

# WEBER COUNTY

OVPC Public Hearing 10/27/20  
Short-Term Rentals Regulation Scenarios

# Summary of Public Input

In-Writing Comments Received Through 12:00 PM 10/27/2020

Public Comment Topics	Percent of Respondents Through 9/1/20	Percent of Respondents Through 10/27/20
Community Character / Costs Outweigh Benefits / Unknown Impacts	59%	68%
Noise	41%	40%
Code Enforcement / Complaint Resolution (+&-)	36%	40%
Parking, Large Vehicles, & Snow Removal	34%	36%
Parties / Minimum Length of Stay (+&-)	32%	31%
Safety (Theft, Vandalism, Crime, Intoxication, Drugs, COVID, Sex Predators)	32%	31%
Traffic/ Speeding	27%	26%
HOAs/HOA Autonomy & Enforcement (+&-)	27%	24%
Sheriff Capacity	26%	22%
Uncollected Tax Revenue (+&-)	23%	22%
Property Rights (+&-)	15%	22%
Trash	23%	21%
Occupancy / Large Gatherings / Owner Occupied (+&-)	19%	18%
Stressed Infrastructure (Roads, Sewer/Septic, Water)	16%	16%
Property Values (+&-)	14%	15%
Trespassing / Drones	14%	14%
Absentee Owners	12%	13%
Licensing / Cost Barrier (+&-)	14%	12%
Master Plan Inconsistency	9%	12%
Supports Economy/ Jobs / Attracts Businesses	9%	11%
Fire Safety / Fireworks	9%	8%
Reduced Housing Stock / Increased Commuting / Speculation	9%	8%
Competition For Existing Businesses / Rentals	9%	8%
Additional Lodging Options / Underserved W/Options	8%	8%
Supports STRs W/ Restrictions	8%	8%
False Realtor Advertisements	8%	7%
Disproportionate Impact and Revenue Disbursement	8%	7%
Property Maintenance & Inspections (+&-)	7%	7%
STRs Help Owners Supplement Income/ Mortgage	5%	7%
STRs Capture Lost Business to Other Markets	4%	4%
Dark Skies (+&-)	3%	2%
Complaint Hotline/Website or 3rd Party Enforcement	1%	2%
STRs Reduce Foreclosures	1%	2%
Water Usage	1%	2%
Use Signage W/Contact Info for Owner/Complaints	1%	1%

# Short-Term Rental Regulatory Scenarios

Copies of the full draft ordinance are available on Frontier:

The screenshot shows the Frontier web application interface. At the top, there is a navigation bar with various utility links. The main content area displays project information for 'Short-Term Rentals Ordinance Amendment'. A 'Please Note' section states that the document can be found on the document lab. Below this, a metadata table lists details such as Project Type, Sub Type, Created By, Created On, Project Status, Status Date, File Number, and Project Manager. A 'Documents' section lists several files with 'Edit' and 'Download' options. Two red arrows point from the text below to the 'Full Draft' and 'Condensed Draft' links in the document list.

Document Name	Date Uploaded	Options
Full Draft: [Edit] Revised Summary of Public Input_102720.pdf	10/27/2020	Download [X] Remove
Condensed Draft: [Edit] Revised Consolidated Document of Public Comments Through 102720.pdf	10/27/2020	Download [X] Remove
[Edit] 2020_OVPC_Oct 27_AGENDA amended.pdf	10/26/2020	Download [X] Remove
[Edit] Sec 108-23 Short-Term Rentals Ordinance_3 Scenarios_Full.docx	10/16/2020	Download [X] Remove
[Edit] Sec 108-23 Short-Term Rentals Ordinance_3 Scenarios_Condensed.docx	10/16/2020	Download [X] Remove

Full Draft:

Condensed Draft:

# Short-Term Rental Regulatory Scenarios

Copies of the full draft ordinance are available on Frontier

The following regulatory scenarios are open to discussion regarding the question of “Where should STRs be allowed”:

- A) Open
- B) Open & Limited
- C) Business as Usual
- D) Closed

# Regulatory Scenarios

## **A) Open**

“Any residential property within the unincorporated Weber County may obtain a short-term rental license to rent a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days subject to the requirements and standards of this chapter.”

