most obvious feature of the site plan is that the houses are clustered around a landscaped common courtyard. Parking is intentionally located away from the houses so that people walk through the commons on the way to the front door, encouraging neighbors to greet and chat with one another. Well-defined layers from public to private reinforce personal boundaries that include private yards and covered porches. Within the house, the more active spaces look onto the commons and the private spaces that are secluded to the back or on the second floor. The placement of windows has been considered





so that each house has an open side to its own yard and a closed side to its neighbor; in this way the houses can nestle closely together while ensuring privacy between them.

Zoning and neighborhood description

Danielson Grove was developed in response to a city RFP for innovative single-family home developments, which provided increased density for homes under 1,500 square feet, site development flexibility, and an accelerated land use timeline. As a result of this project and others, Kirkland's zoning code was updated to include density adjustments for smaller home types. The code allows up to a 100 percent increase in the number of homes depending on size (1,500 square feet maximum) and a floor area of up to 35 percent of the net buildable site.

The project is located on a previously vacant site within a RS-7200 single-family zoned neighborhood in Kirkland, WA. The neighborhood was developed in 1950s as single-family residential on large lots, as there was no public sewer in the area. At some point sewers were extended and smaller (7,200 square foot) lots were developed some adjacent. But there were still odd large parcels that the city encouraged infill development on as part of Growth Management mandate. This lot was one of the remnants.

The 2.08-acre site is in a single-family neighborhood within 5 miles of major employment centers. The site plan encourages a walkable neighborhood, not only for the residents of Danielson Grove, but also for people living in the surrounding area.

Successes

- The project succeeded in encouraging the city to adopt a more innovative code—*Chapter 113 - Cottage, Carriage and Two/Three - Unit Homes*.
- The homes sold well and gained national attention for the pocket neighborhood concept and for higher-quality, well-designed homes.
- The development was built under the highest 3-Star standard of the “Built Green” program of the Master Builders Association in partnership with King and Snohomish counties.
- The project demonstrated the market demand for smaller housing choices in a community-oriented setting and the compatibility of a pocket neighborhood infill project within an existing neighborhood setting.
- The site is zoned for 7,200 square feet lots, which would typically result in ten 3,000-square foot, single-family detached houses. The demonstration code allowed sixteen homes each less than 1,500 square feet, achieving a density of 7.7 dwelling units per acre instead of the previous maximum of 4.8 dwelling units per acre.

Challenges/Lessons learned

- While the homes sold without difficulty due to building and land costs, the sales prices were still fairly high relative to AMI and even higher at today's current sales prices. Homes were purchased by individual buyers who valued the housing quality, detail, design and community amenities over a low price point. The community has a European scale and quality that appealed to the sophisticated buyers.
- The project had several challenging site constraints. Significant conifer trees had to be preserved, including two large-diameter fir trees near the street where a stormwater retention swale would be conventionally located. Additionally, the entire site was within an endangered salmon stream watershed. In response, the layout worked around groves of trees, and stormwater was directed into dispersed rain gardens throughout the site, with overflow routed to a 30,000-gallon retention tank below the Commons Building and terrace. Walkways within the tree drip lines were built with pervious concrete or fine stone. The trees were protected throughout construction.
- A perceived market challenge—offering homes without attached garages—did not prove to be a limiting sales issue. In fact, buyers preferred the garden setting with a walk through the commons to their homes.



COTTAGE COURT CASE STUDIES

Conover Commons

Redmond, Wash.

- **Code type example:** Demonstration Code that allowed a pocket neighborhood/cottage housing approach
- **Contacts:** Ross Chapin, Ross Chapin Architects; Jim Soules, Soules Company; Linda Pruitt, Cottage Company

Client/Team

- **Architect:** Ross Chapin Architects (Ross Chapin FAIA, Karen DeLucas)
- **Developer:** The Cottage Company (Jim Soules, Linda Pruitt)
- **Civil Engineer & Landscape Architect:** Triad Associates
- **Geotech Engineer, Wetlands Consultant:** Terra Associates
- **Arborist:** Favero Greenforest

Size and scale

9.5-acre site including 4.6 acres steep slope and wetlands, 24 dwelling units total

Unit size range

Two-bedroom, 1,000 square feet; 3 - 4 bedroom, 1,700 to 2,700 square feet

Density

5 dwelling units per acre

Without the siting flexibility of the innovative code, under the normal 7,200 single-family lot code, the site would have only accommodated 6 - 7 single-family residences. Under required stormwater requirements, that would have made the project financially unfeasible.

Project timeline

- **First Phase:** 12 single-family market-rate cottages limited to 1,000 square feet. Constructed between 2003 - 2005
- **Second Phase:** 12 single-family, market-rate homes from 1,700 to 2,700 square feet, plus one affordable for-sale unit (qualified at 50 percent median income). Constructed between 2006 - 2007
- **Sales:** The last sale was in early 2008

The master plan for both phases was processed together. Specific plans were then developed and approved for each phase. The site improvements and utilities for both phases were installed all at one time. Generally, it took a year from full plan submittal to building permits and then about 12 months to build. However, the second phase was hit with a very wet winter that stopped construction for 4 months. Since there was no neighborhood opposition and complete plans were submitted, the timeline was average.



Project costs

- **Soft Costs (permits, consultants, interest, sales, admin):** \$104,000 per unit
- **Construction Costs (labor, materials, subcontractors, supervision):** \$177 per square feet
- **Land:** \$24,000 per unit
- **Sales Prices:** \$334,500 to \$425,000 for two-bedroom/two-bath, 1,000-square foot Cottage; completed and sold in 2004 and \$729,900 to \$889,900 for 3 - 4 bedroom/3-bath 1,700- to 2,700-square foot home.

Project description

The project is a pocket neighborhood that consists of two connected clusters of single-family cottages and houses built over two phases. One cluster includes twelve 1,000 square foot cottages gathered around a shared courtyard. The second cluster includes thirteen homes sized from 1,200 to 2,400 square feet (including one income-qualified affordable home) arranged along a garden walkway. Each home has its own private yard. The 9.5-acre site includes 4.6 acres of preserved native protection areas containing a steep woodland ravine. The site and each home were designed to balance an inviting sense of community with the need for privacy. The residents walk from the garage door to the front door, passing through a shared courtyard, private garden gate, and room-sized front porch, increasing the chance interactions among neighbors that are the seeds for community. One of the features of the pocket neighborhood concept used in this project is the flexibility to site homes on odd parcels, with no requirement to bring a vehicle to each house as well as the ability to locate vehicles off alley like streets.

Zoning and neighborhood description

Developed in joint venture with the Cottage Company, Conover Commons was the first project built under the City of Redmond's Innovative Housing Demonstration Project code, which allowed developers to submit proposals for density up to twice of the allowed density and obtain accelerated processing. However, they were still subject to strict design review and interaction with the community through neighborhood meetings. The interim demonstration code was a response to the State of Washington's comprehensive Growth Management Act enacted in 1989, which required cities to increase density and affordable housing to stop sprawl. Redmond's current codes allows for cottage housing developments in select single-family zones.

The surrounding neighborhood was developed in the 1960s-70s with rambler-style homes on large lots served by septic systems. Two developers previously owned the property and could not figure out how to build their standard cul-de-sac housing tracts because of the steep hillsides and wetlands encumbering the property. By developing smaller homes at double the density under the demonstration code, the project was financially viable. Additionally, the site was isolated from existing residences and thus had no impact on adjacent homes, which made approvals easier. The buyers include a mix of professional couples, empty nesters, single women and single-parent families.



Successes

- The pocket neighborhood with detached parking and building in clusters proved to be more flexible and adaptable to this unique site than conventional subdivision design.
- The project demonstrated market demand and community acceptance for smaller housing choices in a community-oriented setting.
- The homes had a unique character missing in the typical spec homes in the area.
- The project is a compelling example of suburban infill residential development, demonstrating that compact homes are compatible within existing larger-home neighborhoods.
- The development is an example of a collaborative effort on every level: a state government taking action to control sprawl, a proactive city planning department, a forward-thinking developer, an innovative architect, an enlightened banker, a supportive community, craftsman-builders taking pride in their work, and buyers willing to live their values.
- The project met the 4-Star rating of the Master Builders Association BUILTGREEN program, including high-efficiency appliances, heaters and light fixtures; high-level insulation and weather sealing; materials selected for resource efficiency, low-toxicity and durability; and jobsite recycling.
- The cottage housing demonstrated how an interim innovative code can successfully encourage other housing types with community acceptance.

Challenges/Lessons learned

- The undevelopable ravine and the wetlands were challenging site constraints.
- While the homes did not have difficulty selling, the sales prices were still fairly high relative to AMI due to building and land costs. Homes were purchased by individuals wanting a different housing/community type rather than for a low price point.



Boiceville Cottages

Brooktondale, N.Y.

- **Code type example:** Not applicable. The project is designed as a cottage housing development but there was no zoning on the project site.
- **Contact:** Bruno Schickel, Founder & Owner, Schickel Construction

Client/Team

- **Developer/Designer/Builder:** Bruno Schickel, Schickel Construction Co.

Size and scale

40-acre site, 140 units

Unit size range

- 550 to 1,150 square feet
- Studios; one-bedroom unit with loft; two-bedroom unit with loft; 3-bedroom townhouses

Density

3.5 dwelling units per acre

Project timeline

Development started in 1996 with three cottages and continued with three additional cottages built annually. By 2003, 18 cottages were built. After 2008, construction moved more quickly with 18 to 21 cottages built annually. Construction on all 140 units was completed in 2016.

Project costs

- **Soft Costs:** not available
- **Construction Costs:** \$45,000 per unit for first three cottages; \$116,000 per unit for most recent cottages.
- **Land:** \$2,000 per unit.
- **Current Rent:** \$1,225 month for a studio to \$1,895 month for a 3-bedroom townhouse.

Project description

With a nod to the gingerbread-style cottages in the children's book "Miss Rumphius," Bruno Schickel, the owner, designer, and builder, developed a 140-unit pocket neighborhood complete with brightly painted exteriors and whimsical architectural details. The pocket neighborhood was built on 40 acres and incrementally financed over 20 years. In 1996, construction began with three prototype cottages. Each subsequent year, Schickel built more cottages and improved from previous iterations based on tenant feedback and market demand. All units are market rate rental and vary in size from 550 to 1,150 square feet. Rental types include: studios, one-bedroom cottages, two-bedroom cottages, and 3-bedroom townhouses. The most popular unit is the 650-square foot, one-bedroom cottage known as the "tiny house".



The layout of the site is an important factor in the project's success of community building. Small clusters of three cottages are repeated throughout the neighborhood and encourage daily interaction with neighbors while enhancing the sense of community. Additionally, the community center acts as a "third" place where tenants host gatherings, exercise in the gym, and work using free Wi-Fi. The extensive green spaces, including mowed lawns, nature paths, and personal garden beds allocated to each tenant, foster a greater sense of community by physically interconnecting the various places and individual cottages. Also, a flexible pet policy and two dog parks are main draws for renters. Surface parking is distributed throughout the site. The developer is responsible for all ongoing maintenance, instead of the municipality.

Zoning and neighborhood description

The pocket neighborhood is built in a town where zoning still does not exist, and thus did not require master planning nor development standards approval. However, after the project began, the town adopted a site plan review as a requirement. The lack of zoning provided the developer freedom to design the cottages without the constraints of density requirements. Instead, the septic system capacity was the limiting factor for the total number of units.

The pocket neighborhood is located in Brooktondale, New York, a rural town in Tompkins County (population: 100,000 people). The project is located seven miles from Ithaca, a university town. While public transportation is frequently used and accessible from the property, most tenants commute by car.

Widespread enthusiasm for the project draws diverse demographics interested in "living small" within a larger community. With two universities nearby, graduate students account for approximately 20 percent of tenants. Working professionals, small families, and seniors are significantly represented in the community. The desire to "live small" is just part of it, Schickel states: *"The bright colors and the playful architectural details often elicit emotional reactions from both prospective and current residents."* Good design and planning is what sells the project.



Successes

- The lack of zoning offered flexibility to the site plan and allowed the developer to design creatively. The site was not constrained by subdivision requirements, which lowered infrastructure costs.
- Without the need for a locally-approved masterplan, the developer was able to respond rapidly to market demand by adapting the phasing of construction and types of units built.
- Without any regulatory requirements needing local and community review, the developer was able to invest more money in good design for the built environment.
- The absence of design guidelines gave the developer freedom to creatively design the cottages and the infrastructure.
- The development does not include any public roads or driveways; nothing was required of the municipality in terms of construction and maintenance.

- The county viewed the development as a single entity with one owner, which eliminated the need for land subdivision to meet septic regulations.
- The dog park was in such high demand that a second park was later added. The flexible pet policy and lack of monthly pet fees is unique for the area and proved an important factor for growth of the community.
- The project was so unique and well executed that it has become a tourist attraction for the area.

Challenges/Lessons learned

- Studios, one-bedroom cottages, and the smaller “tiny house” units are easier to rent compared with the 3-bedroom townhouses.
- From a financing perspective, phasing proved to be important, as the locale was not known for high growth. After a small amount of financing supported the initial construction, documentation of the rent structure demonstrated the viability of the current project as well as future phases. Clear documentation of the rent structure also made the appraisal process more straightforward. At the start of each phase, the developer opened a line of credit with an interest-only rate for 30 months to 3 years. At the end of each phase, the line of credit was converted to a conventional mortgage.



