

Report by Greg Montgomery

Agenda Name: Public Hearing to amend PI, NC, CBD, R-4 and R-3 zoning regulations when in the East Central Community to prohibit painting or covering exterior brick

Petitioner/ Developer: Ogden City Planning
2549 Washington Blvd
Ogden, Utah 84401

Petitioner/ Developer’s requested action: Approval of zoning ordinance amendments to create consistency in zoning requirements of prohibiting painted brick for properties located in the central bench historic district

What Planning Commission reviews

The Planning Commission is required to review all zoning text amendments in a public hearing. The Commission reviews the purpose of the regulation, the general plan, and the reason for a proposed change and determines whether or not the request is consistent with those factors.

The Commission makes a **recommendation** regarding the proposed amendment based on their review and forwards that recommendation to the City Council for a final action.

Planning Commission’s determination for action

Possible findings based on decision Commission determines appropriate:

- 1. Approve the proposed amendment to restrict painting or covering brick exteriors when properties are located in the East Central Community and Central Bench National Historic District finding that:**

Prohibiting the painting of brick is consistent with the community plan and the General plan in preserving the historic character of the area.

- 2. Deny the proposed amendment, finding that:**

The proposed amendment is not consistent with the General and East Central Community plan as painting the brick does not alter the characteristic of the brick,

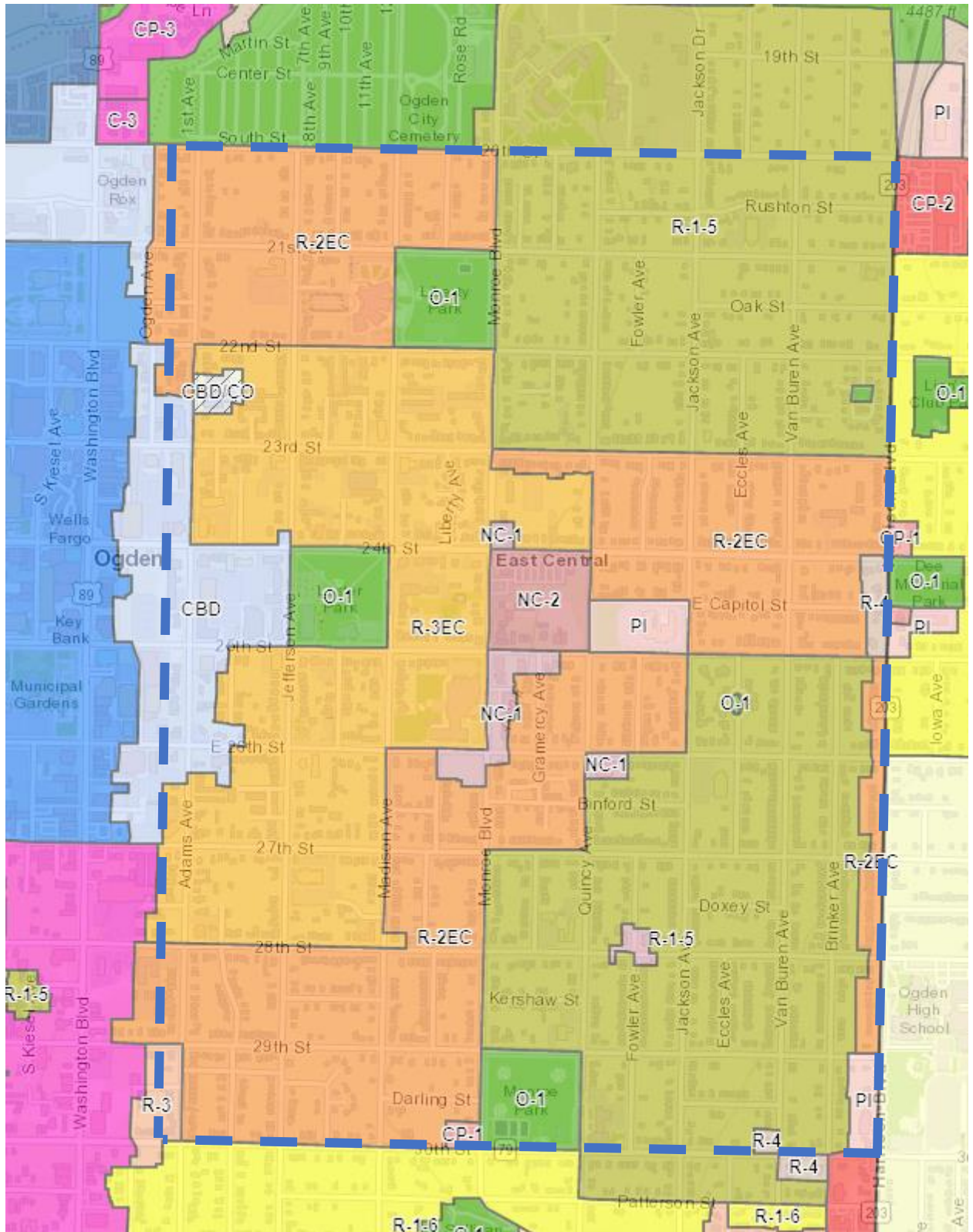
Planning Staff's Recommended Action

Approval of the proposed revisions to prohibit painting or covering of brick exteriors in the CBD, NC-1 and NC-2, PI, R-4 and R-3 zones