# Regulatory Scenarios

## **B) Open & Limited**

“With exception to properties in the FR-1 zone, any residential property within the unincorporated Weber County may obtain a short-term rental license to rent a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days subject to the requirements and standards of this chapter.”

This scenario would also require geographic separation between licensed units. This separation requirement would prevent grouping of STRs and is designed to help protect neighborhood character.

# Regulatory Scenarios

## **C) Business as Usual**

“The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days is considered a short-term rental. Short-term rentals are allowed only when listed as either a permitted or conditional use in a specific zone or when approved as part of a planned residential unit development (PRUD).”\*

\*This language is unchanged from the existing Sec. 108-7-25 “Nightly Rentals”

# Regulatory Scenarios

## **D) Closed**

- STRs will continue to be an allowed use in the DDR-1 Zone.
- STRs will no longer be allowed as a conditional use in the FR-3 zone. Owners in the FR-3 zone who are currently operating an STR under a valid conditional use permit and valid business license will be allowed to continue as a non-conforming use.
- Owners within existing PRUD developments (with approved STR use) will be allowed to obtain an STR license or continue renting if already licensed. New PRUD developments will no longer be approved with the STR use.

# Operational Requirements

## **Prohibitions:**

- Not allowed in accessory buildings
- Not allowed in Accessory Dwelling Units (ADUs)
- Not allowed in Deed Restricted Housing

## **Short-Term Rental License Required**

- Properties must be inspected prior to licensure
- Owners are required to collect and remit applicable taxes

## **All licensed properties are required to operate by specific operational standards:**

- Information dissemination (info packet)
- Advertising Requirements
- Occupancy limits
- Parking
- Noise
- Trash disposal and collection
- Outdoor lighting
- Signage (not allowed)
- Fire safety

# Enforcement

## **3<sup>rd</sup> Party Enforcement Support**

- “Scrapes” all major and many minor STR websites to identify unique listings and their specific addresses.
- Allows for efficient licensing, tracking, and renewal
- Consistently monitors listings for compliance with County STR ordinance and licensing requirements
- Consistently monitors rental activity and collects data to be used for enforcement efforts.
- Dedicated hotline staffed 24/7 for neighbors to report non-emergency STR complaints, submit evidence, and initiate automatic follow-up activities.

# Enforcement

## **Complaints:**

- 24/7 complaint hotline
- Responsible Agent (on-call 24/7) (must respond within 60 minutes)

## **Violations:**

- Minor Violation
  - Any violation of the operational standards (parking, noise, trash, etc.)
- Major Violation
  - Failure of the responsible agent to respond to complaints
- Unlicensed Violation
  - Operating an unlicensed STR

## **Penalties:**

- Proportionate to a property's rental rate
  - Minor violation - 50% of nightly rental rate
  - Major Violation - 100% of nightly rental rate
  - Unlicensed Violation - 200% of nightly rental rate

## **License Revocation:**

- Minor Violation – 4 violations in 3 months or 6 in 12 months
- Major Violation – 2 violations in 3 months or 4 in 12 months

Questions?

Public Comment

1 **Sec 108-23 Short-Term Rentals**<sup>[PS1]</sup>

2 **Sec 108-23-X Purpose And Intent**

3 There are benefits to allowing owners of residential units within the County to rent their dwelling units  
4 for short periods of time. Short-term rental of dwelling units also brings capacity and diversification to  
5 the visitor-accommodation market. However due to the potential for adverse impacts, short-term  
6 rentals must be regulated by the County to protect the health, safety, and welfare of owners, neighbors,  
7 and visitors.

8 The intent of this Chapter is to establish procedures and standards by which residential short-term  
9 rentals can be provided to visitors and tourists in a manner that protects both the quality of their  
10 experience, and the communities in which they are located.