FORM-BASED CODES (FBCs) CASE STUDIES

Meridian Court, Courtyard Apartment Pasadena, Calif.

- **Code type example:** Form-based code for infill development
- **Contact:** Juan Gomez-Novy, Architect, Moules & Polyzoides Architects & Urbanists

Client/Team

- **Developer:** Meridian Properties, LLC.
- **Builder:** Del Pesco, Inc

Size and scale

0.38-acre site; 3 unit types (1 to 3 bedroom), 10 dwelling units total

Unit size range

1,300 to 1,800 square feet

Density

26 dwelling units per acre

Project timeline

The project was reviewed and approved by the city within 6 months of submitting the plans and was built in 1999.

Project costs

- **Soft Costs:** Not available
- **Construction Costs:** Not available
- **Sale Price:** Not available

Project description

The project is a house-scale condominium building comprised of 10 fee-simple townhouse units built around a shared courtyard. Two single-family lots were combined to make a 120-foot wide by 140-foot deep site with an area of 16,800 square feet (0.38-acres). The building is primarily two stories tall, with a small three-story portion at the rear. It contains 13,650 square feet of habitable space and has a density of 26 dwelling units per acre. Unit sizes range from one- to three-bedrooms and from 1,300 to 1,800 square feet in area. All units are accessed directly from the sidewalk or from the courtyard. The building is built over a subterranean garage that accommodates 30 parking spaces, ten of which are dedicated to the offices of the architects who designed Meridian Court. The office building is listed on the local historic register.



Zoning and Neighborhood Description

Located in Pasadena, California at the corner of Marengo Avenue and California Boulevard, the project is designed per the City of Pasadena's "City of Gardens" Ordinance (adopted in 1989). The site is situated at the edge of a well-established residential neighborhood comprised of a mix of detached houses and small multifamily buildings that abuts a commercial district containing one- and two-story commercial buildings. The Metro Gold Line light rail train stops within a half-mile of this site, and bus service is available along Marengo Avenue and California Boulevard.

Successes

- The courtyard, designed as a garden reminiscent of historic courtyard buildings in the area, provides shared open space for residents, and in the spirit of the guiding City of Gardens ordinance, ensures that green space in the neighborhood is preserved.
- Each unit's private patio space is unique based on the location of the unit on the site. Two units contain completely internalized patios.
- Consistent with the provisions of the City of Gardens ordinance, the three-story portion of the building is located in the rear corner, away from the adjacent streets to preserve the two-story character of the existing neighborhood. The three-story portion adds visual interest to the courtyard and enables larger three-story units to have views of the city and the nearby mountains.
- The developer provided medium to large units in response to an oversupply of small units within the area at the time.
- The garage is completely subterranean, and the driveway entry is located to the side of the facade. The high cost of land in the area supports the construction of subterranean parking. The concealed garage ensures that the building fits in with the single-family houses and small-scale multifamily buildings of the neighborhood and with the adjacent historic office building.
- The front facade was designed with the scale and massing of large estate houses in the area, disguising the fact that the building has 10 units.
- The side façade was designed as a series of townhouses accessed by stoop entries. These units are also accessed from the main courtyard.

Challenges/Lessons learned

- The project required a variance to reduce the side street setback from 15 feet to 5 feet. The 5-foot setback was consistent with the neighboring historically designated office building and other nearby commercial buildings that were built close to the sidewalk. Without the variance, the increased setback would have made it impossible for the project to comply with the required courtyard size. City staff recognized that designing the project to conform with the character of the adjacent commercial district made for a better project.
- The City did not permit the garage to be accessed from the side street and at the site's low point, since the side street was a major crosstown corridor. Consequently, the garage entrance had to be accessed at the high point of the site from the front street.
- The project team wanted to design the building in the same style as the historic building west of the project, but the historic preservation advocates required that this building be totally different in style and materials.

Mansion Apartment, New Town St. Charles St. Louis, Mo.

- **Code type example:** Form-based code for greenfield development
- **Contact:** Tim Busse, Town Architect, The New Town at St Charles

Client/Team

- **Developer:** Whittaker Homes
- **Builder:** Whittaker Homes
- **Photographer:** Larry Duffy

Size and scale

0.17-acre site (6 units); 0.10-acre site (3 units)

Unit size range

840 to 1,300 square feet; two dwelling unit types (one to two-bedroom)

Density

36 dwelling units per acre (6 units) to 31 dwelling units per acre (3 units)

Project timeline

The mansion apartment building was reviewed and approved by the city in one month and built in 2004 for a total timeline of 6 months. This community features a town architect who designs each building for the builder or reviews and provides a recommendation to the city for submitted designs. The project is regulated by a form-based code that covers the entire 726-acre community.

Project costs

- **Soft Costs:** \$5,000
- **Construction Costs:** \$448,000 (6 units), \$248,000 (3 units)
- **Sale Price:** \$120,000 per unit

Project description

The project in this analysis is a house-scale mansion apartment building. The mansion type is intended to appear as a large single-family house but contains 6 units. The building is on a 70-foot wide by 105-foot deep lot of 7,350 square feet with alley access (0.17-acre site). The building is two stories, contains 5,600 square feet of habitable space distributed to make 6 units (36 dwelling units per acre). A variation of this type is made by reducing the number of units to 3 (3,100 square feet). This variation fits on a 40-foot wide by 105-foot deep lot of 4,200 square feet (0.10-acre site; 31 dwelling units per acre). The units are a mix of one- to two-bedrooms and range from 840 - 1,300 square feet. An entire building is for sale as rental apartment building or units may be purchased separately by individuals. All units feature walk-up access and can be organized as townhouses or stacked flats. Parking is at the rear of the lot with 6 spaces (one off-street per unit and one on-street per unit).



Zoning and neighborhood description

The mansion apartment building is one of several building types within the 726-acre New Town St Charles development that is reviewed in Chapter 2, which is planned for six new neighborhoods based on the historic patterns and buildings of the St. Louis region. The mansion building type has been built along New Town Avenue, a major east-west street, and along side streets.

Successes

- The rental occupancy rate is 95 percent and very good given the region's negative perception toward rental and especially toward multifamily housing.
- The mansion buildings gave people a level of comfort, because multifamily has a negative track-record in St. Louis. People who were looking to build a single-family house in the neighborhood actually said “... *I want to build my house to look just like that...*” before they knew that the mansion was a 6-unit building.
- The mansion buildings include a two-story porch to provide upper story units with outdoor space along the street. Over time, the two-story porch has been requested by at least half of the homeowners who want a two-story house.
- Small-increment owners could now buy small-apartments as income property and are increasingly doing this. Until this, the only option for income property was large apartment projects.
- There was an 18- to 24-month backlog for buying, constructing and moving into single-family houses in the community. Many of these owners rented an apartment in a mansion building while waiting for their single-family house to be completed and confirmed that they wanted to live in this community; doing so changed their perception of multifamily housing and density.

Challenges/Lessons learned

- The mansion building turned out to be more expensive to build than expected because the detailing was more than the local trades were accustomed to doing. In addition, new elements such as porches had not been built by locals in a long time, and it took time to develop efficiencies.
- People who hear about the ‘high’ density in this community react negatively at first but when they see and walk through the Mansion, their attitude changes positively. This takes some time because of the region's strong resentment toward apartments.
- Some people are choosing to rent because until this project, they did not feel they had that option since apartments in the region are not typically desirable.

Kentlands Cottages (Tower Houses), Kentlands Gaithersburg, Md.

- **Code type example:** Form-based code for greenfield development
- **Contact:** Planning Division, Planning & Code Administration, City of Gaithersburg

Client/Team

- **Architect:** CHK Architects & Planners, Inc
- **Developer:** Great Seneca Development Corporation
- **Builder:** Mitchell & Best Homes

Size and scale

0.02-acre site, 10 dwelling units total

Unit size range

1,288 to 1,544 square feet; 2 - 3 bedroom

Density

40.33 dwelling units per acre

Project timeline

The project site plan was reviewed and approved by the city Planning Commission in January 1988 and the final architecture in September 1998. Building permits were submitted in October and approved in early December. Construction was completed for 10 Kentlands Cottage units between May and November of 1999 for a total timeline of 17 months. The overall Kentlands development features City-approved design guidelines and a Community Architect who provides a recommendation to the city for submitted designs for conformance to the guidelines. The project is regulated by the MXD zone that was specifically prepared to implement the master plan for the entire 352-acre community and is now used in many other areas of the City.

Project costs

- **Soft Costs:** not available
- **Construction Costs:** \$215,000
- **Sale Price:** \$279,000 initially in 1998; \$599,000 in 2018¹



¹ The 2016 5-year ACS reports the median value of owner-occupied housing in the City of Gaithersburg at \$369,900.

Project description

The project in this analysis is a house-scale, detached single-family Kentlands Cottage. The house has a compact footprint of 24-feet by 30-feet and is on a very compact lot that faces a small public green. The lot is typically 30-feet wide by 36-feet deep, with 1,080 square feet and alley access (0.02-acre site). The building is 3.5 stories and contains 1,288 to 1,544 square feet of habitable space (40.33 dwelling units per acre). The units are for sale and have two to three bedrooms. All units feature walk-up access and are detached, arranged side by side, fronting the small public green. Parking for each unit is in a tuck-under garage with two spaces that is accessed from the rear of the lot.

Zoning and neighborhood description

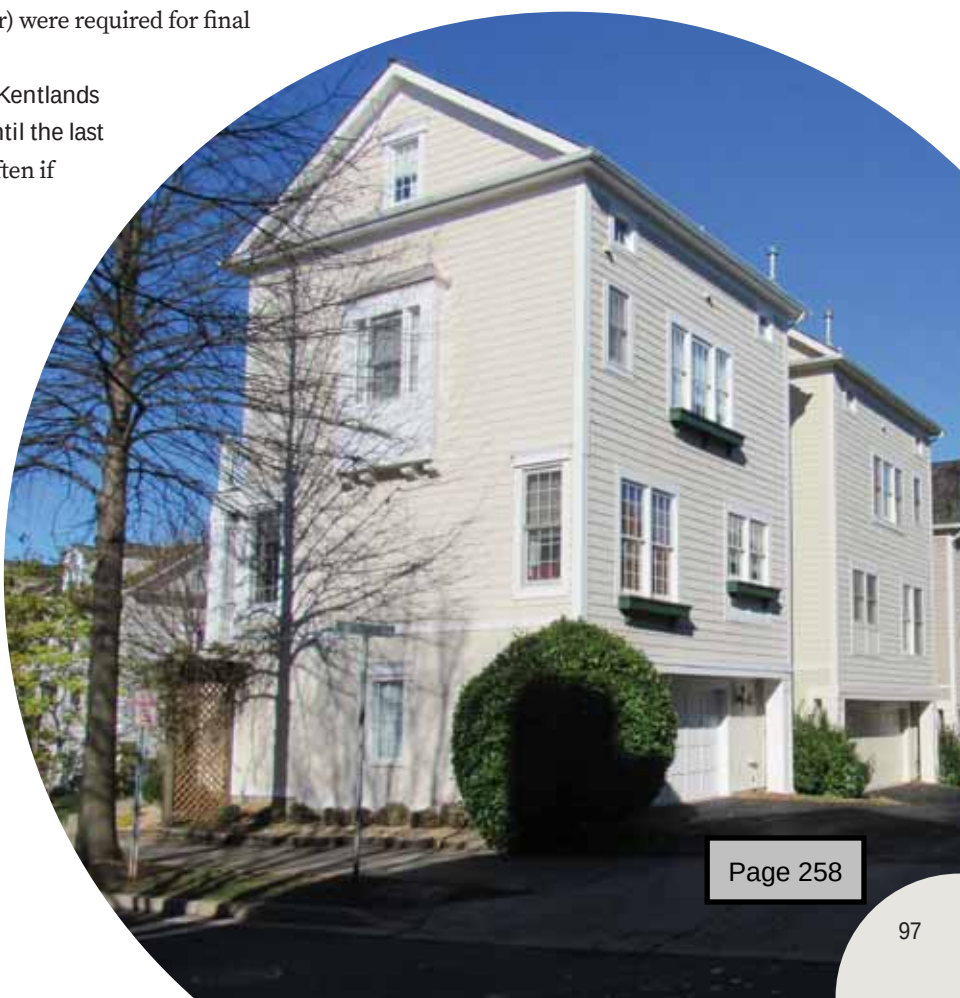
The Kentlands Cottage is within the 352-acre Kentlands development of nine neighborhoods, including a small downtown, all based on the historic patterns and buildings of the region. The Kentlands code was reviewed in Chapter 2. The Kentlands Cottage building type has been built on lots where the block shape is not typical, providing the opportunity to place a grouping of these buildings facing a small green at street corners.

Successes

- The Kentlands Cottage provides a very small footprint house that can fit in many places, providing variety within a neighborhood and overall in the development.
- The Kentlands Cottage is similar to the 'tuck-under' type in other parts of the U.S., with its compact footprint and ground floor mainly being a garage. The Kentlands Cottage is more effective though, because it seamlessly fits into the street network without adding driveways or changing the size and shape of blocks. This is because the type always fronts on a public green that is part of the block and because it shares the alley at the back of the lot.