Description of request

The Commission made recommendation last month regarding a petition to allow painting of brick which is prohibited in the residentially zoned areas of the East Central Community. During the discussion it was noted that if the protection of the brick buildings in the community is an important desire because of the historic character of the area and it being in a National Historic District, then brick buildings in the same area but not zoned residential should have the same protection. It was noted that some homes that are either in the CBD or PI have been painted recently but since there is no restriction on painting the brick mixed messages are being given if painting is allowed or not allowed in the area. No one sees the zone boundary line within the East Central Community when they look at buildings that have similar appearance and one can paint the brick and the other cannot.

It was determined in the Commission discussions that the City should make necessary revisions to avoid mixed messages of the restriction of painting brick and this consideration is another step to correct conflicting regulations within the various zones within the East Central Community. The East Central is composed of the R-1-5, R-2 EC, R-3EC which prohibits painting or covering brick. There are other zones in the east central community which include the CBD, NC-1 and NC-2, PI, R-4,R-3,C-1 and O-1.



— Central Bench Historic boundaries. Note: west line follows property lines

Factors for consideration of action

1. Compliance with the East Central and General Plan

Zoning regulations are meant to be tools that implement the general plan which defines the common public interest goals of a community. Each community and each neighborhood have different characteristics and objectives that the plan identifies, and the zoning ordinances respond to. The General Plan has as objectives “Support historic preservation appreciation efforts as a means of recognizing activities to improve older developed areas throughout the City, educating people about economic and social values of preservation and fostering pride in Ogden’s heritage” (4.D.4) “Strengthen neighborhoods through appropriate design and improvements” (9.D.2). The Community Plan then adds as strategies and objectives “Educate property owners and tenants as to their role in the community with flyers, letters and welcome packets that show they are part of the soul of this unique community and its success depends on maintaining these stringent expectations” (14.B.C.2.C), “retain and build upon the historic physical character of the community” (14.B.C.5), “develop strict design standards that would establish requirements of development and context that retains the neighborhood character. Key elements would be building size, color, materials, design, height, facades, porches, garages, roof pitch, front yard fences and landscaping” (14.B.C. 5.A).

Staff feels that the restrictions on painting or covering brick needs to be added to the other zones found in the East Central community since they are similar in character. Below are examples of properties in the CBD and NC zones that have and have not been painted but it would be hard to say these building are not typical of the historic character of the East Central. In fact, they originally received notice of violation for painting the building until the actual zone was then determined where the buildings were and there were no zoning violations.

527 24th CBD zone



(Before)



(Present condition)

826 25th NC zone



2. Consistency of application of standard

The Planning Commission had mentioned in earlier meetings that there needs to be consistency of the regulation so mix messages are not sent if the intent of the regulations is to retain the specific character of the East Central Community. Allowing similar buildings in similar locations to have a differing standard is not consistent in sending the message of the desire to retain the physical character of the historic area. The same provisions should be required to retain the context of the character of original materials used in construction of the community.