11 **Sec 108-23-X Applicability**<sup>[PS2]</sup>

12 **Open/Limited Scenario:**

13 With exception to properties in the FR-1 zone, any residential property within the unincorporated  
14 Weber County may obtain a short-term rental license to rent a sleeping room, apartment, dwelling unit,  
15 or dwelling for a time period of less than 30 days subject to the requirements and standards of this  
16 chapter.

17 **Business as Usual:**

18 The <sup>[PS3]</sup>rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30  
19 days is considered a short-term rental. Short-term rentals are allowed only when listed as either a  
20 permitted or conditional use in a specific zone or when approved as part of a planned residential unit  
21 development (PRUD).

22 **Open:**

23 Any residential property within the unincorporated Weber County may obtain a short-term rental  
24 license to rent a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30  
25 days subject to the requirements and standards of this chapter.

26  
27 **Sec 108-23-X Prohibitions**

28 A short-term rental license will not be issued for any of the following:

- 29 (a) *Accessory Buildings and Accessory Dwelling Units.* Short-term rentals are not allowed in any  
30 accessory building, including licensed accessory dwelling units (ADUs), unless specifically  
31 provided for in other areas of this land use code. A property that contains a licensed ADU is not  
32 eligible to obtain a short-term rental license for the primary residence.
- 33 (b) *Deed Restricted Housing.* Short-term rentals are not allowed in properties that have been deed  
34 restricted for affordable or workforce housing.

35 (c) *Private Covenants*. A short-term rental license will not be issued for any property that is subject  
36 to a private covenant that restricts the property's use for short-term rentals.

37 **Sec 108-23-X Short-Term Rental License Required**

38 (a) *Licensing*. It is unlawful for an owner to rent any property for a time period of less than 30 days  
39 within the unincorporated area of Weber County without a valid short-term rental license  
40 pursuant to this Chapter. An issued short-term rental license shall also be considered a land use  
41 permit for the purpose of operating a short-term rental unit.

42  
43 (b) *Geographic Separation of Licenses*<sup>[PS4]</sup>. With exception to the DRR-1 zone, PRUD developments  
44 with short-term rental approvals, and properties in the FR-3 zone with valid short-term rental  
45 licenses at the time of the adoption of this chapter (XX/XX/20XX), all licensed short-term rental  
46 units shall be located a minimum of 500 feet from other licensed short-term rental units.

47  
48 (c) *Initial Licensing Period*.<sup>[PS5]</sup> Following the adoption of this chapter, County staff will process  
49 short-term rental license applications by the order in which they are received. License  
50 applications that are found to have a proposed short-term rental unit within an existing 500-  
51 foot separation buffer will be denied until such a time in which a nearby license/s creating the  
52 encumbrance become expired or revoked.

53 (d) *Licensing Procedure*

54 (1) The owner or authorized representative shall submit a notarized short-term rental  
55 license application on a form provided by the Planning Division, and shall pay the  
56 application fee set by County Commission resolution.

57 (2) Applications shall be accompanied by the following materials:

- 58 a. Detailed floor plan and site plan of rental property indicating all areas allowed  
59 to be occupied by short-term occupants
- 60 b. Parking plan demonstrating compliance with the parking standards established  
61 in Sec XXX-XX-X
- 62 c. Trash disposal and collection plan demonstrating compliance with the trash  
63 disposal and collection standards established in Sec XXX-XX-X
- 64 d. Proof of homeowners' and liability insurance
- 65 e. Preliminary title report dated within 30 calendar days prior to the submittal of  
66 an application.
- 67 f. For properties located within an HOA, applicants must submit a letter from the  
68 HOA board, or a copy of the community's Covenants, Conditions, & Restrictions  
69 (CC&Rs) that verify the community does not have a regulation to prohibit the  
70 short-term rental of dwellings.
- 71 g. Outdoor lighting plan showing compliance with Section 108-16.