Challenges/Lessons learned

- Working with the Community Architect and three reviews by the Planning Commission (April, June & September) were required for final approval of the architecture.
- Only 10 buildings of this type exist in Kentlands because it was not introduced here until the last phase. It may have been used more often if introduced earlier.



Mews Townhouse Units, Daybreak South Jordan, Utah

- **Code type example:** Form-based code for a greenfield development
- **Contact:** Jason Nageli, Vice President of Sales and Marketing

Client/Team

- **Architect:** Opticos Design, Inc.
- **Developer:** Holmes Homes
- **Builder:** Holmes Homes

Size and scale

3.2-acre site; 64 mews units total

Unit size range

958 to 1,416 square feet; 5 mews unit plans; 2- and 3-bedroom units

Density

- 20 dwelling units per acre overall density
- 20 to 30 dwelling units per acre unit density

Project timeline

The project started design in 2014 and is being constructed in phases. About half the development was completed construction and sold in 2017/2018.

Project costs

- **Construction Costs:** \$113 to \$136 per square foot
- **Total Costs:** \$211,000 to \$242,000 per unit
- **Sales Prices:** \$237,000 to \$278,000

Project description

The project in this analysis is a house-scale townhouse. The townhouses are attached and have compact footprints ranging from 26 feet by 26 feet to 26 feet by 52 feet. Each unit is oriented with the longer side facing a pedestrian passage, which is atypical for conventional townhomes. This allowed the units to fit on the narrower lot sizes that were left over after the conventional townhouses were laid out on the predetermined block sizes. Each building contains two units, with some containing three units. All units front on dedicated pedestrian passages that have been designed as courts. All units have a private,



fenced patio area, with tuck-under parking accessed from an alley off the rear. The developer's objective was to provide a market-rate, entry-level purchase price point for townhomes. The for-sale two- and three-story units range from 958 to 1,416 square feet of habitable space.

Zoning and neighborhood description

The project is within the 4,000-acre master-planned Daybreak community, which was designed using a traditional neighborhood development model so that all homes are within a five minute walk or bike ride of a major commercial or civic amenity. The Mews development walk shed includes a light rail station and a large park. Many of the home designs were inspired by Salt Lake City's historical neighborhoods and include large front porches and alley-loaded garages and were built by multiple developers. The community is currently divided into several neighborhoods, which are designated as villages that were created using the form-based development standards. See Chapter 2 for the detailed review of Daybreak. There is a diversity of housing types within the community that includes for sale (attached and detached) and multifamily rental units.

Successes

- The developer was able to deliver an entry-level price at the highest square foot sales price of any of their product.
- The Mews were the first townhomes to sell in the Holmes developed project area.
- The design turned a constraint (awkward lot configuration) into a successful, small scale project through an unconventional approach.
- The unit orientation provides more opportunities for light and air than a conventional townhouse orientation.
- Having a design that allows for private outdoor living areas specific for each owner.
- Interiors with two-story volumes had a strong market appeal as did extended garage sizes for additional storage.

Challenges/Lessons learned

- Awkward lot configuration that was challenging for the efficiency of a typical block layout.
- Primary challenges were accommodating the grading at the front entrances without having too many stairs protruding into the pedestrian court. When building on smaller lots, it is critical to plan for additional design time to consider each unit independently.
- There were issues with the HVAC units, both in terms of installation and having enough space. When working with small unit plans, every appliance and piece of equipment needs to be thoughtfully accommodated during the design phase, as there is not a lot of extra space to adjust during construction. As the units are built slab on grade, the heating had to be provided from above, which can be challenging for double height spaces. Some plan changes were made during construction to resolve the HVAC issues.



Appendix: Code Database

The 118 ordinances and codes reviewed for this report are compiled into the following database which includes information on the location, preparers, context, etc. The database also includes a link to the ordinance, regulation, or code if applicable.

Code Name	City	County	State	Extent	Country	Author
California	All in State		California	State-wide	USA	
Santa Cruz	Santa Cruz	Santa Cruz County	California	City-wide	USA	
Denver	Denver	Denver County	Colorado	City-wide	USA	City of Denver
District of Columbia	All in State		District of Columbia	State-wide	USA	
Baltimore County	All in County	Baltimore County	Maryland	Area Specific	USA	
Ann Arbor	Ann Arbor	Washtenaw	Michigan	City-wide	USA	
Minneapolis	Minneapolis	Hennepin County	Minnesota	City-wide	USA	
New Hampshire	All in State		New Hampshire	State-wide	USA	
Portsmouth	Portsmouth	Rockingham County	New Hampshire	City-wide	USA	
Asheville	Asheville	Buncombe County	North Carolina	City-wide	USA	
Portland	Portland	Multnomah County	Oregon	City-wide	USA	
Vancouver	Vancouver	Clark	Washington	City-wide	USA	"City of Vancouver, WA"
Seattle	Seattle	King County	Washington	City-wide	USA	
Rhode Island	All in State		Rhode Island	State-wide	USA	
Austin—ADU	Austin	Austin County	Texas		USA	
Atlanta	Atlanta	Atlanta County	Georgia	City-wide	USA	Kronberg Wall
Massachusetts	All in State		Massachusetts	State-wide	USA	
Kent Cottage Housing	Kent	King County	Washington	City-wide	USA	The Cottage Company
Juneau	Juneau	Juneau County	Alaska		USA	
Lehigh Valley	Lehigh	Lehigh County	Pennsylvania		USA	
Marysville	Marysville	Snohomish County	Washington		USA	

Status of Code	Ordinance Adoption Process	Context	Strategy	History of Ordinance	Website/Metadata
Adopted	ADU ordinance		ADU	State-Initiated	http://bit.ly/2VCJllx
Adopted	ADU ordinance	Medium/Small Town	ADU	City-Initiated, State-Initiated, Easy Public Process	http://bit.ly/2VDf6Ac
Adopted	ADU ordinance	Urban	ADU		http://bit.ly/2IW9D1L
Adopted	ADU ordinance	Urban	ADU	City-Initiated	http://bit.ly/2LIB5Yu
Adopted	ADU ordinance	Urban	ADU		http://bit.ly/2DA9JaL
Adopted	ADU ordinance	Urban	ADU	City-Initiated	http://bit.ly/2Lba6Pk
Adopted	ADU ordinance	Urban	ADU	City-Initiated	http://bit.ly/2IViGjj
Adopted	ADU ordinance	Medium/Small Town	ADU	State-Initiated	http://bit.ly/2IXVnW0
Adopted	ADU ordinance	Medium/Small Town	ADU	State-Initiated	http://bit.ly/2Lba75Q
Adopted	ADU ordinance	Urban	ADU		http://bit.ly/2DA9wV1
Adopted	ADU ordinance	Urban	ADU	City-Initiated, Received a lot of changes, Tough Public Process	http://bit.ly/2LIB6vw
Adopted	ADU ordinance	Urban	ADU	City-Initiated	http://bit.ly/2DA9xZ5
Adopted	ADU ordinance	Urban	ADU		http://bit.ly/2LIB6f0
Adopted	ADU ordinance	Medium/Small Town	ADU		
Adopted	ADU ordinance	Urban	ADU		
In-Progress Drafting	ADU ordinance	Urban	ADU	City-Initiated	http://bit.ly/2VDf6QI
In-Progress Drafting	ADU ordinance	Medium/Small Town	ADU	State-Initiated	http://bit.ly/2DA9xbx
Adopted	Cottage Court ordinance	Urban	Missing Middle, Cottage Court	City-Initiated, Easy Public Process	http://bit.ly/2Lba6yO
Adopted	Cottage Court ordinance	Medium/Small Town	Missing Middle, Cottage Court		
Adopted	Cottage Court ordinance	Medium/Small Town	Missing Middle, Cottage Court		
Adopted	Cottage Court ordinance	Medium/Small Town	Cottage Court, Missing Middle		

Code Name	City	County	State	Extent	Country	Author
Mukilteo	Mukilteo	Snohomish County	Washington		USA	
Nags Head	Nags Head	Dare County	North Carolina		USA	
Wilmington	Wilmington	New Hanover County	North Carolina		USA	
Spokane	Spokane	Spokane County	Washington		USA	
Milwaukie	Milwaukie	Clackamas County	Oregon		USA	
Roswell	Roswell	Fulton County	Georgia		USA	
Flagstaff Hybrid Code	Flagstaff	Coconino County	Arizona	City-wide	USA	Opticos Design
Mesa	Mesa	Maricopa County	Arizona	City-wide	USA	Opticos Design
Livermore Hybrid Code	Livermore	Alameda County	California	Area Specific	USA	Opticos Design
Richmond Livable Corridors	Richmond	Contra Costa County	California	Area Specific	USA	Opticos Design
Petaluma	Petaluma	Sonoma County	California	Area Specific	USA	Opticos Design
Moraga	Moraga	Contra Costa County	California	Site-specific	USA	Opticos Design
Downtown Cotati	Cotati	Sonoma County	California	Area Specific	USA	Moule & Polyzoides Architects
Uptown Whittier	Whittier	Los Angeles	California	Area Specific	USA	Moule & Polyzoides Architects and Urbanists
Uptown Paso Robles	Paso Robles	San Luis Obispo	California	Area Specific	USA	Moule & Polyzoides Architects and Urbanists
Downtown Soledad	Soledad	Monterey County	California	Area Specific	USA	Tony Perez and Sargent Town Planning
Tehachapi Hybrid Code	Tehachapi	Kern	California		USA	Opticos Design, LWC
Transit Zoning Code	Santa Ana	Orange	California	Area Specific	USA	Moule & Polyzoides Architects and Urbanists
City Center Zoning Code	Fremont	Alameda	California	Area Specific	USA	Tony Perez and Sargent Town Planning

Status of Code	Ordinance Adoption Process	Context	Strategy	History of Ordinance	Website/Metadata
Adopted	Cottage Court ordinance	Medium/Small Town	Missing Middle, Cottage Court		
Adopted	Cottage Court ordinance	Medium/Small Town	Cottage Court		
Adopted	Cottage Court ordinance	Urban	Cottage Court		
Adopted	Cottage Court ordinance	Urban	Small Lot, Cottage Court		
	Cottage Court ordinance	Medium/Small Town	Cottage Court		
Adopted	Cottage Court ordinance, New Multi Family Zone	Medium/Small Town	Missing Middle, Cottage Court		
Adopted	Form-Based Code	Urban			http://bit.ly/2LbFWvu
Adopted	Form-Based Code	Urban	Small Lot, ADU, Missing Middle	City-Initiated, Tough Public Process	http://bit.ly/2LcGkKh
Adopted	Form-Based Code	Urban	Small Lot, ADU, Missing Middle	City-Initiated, Easy Public Process	http://bit.ly/2VEgjau
Adopted	Form-Based Code	Urban	Small Lot, ADU, Missing Middle, Urban Center regeneration	City-Initiated, Easy Public Process	http://bit.ly/2DHsGbL
Adopted	Form-Based Code	Medium/Small Town	Urban Center regeneration	City-Initiated, Easy Public Process	http://bit.ly/2IU6klh
Adopted	Form-Based Code	Medium/Small Town	Small Lot, ADU, Missing Middle	City-Initiated, Tough Public Process	http://bit.ly/2LdcQMp
Adopted	Form-Based Code	Medium/Small Town	Small Lot, Missing Middle, Urban Center regeneration	City-Initiated, Tough Public Process	http://bit.ly/2Ldxd9
Adopted	Form-Based Code	Urban	Urban Center regeneration, Missing Middle, ADU, Small Lot	City-Initiated, Easy Public Process	http://bit.ly/2VxVr4S
Adopted	Form-Based Code	Medium/Small Town	Urban Center regeneration, Missing Middle, Small Lot, ADU	City-Initiated, Easy Public Process	http://bit.ly/2VxLynD
Adopted	Form-Based Code	Medium/Small Town	Urban Center regeneration, Small Lot, Missing Middle	City-Initiated, Easy Public Process	http://bit.ly/2DDYzCb
Adopted	Form-Based Code	Medium/Small Town		City-Initiated, Easy Public Process	http://bit.ly/2LaLF4B
Adopted	Form-Based Code	Urban	Urban Center regeneration, Missing Middle	City-Initiated, Tough Public Process	http://bit.ly/2DENLUp
Adopted	Form-Based Code	Urban	Urban Center regeneration	City-Initiated, Easy Public Process	http://bit.ly/2L9r0Ot