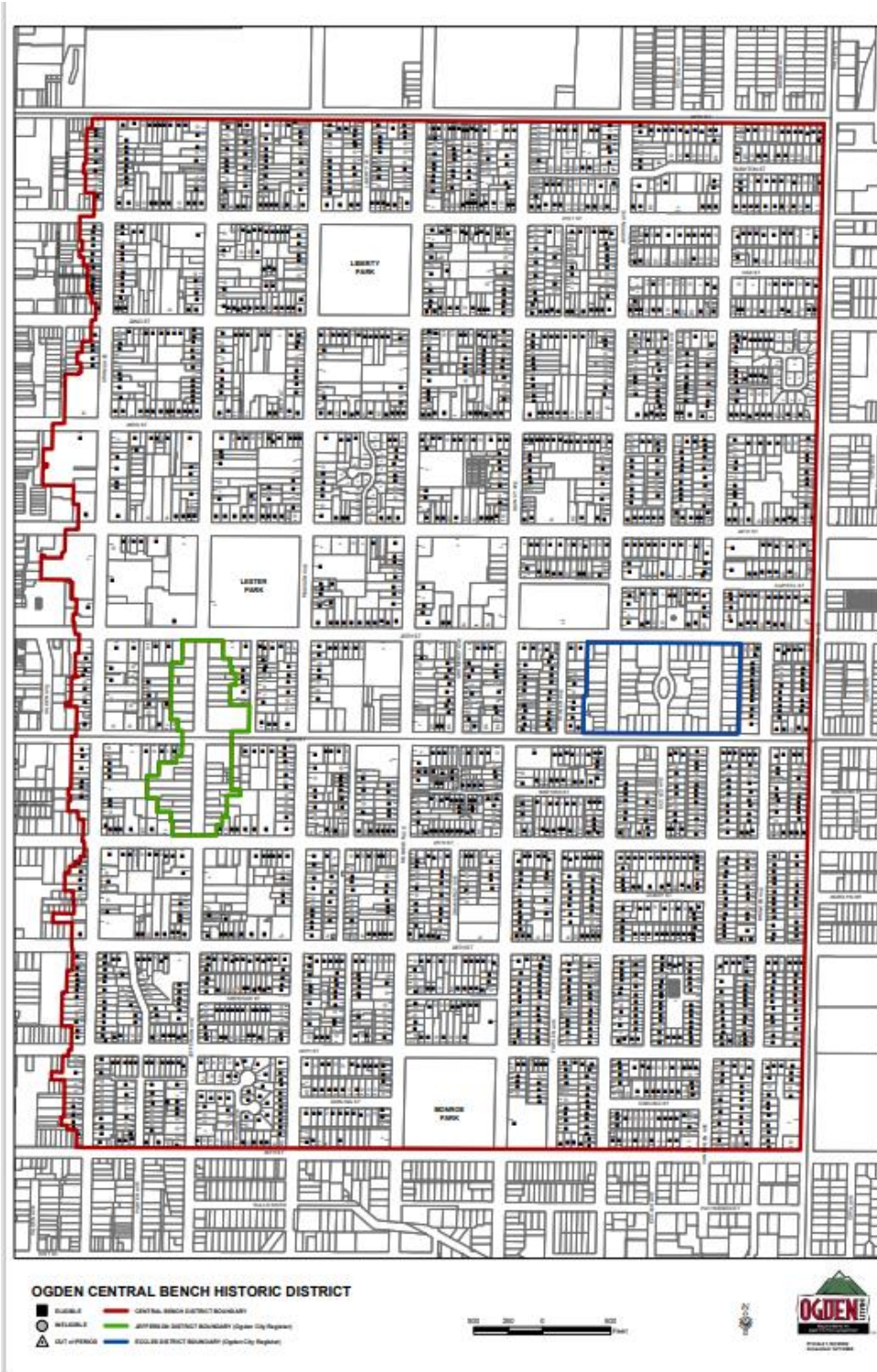
3. Exclusion of C-1 zone in East Central

There is one building in the only C-1 zone in tis community. It is not a brick building but a block building. Staff can not see any advantage of amending the C-1 zone to add tis restriction when it would not apply to any other C-1 zones or this property in the East Central Area.

Attachments

- A. Central Bench Historic District
- B. Proposed ordinance language revisions

Attachment A



Attachment B

CBD zone amendment

15-34-9 Prohibition of painting or covering exterior brick:

Buildings that are located east of Adams Avenue and properties facing either side of Adams Avenue are:

a. Prohibited from painting or covering exterior brick except as provided in subsection 9.b.

b. Painting or sealing on=f unpainted brick may be approved by the Planning Commission if an evaluation is submitted to the planning commission that has been reviewed by the director providing information that:

(1) Painting or sealing of the brick is required to provide a protective surface that will limit the continued erosion of the brick;

(2) The paint or sealant used will preserve the brick; and

(3) The color of the paint or sealant will match the existing brick color.

NC zone amendment

15-41-5.F. Reuse And Existing Use Compliance Requirements: All existing buildings in the NC-1 and NC-2 zones shall comply with the following standards of this subsection within the time indicated:

1. Except as modified by subsection B5 of this section, existing window openings shall be clear windows that allow views into the indoor space or product display inside the building. Eighty percent (80%) of the ground level window areas shall remain clear of posters, banners, and other materials or objects which block views through the window. This provision shall be complied with at the time reuse occurs or within six (6) months of the date a property is zoned NC-1 or NC-2, whichever comes first.

2. The building colors shall be muted earth tone colors to blend with the color schemes found in the surrounding neighborhood. Bold, bright colors such as yellows, greens, reds and blues are not permitted as they distract from being compatible with the overall neighborhood character. This provision shall be complied with at the time reuse occurs or within one year of the date a property is zoned NC-1 or NC-2, whichever comes first.