Code Name	City	County	State	Extent	Country	Author
Historic Town Center Code	San Juan Capistrano	Orange County	California	Area Specific	USA	Tony Perez and Sargent Town Planning
North Montclair Code	Montclair	Los Angeles	California		USA	Moule & Polyzoïdes Architects and Urbanists
Victoria Avenue Corridor	Ventura	Ventura	California	Area Specific	USA	Freedman Tung and Sasaki
Midtown Corridors Code	Ventura	Ventura	California	Area Specific	USA	Rangwala Associates
Saticoy and Wells	Ventura	Ventura	California		USA	Moule & Polyzoïdes Architects
Downtown Newhall	Newhall	Los Angeles	California	Area Specific	USA	Moule & Polyzoïdes Architects
Third Street East LA	East Los Angeles	Los Angeles	California	Area Specific	USA	Moule & Polyzoïdes Architects
Downtown Ventura	Ventura	Ventura	California	Area Specific	USA	Moule & Polyzoïdes Architects
Miami 21	Miami	Miami County	Florida	City-wide	USA	Duany Plater-Zyberk & Company
Kauai: South	Kauai	Kauai County	Hawaii	Area Specific	USA	Opticos Design
Columbia Code	Columbia	Boone	Missouri	Area Specific	USA	"Ferrell Madden (M-DT District), Clarion (rest of code)"
Central West End St. Louis	St. Louis	St. Louis County	Missouri	Area Specific	USA	H3 Studio
Cincinnati	Cincinnati	Hamilton County	Ohio	City-wide	USA	Opticos Design
Beaufort County	All in County	Beaufort County	South Carolina	County-wide	USA	Opticos Design, Beaufort County Staff
Port Royal	Port Royal	Beaufort County	South Carolina	City-wide	USA	Opticos Design
Virginia Beach	Virginia Beach	Princess Anne County	Virginia	Area Specific	USA	Code Studio, Urban Design Associates
Mount Pleasant Ion	Mount Pleasant	Charleston County	South Carolina	Area Specific	USA	Dover Kohl & Partners

Status of Code	Ordinance Adoption Process	Context	Strategy	History of Ordinance	Website/Metadata
Adopted	Form-Based Code	Medium/Small Town	Urban Center regeneration	City-Initiated, Received a lot of changes, Tough Public Process	http://bit.ly/2L9BKwc
Adopted	Form-Based Code	Medium/Small Town	Urban Center regeneration, Missing Middle	City-Initiated, Easy Public Process	http://bit.ly/2LqBqtl
Adopted	Form-Based Code	Urban	Urban Center regeneration	City-Initiated, Tough Public Process	http://bit.ly/2DENJvL
Adopted	Form-Based Code	Urban	Urban Center regeneration, Missing Middle	City-Initiated, Tough Public Process	http://bit.ly/2VCJLOf
Adopted	Form-Based Code	Urban	Urban Center regeneration, Missing Middle	City-Initiated, Tough Public Process	http://bit.ly/2DENL6R
Adopted	Form-Based Code	Medium/Small Town	Urban Center regeneration, Missing Middle, Small Lot, ADU	City-Initiated, Easy Public Process	http://bit.ly/2DENJff
Adopted	Form-Based Code	Urban	Urban Center regeneration, Missing Middle, Small Lot	City-Initiated, Easy Public Process, Received a lot of changes	http://bit.ly/2Le2ufd
Adopted	Form-Based Code	Urban	Urban Center regeneration, Missing Middle	City-Initiated, Tough Public Process, Received a lot of changes	http://bit.ly/2VrnEuf
Adopted	Form-Based Code	Urban	Urban Center regeneration, Small Lot, ADU, Missing Middle	Public-Initiated, Easy Public Process, Received a lot of changes	http://bit.ly/2DFkZ5N
Adopted	Form-Based Code	Medium/Small Town	Small Lot, ADU, Missing Middle, Urban Center regeneration	City-Initiated, Easy Public Process	http://bit.ly/2VCJM4L
Adopted	Form-Based Code	Medium/Small Town	Urban Center regeneration, Small Lot	City-Initiated	http://bit.ly/2L8Aidn
Adopted	Form-Based Code	Urban	Urban Center regeneration, Missing Middle, Small Lot	Easy Public Process, Developer-Initiated	http://bit.ly/2LaNI8T
Adopted	Form-Based Code	Urban	Urban Center regeneration, ADU, Small Lot, Missing Middle	City-Initiated, Easy Public Process	http://bit.ly/2VCJN8P
Adopted	Form-Based Code	Medium/Small Town		Public-Initiated, Tough Public Process	http://bit.ly/2DENIrH
Adopted	Form-Based Code	Medium/Small Town		City-Initiated, Tough Public Process	http://bit.ly/2DCNxNe
Adopted	Form-Based Code	Urban	Missing Middle, Urban Center regeneration, Small Lot	City-Initiated	http://bit.ly/2Lc1tUE
Adopted	Form-Based Code	Medium/Small Town		Developer-Initiated, Tough Public Process	http://bit.ly/2LbxXP5

Code Name	City	County	State	Extent	Country	Author
Denver Zoning Code	Denver	Denver County	Colorado	City-wide	USA	City of Denver, Code Studio,"Ferrell Madden (M-DT District), Clarion (rest of code)"
India Street Code	Portland	Cumberland County	Maine	Area Specific	USA	
River Crossings	Iowa City	Johnson County	Iowa	Area Specific	USA	HDR
Columbia Pike	Arlington	Arlington County	Virginia	Area Specific	USA	"Ferrell Madden (M-DT District), Clarion (rest of code)"
Nashville Code/ Downtown Nashville	Nashville	Nashville-Davidson County	Tennessee	Area Specific, County-wide	USA	County staff (peer review by Opticos Design)
Albuquerque FBZ	Albuquerque	Bernalillo	New Mexico	Area Specific	USA	
Kentlands	Gaithersburg	Gaithersburg	Maryland	Site-specific	USA	Duany Plater-Zyberk & Company
El Paso Smart Code	El Paso	El Paso	Texas		USA	Placemakers
New Town St Charles	St.Louis	St. Louis County	Missouri		USA	H3 Studio
Rosemary Beach	Rosemary Beach	Walton County	Florida		USA	Duany Plater Zyberk or Placemakers -- need to confirm
Cupertino	Cupertino	Santa Clara County	California	Site-specific	USA	Opticos Design
City of Gardens	Pasadena	Los Angeles County	California		USA	
Peninsula	Iowa City	Johnson	Iowa	Site-specific	USA	Ferrell Madden
Dana Point	Dana Point	Orange County	California	Area Specific	USA	Opticos Design
Martinez Specific Plan	Martinez	Contra Costa County	California	Site-specific	USA	Opticos Design
Novato	Novato	Marin County	California	Site-specific	USA	Opticos Design
Traverse City	Traverse City	Grand Traverse County	Michigan	Area Specific	USA	"Mark F. Miller AIA AICP, Nederveld, Inc. Lynée Wells AICP, Williams & Works"
Rohnert Park	Rohnert Park	Sonoma County	California	Site-specific	USA	Opticos Design
Davis	Davis	Yolo County	California	Site-specific	USA	Opticos Design
Austin Draft 3	Austin	Austin County	Texas	City-wide	USA	Opticos Design

Status of Code	Ordinance Adoption Process	Context	Strategy	History of Ordinance	Website/Metadata
Adopted	Form-Based Code	Urban	Small Lot, ADU, Missing Middle, Urban Center regeneration	City-Initiated, Tough Public Process	http://bit.ly/2LqBpph
Adopted	Form-Based Code	Medium/Small Town	Missing Middle, Urban Center regeneration	City-Initiated	http://bit.ly/2DFTlpg
Adopted	Form-Based Code	Medium/Small Town	Urban Center regeneration, Missing Middle	City-Initiated	http://bit.ly/2LlryRA
Adopted	Form-Based Code	Urban	Urban Center regeneration	City-Initiated	http://bit.ly/2Vwbsbz
Adopted	Form-Based Code	Urban	Urban Center regeneration, Missing Middle	City-Initiated	http://bit.ly/2DEctUR
Adopted	Form-Based Code	Urban	Missing Middle, Urban Center regeneration	City-Initiated	http://bit.ly/2LbL17a
Adopted	Form-Based Code	Medium/Small Town	Missing Middle	Developer-Initiated, Tough Public Process	http://bit.ly/2LbL036
Adopted	Form-Based Code	Urban	Urban Center regeneration, Missing Middle		http://bit.ly/2DENKQI
Adopted	Form-Based Code	Medium/Small Town			
Adopted	Form-Based Code	Medium/Small Town			
Adopted	Form-Based Code	Urban			
Adopted	Form-Based Code	Urban			
Adopted	Form-Based Code	Medium/Small Town	Missing Middle	Public-Initiated	http://bit.ly/2Vx4C5p
In Adoption Process	Form-Based Code	Medium/Small Town	Small Lot, Missing Middle, Urban Center regeneration	City-Initiated, Tough Public Process	http://bit.ly/2VCJMLh
In Adoption Process	Form-Based Code	Medium/Small Town			
In Adoption Process	Form-Based Code	Medium/Small Town	Small Lot, ADU, Missing Middle	City-Initiated, Tough Public Process	
In Adoption Process	Form-Based Code	Medium/Small Town	Urban Center regeneration, Small Lot	City-Initiated	http://bit.ly/2VCJLxJ
In Adoption Process	Form-Based Code	Medium/Small Town			
In Adoption Process	Form-Based Code	Urban			
In Adoption Process	Form-Based Code	Urban			

Code Name	City	County	State	Extent	Country	Author
Downtown Muskegon	Muskegon	Muskegon County	Michigan	Area Specific	USA	"Mark F. Miller AIA AICP, Nederveld, Inc. Lynée Wells AICP, Williams & Works"
Isla Vista	Isla Vista	Santa Barbara County	California	Area Specific	USA	Opticos Design
Kingsburg	Kingsburg	Fresno County	California	City-wide	USA	Opticos Design
Loma Rica Specific Plan	Loma Rica	Yuba County	California	Site-specific	USA	Opticos Design
Vallejo Code	Vallejo	Solano County	California	City-wide	USA	Opticos Design
Westside Code	Ventura	Ventura	California		USA	City of Ventura
Benicia: Arsenal	Benicia	Solano County	California	Site-specific	USA	Opticos Design
Grass Valley	Grass Valley	Nevada County	California	Area Specific	USA	Opticos Design
Benicia: Downtown	Benicia	Solano County	California	Site-specific	USA	Opticos Design
Richmond Bay Specific Plan	Richmond	Contra Costa County	California	Site-specific	USA	Opticos Design
Kauai: Lihue	Kauai	Kauai County	Hawaii	Area Specific	USA	Opticos Design
Austin	Austin	Austin County	Texas	City-wide	USA	Opticos Design
Form-Based Zones	Albuquerque	Albuquerque and Bernalillo	New Mexico	City-wide	USA	
Heart of Peoria	Peoria	Peoria	Illinois	Area Specific	USA	"Ferrell Madden (M-DT District), Clarion (rest of code)"
Medford	Medford	Jackson County	Oregon		USA	Opticos Design
Gabon	Libreville			State-wide	Africa	Opticos Design
Hayward	Hayward	Alameda County	California	Site-specific	USA	Opticos Design, LWC
Forest Acres	Forest Acres	Richland	South Carolina	Site-specific	USA	Opticos Design
Hercules	Hercules	Contra Costa County	California	Site-specific	USA	Opticos Design
Ashland	Ashland	Jackson County	Oregon		USA	
Nevada City	Nevada City	Nevada County	California	City-wide	USA	
Chicago	Chicago	Cook, DuPage	Illinois	City-wide	USA	
Santa Rosa	Santa Rosa	Sonoma County	California	City-wide	USA	

Status of Code	Ordinance Adoption Process	Context	Strategy	History of Ordinance	Website/Metadata
In-Progress Drafting	Form-Based Code	Medium/Small Town	Urban Center regeneration, Missing Middle	City-Initiated	http://bit.ly/2Lcr9AO
Not Adopted	Form-Based Code	Urban			
Not Adopted	Form-Based Code	Medium/Small Town			
Not Adopted	Form-Based Code	Medium/Small Town			
Not Adopted	Form-Based Code	Urban		City-Initiated, Easy Public Process	
Not Adopted	Form-Based Code	Medium/Small Town		City-Initiated	
Unknown	Form-Based Code	Medium/Small Town			
Unknown	Form-Based Code	Medium/Small Town			
Unknown	Form-Based Code	Medium/Small Town			
Unknown	Form-Based Code	Urban			
Unknown	Form-Based Code	Medium/Small Town			
Unknown	Form-Based Code	Urban			
Unknown	Form-Based Code	Urban	Missing Middle, Urban Center regeneration	City-Initiated	http://bit.ly/2VDfwXi
Unknown	Form-Based Code	Medium/Small Town	Small Lot, ADU, Urban Center regeneration, Missing Middle	City-Initiated, Easy Public Process	http://bit.ly/2LIB86C
	Form-Based Code	Medium/Small Town			
	Form-Based Code	Urban			
	Form-Based Code	Urban			
	Form-Based Code	Medium/Small Town			
	Form-Based Code	Medium/Small Town			
Adopted	Modification of Lot Size standard	Medium/Small Town	Cottage Court		
Adopted	New Multi Family Zone	Rural	Missing Middle		http://bit.ly/2VBW39z
Adopted	New Multi Family Zone	Urban	Small Lot	City-Initiated	
Adopted	New Multi Family Zone	Urban	Small Lot		

Code Name	City	County	State	Extent	Country	Author
Decatur	Decatur	DeKalb County	Georgia		USA	
Denver—Slot homes	Denver	Denver County	Colorado		USA	
Los Angeles	Los Angeles	Los Angeles County	California	City-wide	USA	
Raleigh	Raleigh	Wake County	North Carolina	City-wide	USA	
Snohomish	Snohomish	Snohomish County	Washington	City-wide	USA	
Cottage Housing Ordinance Guide	Seattle	King County	Washington	City-wide	USA	Seattle Housing Partnership
Kirkland	Kirkland	King County	Washington	City-wide	USA	The Cottage Company
Lake Stevens	Lake Stevens	Snohomish County	Washington	City-wide	USA	The Cottage Company
University Place	University Place	Pierce County	Washington	City-wide	USA	The Cottage Company
Redmond	Redmond	King County	Washington	City-wide	USA	The Cottage Company
Shoreline	Shoreline	King County	Washington	City-wide	USA	The Cottage Company
Langley	Langley	Whidbey Island	Washington	City-wide	USA	The Cottage Company
Federal Way	Federal Way	King County	Washington	City-wide	USA	The Cottage Company
Floating Overlay District Smart Code	All in County	Jefferson County	Alabama	County-wide	USA	Duany Plater Zyberk or Placemakers -- need to confirm
Envision Utah FBC	All in State	All in State	Utah	State-wide	USA	
Daybreak	City of Reno	Washoe County	Nevada	Site-specific	USA	Wood Rodgers
Buena Vista	Buena Vista	Chaffee County	Colorado	City-wide	USA	

Status of Code	Ordinance Adoption Process	Context	Strategy	History of Ordinance	Website/Metadata
Adopted	New Multi Family Zone	Medium/Small Town	Cottage Court		
Adopted	New Multi Family Zone, Form-Based Code	Urban			
Adopted	Optional "Infill" Zone	Urban	Small Lot	City-Initiated	http://bit.ly/2Vv1jMj
Adopted	Optional "Infill" Zone	Medium/Small Town	Missing Middle, Cottage Court	City-Initiated	http://bit.ly/2DPtLyv
Adopted	Optional "Infill" Zone	Rural	Missing Middle, Cottage Court	City-Initiated	http://bit.ly/2DENK2N
Adopted	Optional "Infill" Zone	Medium/Small Town	Missing Middle, Cottage Court	Public-Initiated	http://bit.ly/2DHFmQ2
Adopted	Optional "Infill" Zone	Urban	Missing Middle, Cottage Court	City-Initiated	http://bit.ly/2VBm5dc
Adopted	Optional "Infill" Zone	Medium/Small Town	Missing Middle, Cottage Court	City-Initiated	http://bit.ly/2DFjEfp
Adopted	Optional "Infill" Zone	Medium/Small Town	Missing Middle, Cottage Court	City-Initiated	http://bit.ly/2DCHUPi
Adopted	Optional "Infill" Zone	Medium/Small Town	Missing Middle, Cottage Court	City-Initiated	http://bit.ly/2LbaOfs
Adopted	Optional "Infill" Zone	Medium/Small Town	Missing Middle, Cottage Court	City-Initiated	http://bit.ly/2LIB8Ua
Adopted	Optional "Infill" Zone	Rural	Missing Middle, Cottage Court	City-Initiated	http://bit.ly/2VyXmpJ
Adopted	Optional "Infill" Zone, New Multi Family Zone	Urban	Missing Middle, Cottage Court	City-Initiated	http://bit.ly/2LIry42
Adopted	Optional Form-Based Overlay	Urban	Small Lot, ADU, Missing Middle, Urban Center regeneration	Public-Initiated, City-Initiated	http://bit.ly/2VDfwXi
Unknown	Optional Form-Based Overlay	Medium/Small Town	Small Lot, Missing Middle, Urban Center regeneration	Developer-Initiated, Public-Initiated	http://bit.ly/2VCJOtp
Adopted	PUD	Medium/Small Town	Missing Middle	Developer-Initiated	http://bit.ly/2Lcma30
Adopted	PUD, Optional "Infill" Zone	Rural	Missing Middle	City-Initiated	http://bit.ly/2VCJLhd

Explanation of Relevant Terms

The following terms are from our experience in working with communities across the United States on a variety of regulations and zoning standards.

ADU (Accessory Dwelling Unit)—A room or set of rooms in, attached to, or detached from a single-family house in a single-family zone that has been legally designed or configured to be used as a separate dwelling unit. Typically, an ADU is located toward the rear of the parcel.

ADU ordinance—A regulation or set of regulations that allows an accessory dwelling unit. Typically, an ADU ordinance is in addition to the base zoning regulations and in many cases overrides some of the base zoning regulations (e.g. minimum off-street parking).

Amendment, Zone Text—A change to the text and/or numerical standards of a zoning district. In certain situations, positive results can be achieved by very focused changes to existing zoning regulations. This depends upon the clarity of the existing zoning district and on how close the regulations are to delivering the results expected from the changes. For example, in a zoning district that has unreasonable off-street parking requirements that would otherwise allow Missing Middle Housing, a simple change to the parking requirements can result in this housing type being built.

Basement—That portion of a building between floor and ceiling, which is partly below and partly above grade (see *Grade*), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Base Zoning—The zoning district (conventional or form-based) that is applied to a parcel independent of overlays or additional regulations (e.g. R-1, R-2, RM, RPD, T4 Neighborhood, C-1, C-2, CPD, T4 Mainstreet).

By-Right—The term for an approval process that is streamlined so that projects that comply with the zoning standards receive approval without discretionary review. This type of approval process generally relies on the desired outcomes being well understood by the community and developers so that the standards can be more prescriptive and their results more predictable.

Codes—The general term used in this report for a wide variety of regulatory tools ranging from zoning districts, zoning district amendments, zone text amendments, overlays, overlay zoning districts, ordinances, ordinance amendments, and form-based codes.

Conventional Zoning (Use-Based Zoning, Euclidean Zoning)—This system focuses on the separation of uses and relies on density per acre and/or floor area ratio as key determinants for new buildings. Zoning regulations that prioritize land use and auto-dependent development patterns over physical form and character can be ineffective in addressing the needs of small- to medium-sized parcels in low- to moderate-intensity neighborhoods and contexts.

Cottage Court (Bungalow Court)—One lot with a group of three to 10 detached buildings, each with one dwelling. Typically, the buildings are mostly single-story with one building at two stories. Each building fronts the shared court and has a dooryard, stoop, or porch providing entry to the unit. Buildings have shared side yards but no rear yard. Each building has open or covered parking in an attached or detached garage accessed by a side drive or an alley.

Courtyard Building—One lot with a detached building or set of up to three slightly detached buildings configured in a U- or C-shape to form at least one shared court. Parking is in a surface parking area at the rear of the lot. This type, sometimes referred to as 'Neighborhood Courtyard', is the walk-up type of courtyard building that fits in Missing Middle Housing contexts.

Density per Acre (DUA)—A metric for calculating how many dwellings units per acre are allowed on a parcel. This metric has gradually become a regulation in nearly every community and does not provide predictable results but instead often stymies good design. An alternative is to not use DUA and instead use physical form and character standards that are consistent with the maximum allowed by the comprehensive plan. In addition, in form-based zoning, DUA can be expressed as a result of the desired physical form and character.

Density, Resultant—See ‘Resultant Density’

Duplex to Sixplex—A detached building containing two to six dwellings that appears as one house. The building has a small- to medium-sized front yard, often with a porch providing entry from the street or shared space to all or some units, with other units accessed through a side yard. The building has a small- to medium-sized rear yard with an attached or detached set of garages that are accessed by a side drive or an alley.

Floor Area Ratio (FAR)—A metric for calculating how much square footage is allowed on a parcel (e.g. 1.0). As with DUA, this metric has gradually become a regulation in many communities and is even less effective than DUA in providing predictable results. For example, a 1.0 FAR means a one-story building over the entire parcel (after applying building setbacks). That same amount can be stacked in numerous ways to result in wider, narrower, or taller buildings without necessarily considering the neighboring buildings/uses. An alternative is to not use FAR and instead use physical form and character standards that are consistent with the maximum allowed by the comprehensive plan. In addition, in form-based zoning, FAR can be expressed as a resultant of the desired physical form and character.

Footprint, Building—The outline of the area of ground covered by a building. This characteristic has a direct effect on the perceived size of a building and is as important as building height especially in low- to moderate-intensity neighborhoods.

Form-Based Zoning (Form-Based Code)—Zoning regulations that prioritize the intended physical form and character of an area(s) and include destinations for daily needs within walking distance along streets that are balanced for pedestrians and cyclists (‘walkable environment’). This type of zoning is not driven by DUA or FAR and results in a simplified review process because of the clarity of the regulations.

FBCI definition—Form-based codes foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. These codes are adopted into city or county law as regulations, not mere guidelines. Form-based codes are an alternative to conventional zoning.

Half-Story—A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story. This is identified by “.5” added to the maximum allowed stories (e.g. 2.5). This example is for a two-story building to the highest eave that has an occupied attic in the volume of the roof.

House-Scale Building (House-Scale Compatible)—A detached building, set apart from other buildings with setbacks, that is as small as a cottage or as large as the largest house in the community. House-scale buildings are compatible in scale with single-family houses and are occupied with multiple dwellings and/or non-residential uses as allowed by the zoning.

JADU (Junior Accessory Dwelling Unit)—A unit up to 500 square feet in size that is contained entirely within a single-family house and may include its own bathroom or share a bathroom with the single-family house.

Main Street Building—A type of mixed-use building that is sometimes only one to three stories but can be up to five to eight stories with ground floor commercial or office and office and/or housing on upper stories. This type is usually the prevalent type in downtowns and neighborhood main streets. The main street building is distinct from more intense and larger footprint mixed-use buildings such as ‘mid-rise’ (which typically begins at about 7 stories).

Micro-scale Documentation—A type of analysis that documents and measures the variety of elements of existing buildings and their site plans to help determine the new standards for a form-based zone.

Multiplex Large—A detached building with six to 20 dwellings that appears as one large house. The building has a medium-sized front yard, often with a porch providing a common entry from the street for most or all of the units. The building has a small rear yard with an attached or detached set of garages accessed by a side driveway or an alley.

Multiplex Small (Mansion Apartment)—A detached building with up to 10 dwellings that appears as one large house. The building has a medium-sized front yard, often with a porch providing a common entry from the street for most or all of the units. The building has a medium-to-large rear yard with an attached or detached set of garages accessed by a side driveway or an alley.

Multifamily Zoning—Conventional zoning that regulates non-single-family development by dwelling units per acre (e.g. 24 dwelling units per acre), generates an auto-dependent development pattern, and tends to favor large site and building development. This type of zoning is in nearly every community and is unresponsive to the needs of medium- to small-sized parcels in moderate-intensity neighborhoods and other contexts.

Missing Middle (Missing Middle Housing)—A range of multi-unit or clustered housing types compatible in scale with single-family homes. These types provide diverse housing options along a spectrum of affordability, including duplexes, fourplexes, and bungalow courts, to support walkable communities, locally-serving retail, and public transportation options. Missing Middle Housing provides a solution to the mismatch between the available United States housing stock and shifting demographics combined with the growing demand for walkability.

Ordinance Adoption—The method of applying regulations and/or new zoning: ADU ordinance, small-lot ordinance, overlay zoning, optional infill zoning, form-based zoning.

Optional Infill Zone—A set of regulations attached to a zone that is applied to a parcel at the request of the owner. This approach typically offers additional development potential beyond the base zoning as well as a simplified review process in exchange for applying the zone.

Overlay—Zoning and/or urban design regulations that are applied in addition to the base zoning and its regulations. An overlay is not an additional zone and supplements the base zone regulations. This technique is clear and effective and is recommended instead of the overlay zoning district technique.

Overlay Zoning District (Overlay Zone)—An additional zoning district and regulations that are applied to the base zoning and its regulations. An overlay zone's regulations may supplement or override certain base zone regulations. Best practice is to identify and resolve any conflicts between the base and overlay zone regulations before applying the overlay zone. This report does not recommend the technique of overlay zoning districts.

Planned Unit Development (PUD)—Zoning regulations that are negotiated in exchange for certain enhancements in a project. This type of zoning is also referred to as 'negotiated' or 'contract' zoning because of the agreement that is essentially made between the city or county and the developer. This type of zoning is on the increase across the United States because existing zoning does not have enough standards or clarity about what is allowed and expected.

This type of zoning works very well for the developer but is not a model approach from the perspective of city or county staff having to administer each unique PUD instead of simply referring to the applicable zoning district and standards. In addition, the agreement reached in the PUD often needs to be revised or changed entirely if a subsequent developer finds that the standards and enhancements are irrelevant to their proposed project. This requires more work to negotiate a new/revised PUD. Last, this type of zoning is challenging because of the high amount of work needed by the community to keep up with the numerous PUDs in their community. This is in contrast to only needing to keep up with the changes to a zoning district that is applied to several areas.

Pocket Neighborhood—A site as large as a block or most of a block with detached and attached house-scale buildings arranged around a shared court or multiple courts. The buildings range from houses, duplexes, and fourplexes, to mansion apartments and courtyard buildings. Typically, the buildings are between 1 and 2.5 stories. Each building fronts the shared court and has a dooryard, stoop, or porch providing entry to the unit. Buildings have shared side yards but no rear yard. Each building has open or covered parking in an attached or detached garage accessed by a side drive or an alley.

Resultant Density—The numerical density associated with a building. Resultant density is often used to illustrate the types of compatible buildings that are not allowed by zoning because their density is higher than the regulations allow. Resultant density differs from conventional density by not being a regulation and by not being used to drive or limit the design of a building.

Rowhouse (Townhouse)—An attached dwelling within an array of up to 10 total dwellings that appear as one building. Each dwelling is a walk-up unit with no other unit above, built without side setbacks, with a small dooryard at the sidewalk and a small rear yard, with an attached or detached garage. Some versions of this type distinguish between Townhouse (no rear yard) and Rowhouse (small to medium rear yard).