3. Existing brick buildings located between 20th and 30th Streets an Adams to Harrison are:

(a) Prohibited from painting or cover exterior brick except as provided in subsection 3.b.

b. Painting or sealing of unpainted brick may be approved by the Planning Commission if an evaluation is submitted to the planning commission that has been reviewed by the director providing information that:

(1) Painting or sealing of the brick is required to provide a protective surface that will limit the continued erosion of the brick;

(2) The paint or sealant used will preserve the brick; and

(3) The color of the paint or sealant will match the existing brick color.

PI ZONE AMENDMENT

15-33-5: SPECIAL REGULATIONS:

A. General Regulations: In addition to any other requirements of this code, development in the PI zone shall also be subject to the following standards:

1. Building Materials: Any building erected on the property shall have an exterior wall finish of brick, stone, stucco, or other stucco appearing material. If the roof is pitched, then shakes, architectural shingles or roofing tiles shall be used but under no circumstance shall metal be used. Existing buildings with a brick exterior located between Harrison and Adams and 20th to 30th Street are:

a. Prohibited from painting or cover exterior brick except as provided in subsection 1.b.

b. Painting or sealing of unpainted brick may be approved by the Planning Commission if an evaluation is submitted to the planning commission that has been reviewed by the director providing information that:

(1) Painting or sealing of the brick is required to provide a protective surface that will limit the continued erosion of the brick;

(2) The paint or sealant used will preserve the brick; and

(3) The color of the paint or sealant will match the existing brick color.

2. Minimum Design Details: The buildings in the development shall be designed to provide architectural relief that creates variety, interest and unity in the theme of the development. This may be achieved with various combinations of the following methods: windows along the front of the building, awnings, varying roof planes, covered entryways, colonnades, quoins, etc. Conversions of single-family homes into any of the other permitted or unconditional uses shall not be allowed, except conversions for wedding chapels or daycare centers are allowed if the entire project takes on a residential style theme that ties the existing architecture to the other buildings in the development.

3. Colors: The colors used throughout the development shall add to the theme of the project and shall not bring undue attention to the development as compared to existing development in the area.

4. Shared Accessways And Parking: All development with multiple buildings are to have a shared access from the public street and shared on site parking. The shared parking is to be designed to create a unified circulation system.

5. Signage: Only one freestanding sign is allowed per lot and shall be a freestanding monument sign to identify the project. The freestanding monument sign shall not be taller than eight feet (8'), shall be set back ten feet (10') from the property line abutting a public street and shall not exceed fifty (50) square feet in size. If the monument sign is located near an accessway to the development it shall not be located within a thirty foot (30') sight triangle distance which will be measured from the curb. The monument sign shall be constructed out of the predominant material of the development and tie in with the theme of the development.

6. Separate Parcels Combined Into One Lot: All separate parcels or lots in the development are to be combined into one lot. A development in a PI zone shall be maintained as one lot, except that building pads may be subdivided as units or lots, to be held in separate ownership, pursuant to a condominium project or a planned residential unit development subdivision.

7. Utility Line Connections And Installations: All utility line connections and installations must be underground and rise within the building. Transformers, meters and similar apparatus must be at ground level or below with approved screening for



ground level installation. Screening at ground level shall consist of plant material or architectural materials used in the development.

- 8. Outside Storage Is Not Permitted: All storage must be in an enclosed building.

R-3 amendment

15-17-4.I Brick painting limitations

Buildings that are located between Adams and Harrison and 20th to 30th are:

- a. Prohibited from painting or covering exterior brick except as provided in subsection b.
- b. Painting or sealing on=f unpainted brick may be approved by the Planning Commission if an evaluation is submitted to the planning commission that has been reviewed by the director providing information that:
 - (1) Painting or sealing of the brick is required to provide a protective surface that will limit the continued erosion of the brick;
 - (2) The paint or sealant used will preserve the brick; and
 - (3) The color of the paint or sealant will match the existing brick color.

R-4 Amendment

15-18-4.I Brick Painting limitations

Buildings that are located between Adams and Harrison and 20th to 30th are:

- a. Prohibited from painting or covering exterior brick except as provided in subsection b.
- b. Painting or sealing of unpainted brick may be approved by the Planning Commission if an evaluation is submitted to the planning commission that has been reviewed by the director providing information that:

- (1) Painting or sealing of the brick is required to provide a protective surface that will limit the continued erosion of the brick;
- (2) The paint or sealant used will preserve the brick; and
- (3) The color of the paint or sealant will match the existing brick color.



OGDEN CITY PLANNING COMMISSION
November 3, 2021 AGENDA ITEM- #12



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Attachment B- Proposed ordinance amendments