Single-Family Zoning—Conventional zoning that regulates single-family development by dwelling units per acre and minimum lot size, generates an auto-dependent development pattern, and typically excludes other house-scale compatible types such as duplexes and fourplexes. This type of zoning is in nearly every community and does not address the needs of Missing Middle Housing.

Size, Building—The physical extents of a building, horizontally and vertically. This important characteristic that has more to do with physical compatibility than other characteristics is not typically addressed in conventional zoning. Conventional zoning typically measures height and density per acre, leaving out the size of a building. Form-based zoning measures the footprint and height of a building, making it easy to understand if physical incompatibilities are likely so they can be addressed.

Small House on a Small Lot—A detached building with one dwelling. The building has a dooryard or small front yard, often with a stoop or porch providing entry to the unit from the street or a shared garden. The building has a small rear yard with uncovered parking, or an attached or detached garage accessed by a side drive or an alley.

Small Lot Ordinance—A set of regulations focused on the needs of relatively small parcels that have been rezoned with regulations more suited to large-lot development or that are zoned for low-intensity single-family development in an area that is transitioning away from that pattern.

Third Place—The social surroundings separate from the two usual social environments of home (“first place”) and the workplace (“second place”). Examples of third places would be environments such as churches, cafes, clubs, public libraries, or parks.

Urban Center Regeneration—Planning and zoning for the resurgence of a downtown, small to large, that includes walkable urban neighborhoods in addition to one or more main streets of retail, restaurants, and services.

Walkable Environment (Walkable Urban)—An area that is pedestrian-oriented in nature, where bicycling and walking are viable daily options because services, retail, or restaurants are within a short walking distance of most residences.

Zoning District (Zone)—A set of development and use standards applied to specific parcels (e.g. R1, R2, C1, C2, T4 Neighborhood, T4 Mainstreet).

Smaller Homes and Accessory Dwelling

Reports and Articles

- Accessory Dwelling Units in New Hampshire, A guide for Municipalities, New Hampshire Housing Finance Authority, Benjamin D. Frost, Esq., AICP
- After years of Booming Development, Denver's Slot Home crackdown comes too late for some Neighborhoods, The Denver Post, Jon Murray, May 6 2018, Retrieved from: <https://www.denverpost.com/2018/05/06/denver-slot-home-crackdown/>
- Backdoor Revolution, The Definitive Guide to ADU Development, Kol Peterson, Accessory Dwelling Strategies, LLC, 2018
- Building an ADU, Guidebook to Accessory Dwelling Units in the City of Los Angeles, UCLA, CityLab, <https://citylab.ucla.edu/backyard-bihome-1>
- Building an ADU in L.A., Building an ADU, June 28, 2017, Retrieved from: <http://www.buildinganadu.com/adu-blog/building-an-adu-in-la>
- Codes for Courtyards, Ross Chapin, Retrieved from: <http://www.pocket-neighborhoods.net/blog/codes-for-courtyards/>
- L.A Small Lot Homes: Destroying Low-Rent Housing, Restoring the American Dream, or Both?, KCET, Chase Scheinbaum, February 9, 2015, Retrieved from: <https://www.kcet.org/agenda/las-small-lot-homes-destroying-low-rent-housing-restoring-the-american-dream-or-both>
- Los Angeles, California, Small Lot Ordinance, Retrieved from: https://www.huduser.gov/portal/casestudies/study_102011_1.html
- Pocket Neighborhoods, Creating Small-scale Community in a Large-scale World, Ross Chapin, The Taunton Press, 2011
- What is Cottage Housing? Retrieved from: <http://mrsc.org/Home/Explore-Topics/Planning/Specific-Planning-Subjects,-Plan-Elements/Cottage-Housing.aspx>

Units (ADUs) Resource References

Websites

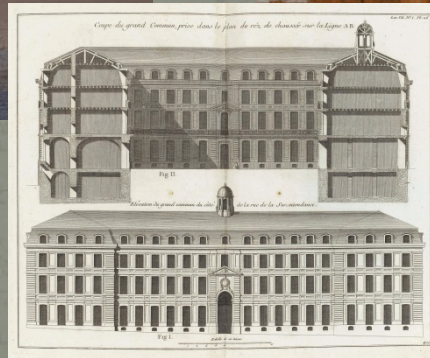
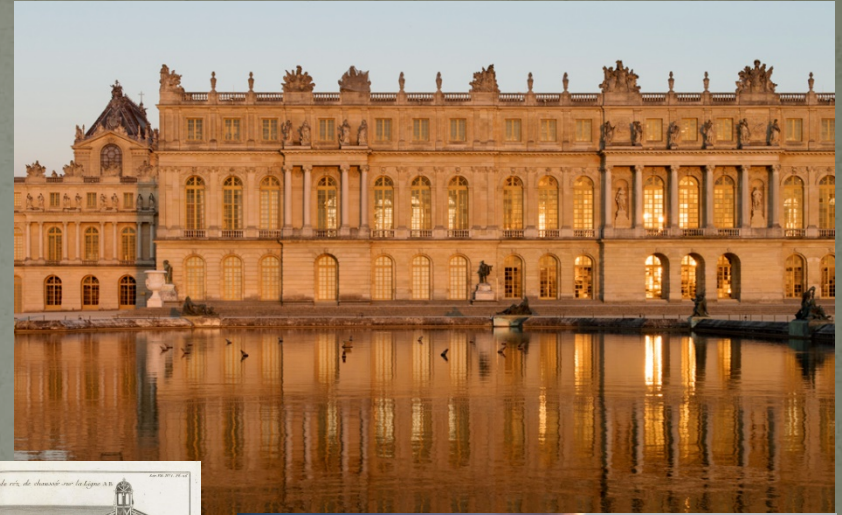
- Accessory Dwellings: <https://accessorydwellings.org>
- Boiceville Cottages: <https://boicevillecottages.com>
- Building an ADU: <http://www.buildinganadu.com>
- Co-housing solutions: <https://cohousing-solutions.com>
- Daybreak: <https://www.daybreakutah.com>
- HUD User: <https://www.huduser.gov>
- KTG Architecture and Planning: <http://ktgy.com>
- Missing Middle Housing: <http://missingmiddlehousing.com>
- Moule and Polyzoides, Architects and Urbanists: <https://mparchitects.com/>
- Opticos Design, Inc.: <https://opticosdesign.com>
- Pocket Neighborhoods: <http://pocket-neighborhoods.net>
- Propel Studio: <https://www.propelstudio.com>
- Ross Chapin Architects: <https://rosschapin.com>
- Soules Company: <http://www.soulescompany.com>
- The Alley Flats Initiative: <http://thealleyflatinitiative.org>
- The Cottage Company: <http://www.cottagecompany.com>

For more information and to contact NAHB staff on state and local housing affordability strategies, please visit [nahb.org/lu101](https://www.nahb.org/lu101) and [nahb.org/housingforall](https://www.nahb.org/housingforall).

HOUSING TYPES

One end of the spectrum...

The Palace at Versailles



- “the Palace contains 2,300 rooms
- spread over 63,154 m2.”

....to the other end of the spectrum:
Tiny Homes



7.

- <https://www.countryliving.com/home-design/house-tours/gao8/tiny-heirloom-homes/>
- <https://www.tinyheirloom.com/>

Accessory Dwelling Units

Lot size range (feet): For each dwelling, about 18wide x 80 deep up to about 30 wide x 120 deep.

- ❖ **Height:** 2 to 3.5 stories.
- ❖ **Resultant density range:** About 15 to 30 dwelling units per acre (variations are higher).
- **Building type:** A dwelling unit that is secondary to the primary building.
- **Height:** One to two stories.
- **Resultant density range:** About 15 dwelling units per acre for the average
- 5,000-square foot lot, including the primary structure. This will vary largely based
- on the size of the single-family lot. The density information is provided but
- typically, an ADU is not counted toward the density maximum.
- **Variations**
 - **Detached ADU:** A structure completely separate from the primary building,
 - including detached garage conversions or additions.
 - **Attached ADU:** An addition to the primary building outside of the original
 - building's footprint.
 - **Internal ADU:** Conversion of a part of the primary building to an ADU



Source: Diversifying Housing Options with Smaller Lots and Smaller Homes,

Accessory Dwelling Units

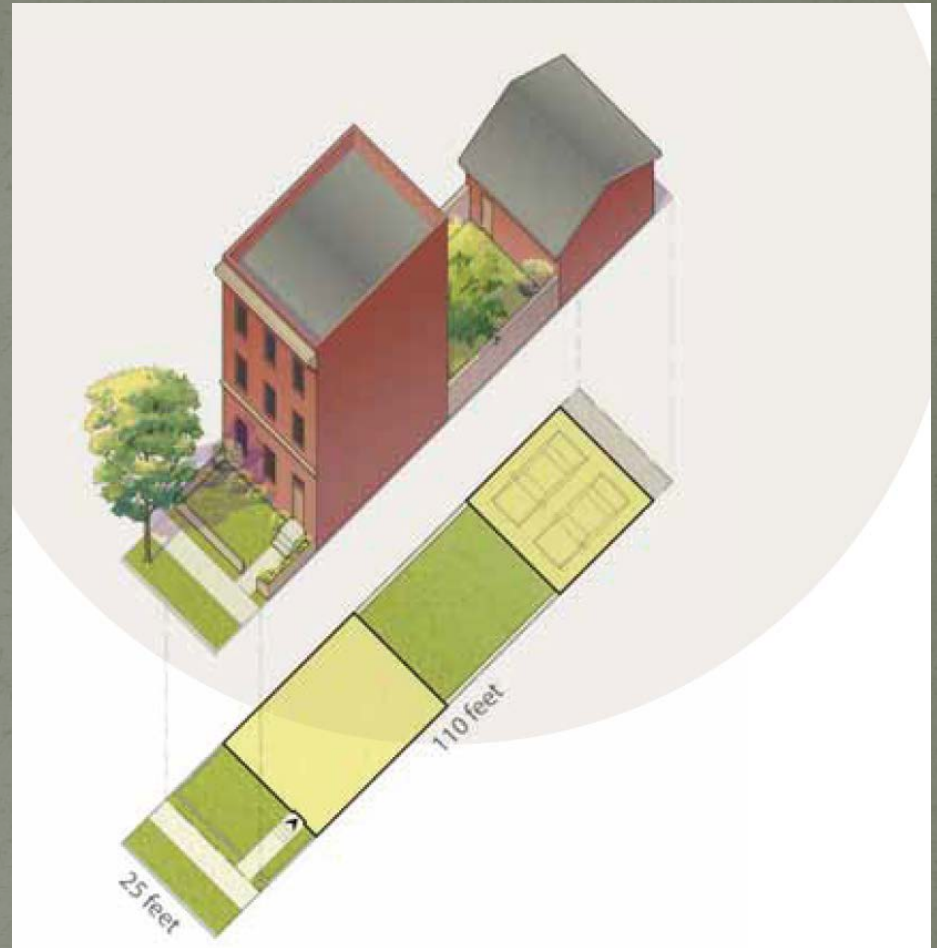
Housing Types



Townhouse / Rowhouse

Housing Types

- ❖ **Building type:** An attached dwelling within an array of up to 10 total dwellings that appear as one building. Each dwelling is a walk-up unit with no other unit above, built without side setbacks, with a small dooryard at the sidewalk and a small rear yard with an attached or detached garage.
- ❖ **Lot size range (feet):** For each dwelling, about 18 wide x 80 deep up to about 30 wide x 120 deep.
- ❖ **Height:** 2 to 3.5 stories.
- ❖ **Resultant density range:** About 15 to 30 dwelling units per acre (variations are higher).



Source: Diversifying Housing Options with Smaller Lots and Smaller Homes,
National Association of Home Builders

Townhouses

Housing Types



Townhouses

Housing Types



Townhouses

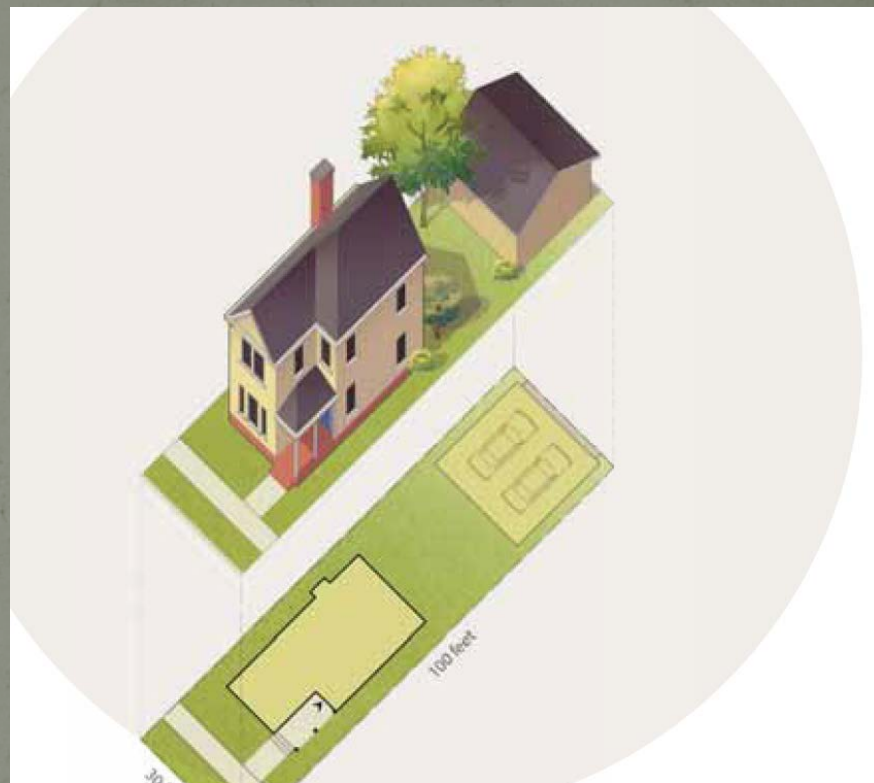
Housing Types



Small House on a Small Lot

Housing Types

- **Building type:** A detached building with
- one dwelling on a lot that is smaller
- than the typical single-family lot. The
- house is also smaller than the typical
- single-family houses and has a dooryard
- porch providing entry to the unit from the
- street or a shared garden. The building has
- a small rear yard with uncovered parking, or
- an attached or detached garage accessed by a
- side drive or an alley.
- • **Lot size range (feet):** About 35 wide x 80 deep up to
- about 50 wide x 90 deep.
- • **Height:** 1.5 to 2.5 stories.
- • **Resultant density range:** About 10 to 15 dwelling units per acre
- (variations are higher).
- **Variations**



Source: Diversifying Housing Options with Smaller Lots and Smaller Homes,
National Association of Home Builders

Small House on a Small Lot

Housing Types



Cottage Court

Housing Types

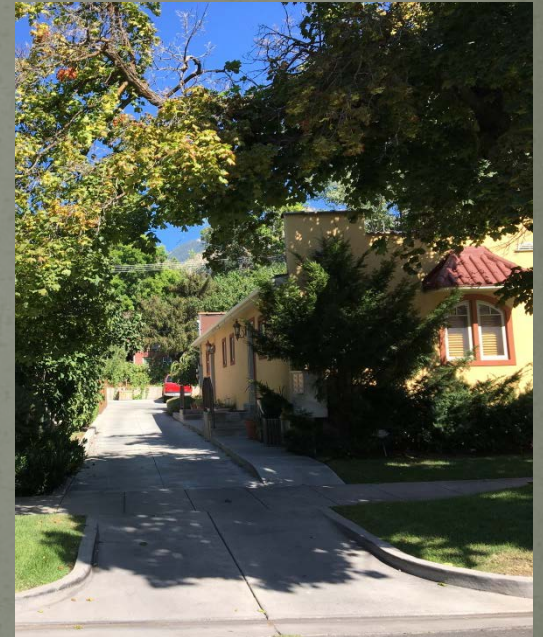
- **Building type:** One lot with a group of 3 to about 10 detached buildings, each with one single-story dwelling. Each cottage fronts the shared court and has a dooryard, stoop, or porch providing entry to the unit. Cottages share side yards and usually do not have a rear yard. Each cottage has open or covered parking in an attached or detached garage accessed by a side drive or an alley.
- **Lot size range (feet):** About 100 wide x 120 deep up to about 200 wide x 250 deep.
- **Shared court:** The court is usually a garden and typically about 20-feet clear in any direction to give the garden an open feeling.
- • **Height:** 1.5 stories*.
- • **Resultant density range:** About 15 to 35 dwelling units per acre (variations are higher).



Mixed-types: A few of the cottages are expanded to duplexes or triplexes, keeping the small building footprint and scale while increasing the total units on the lot.

Cottage Court

Housing Types



Attached Units

Housing Types



Small Multi-Unit Buildings (Duplex to Sixplex)

Housing Types



Mansion Home Apartments

Housing Types

- Looks like a single family home
- Usually one visible entrance
- Approximately 3-6 units.



Mansion Home Apartments

Housing Types



7.

6-1-3: ANIMAL LICENSING AND PERMITS**A. License Required:**

1. All dogs over six (6) months of age that reside in the city must be licensed each year. This includes dogs residing in the city that are being kept or used as therapy or service animals and active police service dogs as defined in CCNO 6-1-1.
2. All animal licenses issued by the city shall expire on December 31 of each year.
3. All new dogs within the city limits must be licensed.
4. Violation of this subsection A shall be a class C misdemeanor.

B. Fees:

1. The city shall issue animal licenses upon payment of the fees established by the city council by resolution.
2. Whenever a dog owner moves into the city or a person obtains a dog which will reside in the city the owner will be required to license the dog according to the following. If the dog is licensed between January 1 and June 30 a full year fee will be charged. For dogs licensed between July 1 and December 31 a half year fee will be charged. Half year fees apply only to new dogs.
3. The city will allow a reduction in animal license fees for dogs which have been spayed, neutered and microchipped, provided that the credit will not be granted unless the owner of the animal presents a certificate from a veterinarian certifying that the dog has been spayed, neutered or microchipped or other proof acceptable to the city. The city council shall set the amount of the discounts by resolution.
4. All license fees shall be paid at the city offices or another place approved by the city's finance director.
5. No refunds of license fees shall be made for any reason, unless they are approved by the animal control officer.
6. Owners who fail to license their dogs by March 1 of each year shall be subject to a late fee. The amount of the late fee shall be set by resolution of the city council.

C. Application For License:

1. Before obtaining a license for an animal, the owner of the animal shall complete an application for license. The application shall be submitted on forms prepared by the city and shall contain:
 - a. The name, address and telephone number of the owner,
 - b. The number of dogs residing at that address,
 - c. The name, breed, color and sex of each dog residing at that address,
 - d. Whether the dog has been spayed, neutered and/or microchipped, and
 - e. Rabies vaccination expiration date.
2. The applicant shall supply proof that the animal to be licensed has up to date rabies vaccinations.
3. The applicant shall present proof of his or her identity and age at the time he or she submits the application to the city.
4. The city shall not issue animal licenses to persons younger than eighteen (18) years of age, unless that person is an emancipated minor.

D. Tags:

1. Upon payment of the license fee and any other fees or assessments, the city shall issue a license tag to the owner of the animal.
2. Every owner shall provide each of his or her dogs with a collar to which the tag may be affixed and shall ensure that the dog constantly wears the collar and the tag.
3. If an owner loses the license tag, the city will issue a replacement tag as follows:
 - a. The owner shall certify that the tag was lost,
 - b. The owner shall present a receipt showing that he or she paid the license fee for that year, and
 - c. The owner shall pay a replacement tag fee set by resolution of the city council.
4. Animal license tags are not transferable from one animal to another.

E. Tag Removal Or Transfer Prohibited:

1. It shall be unlawful to deprive a licensed dog of its collar and tag. It shall also be unlawful to place a license tag on an unlicensed dog. Violation of this subsection shall be an infraction.

F. Prohibited Acts: The following actions are prohibited:

1. Keeping any animal other than a household pet (as defined in CCNO 6-1-1) within the residential areas of the city unless such animal is a qualifying service, therapy dog or "active police service dog" as defined in CCNO 6-1-1 and obtains and possesses an appropriate permit and business license as described hereunder:
 - a. A permit as described in subsection L, "Other Animal Related Businesses Including Service Dog And Therapy Dog Related Businesses", of this section; and
 - b. A business license as described in CCNO 4-1.
 - c. Recognized therapy animal related businesses are limited to use of therapy dogs and may only be kept and/or operated by a professional person who is currently and properly licensed by the Utah division of occupational and professional licensing as a clinical social worker, psychiatrist, medical doctor, marriage and family therapist, physician's assistant, or nurse practitioner. Proof of such current licensing shall be required at the time of application for a permit and for any permit renewal under this subsection.
 - d. Keeping of therapy dogs or therapy dogs in training or operation of a therapy animal related business by any persons who do not meet the above stated professional licensing requirements shall be strictly governed by other animal ordinances contained in this code as they apply generally to animal owners including limits on animal ownership numbers.
2. Keeping "domesticated animals" (as defined in CCNO 6-1-1) outside of the RE-20 and R-1-8(AG) zones of the city.
3. Keeping any dangerous animal in the city, except as permitted in subsection I of this section or CCNO 6-1-6A.
4. Capturing any "wild animal" (as defined in CCNO 6-1-1) in the city, except that residents may trap wild animals that have become a nuisance under the supervision of an animal control officer.
5. Keeping swine (including potbellied pigs) at any location in the city.
6. Keeping any "wild animal" (as defined in CCNO 6-1-1) in the city.
7. Operating an animal boarding establishment without first obtaining:
 - a. An animal board permit as described in subsection G of this section; and
 - b. A business license as described in CCNO 4-1.
8. Keeping, care for, ownership, or possession of three (3) or more dogs over six (6) months of age in the city without a kennel permit as described in subsection H of this section unless otherwise authorized under the exceptions described in subsection F14 or M of this section. Furthermore, it is unlawful at any household address for any person or persons to keep or possess a total of five (5) or more dogs over six (6) months of age including any combination of pets (limited to 2 pets per household address), any licensed therapy dogs and active police service dogs. In the event any person or persons at any household address owns, possesses or keeps any dogs as pets, such pet dogs shall count when calculating the total number of dogs (pet dogs, therapy dogs and active police service dogs) that may be permitted at any household or address.
9. Operating a pet shop without first obtaining:
 - a. A pet shop permit as described in subsection I of this section; and
 - b. A business license as described in CCNO 4-1.
10. Operating an animal grooming parlor without first obtaining:
 - a. An animal grooming parlor permit as described in subsection J of this section; and
 - b. A business license as described in CCNO 4-1.
11. Operating a riding school or stable without first obtaining:
 - a. A riding school or stable permit as described in subsection K of this section; and
 - b. A business license as described in CCNO 4-1.

12. Breeding dogs in a residential area without first obtaining:
 - a. A dog breeder permit as described in subsection L of this section; and
 - b. A business license as described in CCNO 4-1 if the dogs will be sold for a profit.
13. Operating any other animal related business without obtaining:
 - a. A permit as described in subsection L of this section; and
 - b. A business license as described in CCNO 4-1.
14. Keeping, care for, ownership, or possession of a combined total of five (5) or more therapy dogs or therapy dogs in training and dogs kept, cared for, owned or possessed as pets, over six (6) months of age in any zone in the city without a kennel permit as described in subsection H of this section.

G. Animal Boarding Establishments:

1. It shall be unlawful for any person to operate or maintain an animal boarding establishment unless the person first obtains a regulatory permit from the North Ogden building and zoning department in addition to all other required licenses. The application shall include:
 - a. The name, address and phone number of the person applying for the permit;
 - b. The address of the location where the business will be operated;
 - c. The kinds of animals which the person anticipates boarding;
 - d. The maximum number of each kind of animal which the boarding establishment will be able to house at any one time;
 - e. A copy of the building or site plans for the animal boarding establishment;
 - f. The number of employees the boarding establishment anticipates having.
2. All applications for permits to operate animal boarding establishments shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
3. The city council shall review all applications for permits for animal boarding establishments and shall grant the permit if it finds:
 - a. The animal boarding establishment is an appropriate use in the area proposed for the use;
 - b. The facilities (including the number of employees and sanitary facilities) proposed for the animal boarding establishment are sufficient for the number of animals the person is proposing to board;
 - c. The animal boarding establishment is unlikely to become a nuisance.
4. In granting a permit for an animal boarding establishment, the city council may attach conditions to the permit regarding the types of animals which may be boarded at the establishment, the maximum number of animals which may be boarded at any one time and other conditions which the council believes are appropriate for the operation of the particular business.
5. The city shall have the authority to suspend or revoke the license of any operator of an animal boarding establishment that is operating in violation of its permit, that is mistreating animals, that has failed to provide adequate facilities for the animals in its care, which has become a nuisance or for other good cause.
6. A permit issued under this section may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the animal boarding facility is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the animal boarding facility to a new location, the permit holder must obtain a new permit for the new location.
7. Permits issued under this subsection G are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
8. Nothing in this subsection G shall relieve the operator of an animal boarding establishment from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

H. Kennels:

1. It shall be unlawful for any person to operate or maintain a kennel unless the person first obtains a regulatory permit from the North Ogden building and zoning department, all other required licenses and a conditional use permit as described in the city's zoning ordinance.
2. The application for a kennel permit from the North Ogden building and zoning department shall include:
 - a. The name, address and phone number of the person applying for the permit;
 - b. The address of the location where the business will be operated;
 - c. The services (training, boarding and/or letting for hire) which the kennel will offer to its customers;
 - d. The kennel's proposed hours of operation;
 - e. If the kennel will offer boarding services:
 - i. The maximum number of dogs the kennel will board at any one time; and
 - ii. A plan of the facilities which the kennel will use to board the dogs, which must include a separate cage of reasonable size for each dog and a covered shelter for each dog;
 - f. If the kennel will offer training services:
 - i. A description of all training services the kennel will offer (such as basic obedience training, attack training, or training for certified aid animals);
 - ii. The maximum number of people and dogs who will be allowed in each class; and
 - iii. A plan of the facility that the operator will use for training classes.
3. All applications for permits to operate kennels shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
4. The city council will review applications to operate a kennel within the city and shall approve the application if it finds that:
 - a. The kennel is an appropriate use in the proposed location;
 - b. The kennel's facilities are adequate for the proposed operations; and
 - c. The kennel is unlikely to become a nuisance.
5. In granting a permit to operate a kennel, the city council may set conditions regarding:
 - a. The kennel's proposed hours of operation;
 - b. If the kennel will offer boarding services, the maximum number of dogs the kennel may board at any one time; and
 - c. If the kennel will offer training services, the maximum number of people and dogs who will be allowed in each class.
6. The city council may suspend or revoke the license of any kennel operator for failing to operate the kennel in compliance with the conditions in the permit, if the kennel becomes a nuisance or for other good cause.
7. A permit issued under this subsection H may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the kennel is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the kennel to a new location, the permit holder must obtain a new permit for the new location.
8. Permits issued under this subsection H are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
9. Nothing in this subsection H shall relieve the operator of a kennel from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

I. Pet Shops:

1. It shall be unlawful for any person to operate or maintain a pet shop unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:
 - a. The name, address and phone number of the person applying for the permit;
 - b. The address of the location where the business will be operated;
 - c. The kinds of animals which will be sold, including the number of animals of each type that the operator anticipates having in the store at any one time;
 - d. The hours of operation of the pet shop;
 - e. A description of the kinds of commercial animals which will be sold at the pet shop; and
 - f. A plan of the pet shop, including plans for complying with all health and sanitary requirements.
2. All applications for permits to operate pet shops shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
3. The city council shall review all applications for pet shop permits and shall grant the permit if it finds that:
 - a. The pet shop is an appropriate use in the location proposed;
 - b. The facilities are adequate for the proposed pet shop;
 - c. The pet shop is unlikely to become a nuisance.
4. In granting a permit to operate a pet shop, the city council may set conditions regarding:
 - a. The pet shop's proposed hours of operation;
 - b. The number of each type of animal which the pet shop may have at any given time;
 - c. The kinds of commercial animals which may be sold in the pet shop; and
 - d. The facilities to be used to ensure that the pet shop does not become a health hazard.
5. The city council may suspend or revoke the license of any pet shop operator for failing to operate the pet shop in compliance with the conditions in the permit, if the pet shop becomes a nuisance, if the pet shop becomes a health hazard, or for other good cause.
6. A permit issued under this subsection I may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the pet shop is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the pet shop to a new location, the permit holder must obtain a new permit for the new location.
7. Permits issued under this subsection I are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
8. Nothing in this subsection I shall relieve the operator of a pet shop from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

J. Animal Grooming Parlors:

1. It shall be unlawful for any person to operate or maintain an animal grooming parlor unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:
 - a. The name, address and phone number of the person applying for the permit;
 - b. The address of the location where the business will be operated;
 - c. The kinds of animals which will be groomed in the animal grooming parlor;
 - d. The number of grooming stations the applicant anticipates including in the parlor;
 - e. The hours of operation of the grooming parlor;
 - f. The applicant's plans for complying with all health and sanitary requirements.
2. All applications for permits to operate animal grooming parlors shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
3. The city council shall review all applications for animal grooming parlor permits and shall grant the permit if it finds that:
 - a. The animal grooming parlor is an appropriate use in the location proposed;
 - b. The facilities are adequate for the proposed animal grooming parlor; and
 - c. The animal grooming parlor is unlikely to become a nuisance.
4. In granting a permit to operate an animal grooming parlor, the city council may set conditions regarding:
 - a. The grooming parlor's proposed hours of operation; and
 - b. The facilities to be used to ensure that the animal grooming parlor does not become a health hazard.
5. The city council may suspend or revoke the license of any animal grooming parlor operator for failing to operate the grooming parlor in compliance with the conditions in the permit, if the grooming parlor becomes a nuisance or a health hazard, or for other good cause.
6. A permit issued under this subsection J may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the grooming parlor is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the grooming parlor to a new location, the permit holder must obtain a new permit for the new location.
7. Permits issued under this subsection J are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
8. Nothing in this subsection J shall relieve the operator of an animal grooming parlor from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

K. Riding Schools Or Stables:

1. It shall be unlawful for any person to operate or maintain a riding school or stable, unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:
 - a. The name, address and phone number of the person applying for the permit;
 - b. The address of the location where the business will be operated;
 - c. The number of horses the applicant anticipates keeping at the riding school or stable;
 - d. The kinds of classes and other services that the applicant anticipates offering through the riding school or stable;
 - e. A plan of the riding school or stable, including the stables where the horses will be housed; and
 - f. the hours of operation of the riding school or stable.
2. All applications for permits to operate riding schools and stables shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning department.
3. The city council shall review all applications for riding school or stable permits and shall grant the permit if it finds that:
 - a. The riding school or stable is an appropriate use in the location proposed;
 - b. The facilities are adequate for the proposed riding school or stable; and
 - c. The proposed riding school or stable is unlikely to become a nuisance.
4. In granting a permit to operate a riding school or stable, the city council may set conditions regarding:
 - a. The riding school or stable's proposed hours of operation;
 - b. The number of horses the riding school or stable may keep on the property;
 - c. The number of people who may be permitted in any single class; and
 - d. The facilities to be used to ensure that the riding school or stable does not become a health hazard.
5. The city council may suspend or revoke the license of any riding school or stable operator for failing to operate the riding school or stable in compliance with the conditions in the permit, if the riding school or stable becomes a nuisance or a health hazard, or for other good cause.
6. A permit issued under this subsection K may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the riding school or stable is transferred to another owner, the new owner must apply for a new permit. If the permit holder desires to move the riding school or stable to a new location, the permit holder must obtain a new permit for the new location.
7. Permits issued under this subsection K are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications unless the permit holder has significantly changed his operations.
8. Nothing in this subsection K shall relieve the operator of a riding school or stable from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations.

L. Other Animal Related Businesses Including Service Dog And Therapy Dog Related Businesses:

1. It shall be unlawful for any person to operate or maintain any business involving the keeping or use of live animals unless the person first obtains a regulatory permit from the North Ogden building and zoning department, in addition to all other required licenses. The application shall include:
 - a. The name, address and phone number of the person applying for the permit;
 - b. The address of the location where the business will be operated;
 - c. The nature of the business;
 - d. The kinds of classes and services that the applicant anticipates offering through the business;
 - e. The number and types of animals that the business will use and the ways in which the animals will be used in the business;
 - f. A plan of the business showing the facilities for keeping the animals; and
 - g. The hours of operation of the business.
 - h. In the case of a therapy animal related business, a copy of the required professional licensing certificate of the applicant.
2. All applications for permits to operate animal related businesses shall be submitted with the required permit fee, on a printed form provided by the North Ogden building and zoning departments.
3. The city council shall review all applications for animal related business permits and shall grant the permit if it finds that:
 - a. The animal related business is an appropriate use in the location proposed;
 - b. The facilities are adequate for the proposed animal related business; and
 - c. The proposed business is unlikely to become a nuisance.
4. In granting a permit to operate an animal related business, the city council may set conditions regarding:
 - a. The animal related business's proposed hours of operation;
 - b. The number and type of animals the animal related business may keep on the property. In the case of an animal therapy business, such limit shall be four (4) dogs or less;
 - c. The facilities to be used to ensure that the animal related business does not become a health hazard.
5. The city council may suspend or revoke the license of any animal related business operator for failing to operate the business in compliance with the conditions in the permit, if the business becomes a nuisance or a health hazard, in the case of a therapy related animal business, for expiration, withdrawal, revocation, or suspension of the applicant's required professional licensing and for other good cause.
6. A permit issued under this subsection L may be used only by the person to whom the permit is issued and for the premises for which the permit is issued. If the animal related business is transferred to another owner, the new owner must apply for a new permit and comply with all requirements of this section. If the permit holder desires to move the business to a new location, the permit holder must obtain a new permit for the new location.
7. Permits issued under this subsection L are good for one year and the permit holder shall file a new application each year. The city council need not consider renewal applications for general animal related businesses unless the permit holder has significantly changed his operations. However, the city council must consider renewal applications for any therapy animal related business.
8. Nothing in this subsection L shall relieve the operator of a general animal related business from the obligation to comply with all business license laws, zoning ordinances, health regulations or other applicable laws, statutes, ordinances, rules or regulations except that owners of service animal related businesses may be authorized to operate such business in any zone.

M. Exemptions:

1. Research facilities where bona fide medical or related research is conducted, humane shelters and other animal facilities established by state or local government agencies or which are licensed under federal law shall be exempt from the licensing and permit requirements of this section.
2. Active police service dogs shall be exempt from the limitation of pets per household address as described in subsection F8 of this section.

N. Inspections: All establishments required to obtain permits under this section shall be subject to periodic inspections by the animal control supervisor or his delegate. The inspector shall make a report of each inspection. The inspector shall give a copy of the inspection to the holder of the permit and shall file the original report with the city. Inspection reports shall be public documents.

O. Suspension Or Revocation Of Permits Or Licenses:

1. A permit or license issued under this section may be suspended or revoked or a permit application rejected for any one or more of the following grounds:
 - a. Falsification of facts in any permit or license application or in the case of a service animal related business, suspension, expiration, termination or withdrawal of the applicant's required professional licensing;
 - b. Violation of any of the provisions of this chapter or any other law or regulation governing the keeping of the permitted or licensed animals, including, but not limited to, noise laws, nuisance laws, building codes, or zoning ordinances;
 - c. Conviction on a charge of cruelty to animals or mistreatment of animals, regardless of whether the animals involved in the charge are the same animals permitted or licensed;
 - d. Other good cause determined by the city council.
2. If an inspection of the premises of any person holding a permit or license under this section reveals a violation of this chapter, the person conducting the inspection shall notify the permit or license holder of the violations by leaving a copy of the inspection report or other written notice with the permit or license holder. If the permit or license holder is not available, the person conducting the inspection may leave the notice with any responsible person over sixteen (16) years of age at the facility. If no responsible person is available, the inspector may serve the notice on the permit or license holder by sending the notice by certified mail to the last known address of the permit or license holder. The written notice shall:
 - a. Describe the specific nature of the violations the inspector found;
 - b. Establish a specific and reasonable period of time for the permit or license holder or the operator of the facility to correct the violations; and
 - c. State that failure to comply with the notice and the terms of this chapter may result in revocation or suspension of the permit or license.
3. If the permit or license holder fails to correct the violations in the time specified in the notice, the inspector shall notify the permit or license holder of the city's intention to revoke or suspend the license or permit. The notice shall:
 - a. Give the date, time and place that the city council will consider the matter. The time of the hearing shall be no less than fourteen (14) days from the date of the notice;
 - b. Inform the permit or license holder of his or her right to be present at the hearing;
 - c. Inform the permit or license holder that if he or she does not appear at the hearing, the city may revoke or suspend the permit or license in the permit or license holder's absence;
 - d. Inform the permit or license holder of his or her right to be represented by counsel at the hearing;
 - e. Inform the permit or license holder of his or her right to question witnesses presented by the city; and
 - f. Inform the permit or license holder of his or her right to call witnesses and present other evidence on his or her own behalf during the hearing.
4. At the time and place set for the hearing, the city council shall hold a hearing on whether the permit or license should be suspended or revoked. The city may present witnesses and evidence on the issue and the permit or license holder shall also have an opportunity to present witnesses and evidence. At the close of the hearing, the city council shall vote on whether to suspend or revoke the license and the majority vote of the council shall be controlling.
5. If the council votes to suspend the permit or license, it shall set a minimum time of the suspension, which shall be at least six (6) months, and the council shall order that the license may not be reinstated until the specified time has run and all of the violations have been corrected.
6. A person whose permit or license has been revoked may not reapply for a new license or permit for at least two (2) years.

7. Notwithstanding the procedures for suspension or revocation above, the animal control supervisor or animal control officer may, without warning or a hearing, suspend any permit or license issued under this chapter if he finds that the condition of the premises of the permit or license holder constitute a substantial and immediate threat to the health, welfare or safety of the residents of the city.
- a. If the animal control supervisor or animal control officer suspends any permit or license under this subsection O7:
 - i. The animal control supervisor or animal control officer shall impound the animals and take other steps to mitigate the threat; and
 - ii. The city council shall review the action as soon as practicable and the permit or license holder shall be given notice of the hearing.
 - b. If the city council finds that the animal control supervisor's actions were justified, it shall:
 - i. Order that the permit or license holder pay all costs of impounding the animals;
 - ii. Order that the permit or license holder pay all remediation costs incurred by the city;
 - iii. Order that the animals either:
 - (1) Continue to be impounded until the permit or license holder's premises comply with the provisions of this chapter and any other applicable law, including health and building codes;
 - (2) Be abated; or
 - (3) Be made available for sale or adoption to third parties.

P. Litter Animals:

1. Notwithstanding the other provisions of this chapter, the owner of a household pet kept in a residential zone which delivers a litter may sell or give away the litter animals under the following conditions:
 - a. The owner shall have three (3) months to dispose of all of the litter animals which exceed the number of animals the owner may lawfully keep.
 - b. The owner may sell the litter animals or give them away.
 - c. The owner may use reasonable methods to advertise the availability of the litter animals, provided that no advertising method may result in a violation of the city's sign or zoning ordinances.
2. No person shall use the provisions of this subsection P to avoid obtaining a business license or a regulatory license described in this section.
 - a. A person shall be presumed to be using this subsection P to avoid obtaining a business or regulatory license if he sells or gives away more than two (2) litters in a single year.

HISTORY

Adopted by Ord. 2012-8 on 2/28/2012

Amended by Ord. 2013-12 on 8/27/2013