72  
73 (e) *Application Review Procedure*. Upon submission of a complete application for a short-term  
74 rental license, staff shall circulate the application to the Planning Division, Building Department,  
75 Fire District, Health Department, and any other reviewing agency deemed appropriate for  
76 adequate review and approval of the license. Reviewing agencies shall have 30 days to review  
77 the submitted plans and return any requests for additional information or conditions of

78 approval to the applicant. Applicants shall have 60 days to comply with review agency requests  
79 or the application will be removed from consideration.

80  
81 (f) *Issuance of License.* All licenses shall be issued to property owners. Licenses are tied to the  
82 owner for a specific property and are non-transferable to other properties or other owners,  
83 except [PS6] to individuals who are next of kin. Licenses shall be issued for a period of one year  
84 and shall expire at the end of each calendar year.

85  
86 (g) *License Renewal.* Existing licenses must submit for renewal and pay the required fee by no later  
87 than December 1<sup>st</sup> of each year to remain valid through the next calendar year. Licenses issued  
88 anytime mid-year will be required to renew their license by December 1<sup>st</sup> of the same year in  
89 order to become concurrent with the sequential annual licensing cycle. Owners wishing to  
90 renew a license must provide:

- 91 (1) License renewal application
- 92 (2) Written clearance from the Treasurer's Office verifying property, sales, and transient  
93 room tax compliance.[PS7]
- 94 (3) Inspection report (if required by Sec. XXX-XX-X)

#### 95 96 **Sec 108-23-X Property Inspection**

97 (a) *Initial property inspection.* Properties applying for their first short-term rental license shall be  
98 inspected for compliance with the provisions of this chapter and other applicable sections of this  
99 Land Use Code. The Planning Division shall have the option of designating a county inspector or  
100 a 3rd party building inspector. Any deficiencies found during this initial inspection shall be  
101 resolved to the satisfaction of the inspector prior to the release of a short-term rental license.  
102 Should the deficiencies not be resolved within 90 days from the time of initial inspection, the  
103 application shall be removed from consideration and a short-term rental license will not be  
104 issued.

105  
106 (b) *License renewal property inspection.* The County, at its discretion, may require that a property  
107 be inspected prior to the renewal of an existing license. The Planning Division shall have the  
108 option of designating a county inspector or a 3rd party building inspector. Should the property  
109 fail the inspection, the owner shall have 90 days to bring their property into compliance or the  
110 license will be suspended. A license may be immediately suspended should life/safety concerns  
111 arise during the inspection. If a license is suspended due to life/safety concerns, the property  
112 owner must rectify the concerns prior to the license suspension being lifted.

#### 113 **Sec 108-23-X Applicable Taxes And Remittance**

114 Owners of short-term rentals are responsible to collect and remit all applicable state and local taxes.  
115 Owners who fail to collect and remit applicable taxes during the license period shall have their short-  
116 term rental license suspended and shall not be eligible to renew their license for the next year. To have  
117 their license reinstated and renewed, owners may submit payment for all unpaid back taxes in addition  
118 to payment of an administrative penalty as established in Sec XXX-XX-X for a major violation.

#### 119 **Sec 108-23-X Responsible Agent**

120 The owner of a short-term rental shall appoint a Responsible Agent for the rental property. This  
121 appointed agent may be the owner, independent property manager, or a professional property  
122 management company. The appointed responsible agent shall be on-call to manage the property during  
123 any period within which the property is occupied. This agent must be able to respond, in person if  
124 needed, within 60 minutes to address any complaints, to the best of their ability, which may arise from  
125 the operation of the short-term rental. A responsible agent is not required to, and should not, place  
126 themselves in a situation that could cause them physical harm in order to attempt to address a  
127 complaint. The owner shall notify the Planning Division within three days of a modification to the  
128 appointed responsible agent and shall provide name, address, and telephone number of any newly  
129 appointed agent. It is the owner's responsibility to update this information throughout the term of the  
130 license.

131 **Sec 108-23-X Operational Standards**

132 (a) *Information Dissemination Requirements.* The owner shall post the following information in a  
133 prominent and visible location:

134 (1) *Internal posting.* Each licensed short-term rental property shall have the following  
135 information posted in a conspicuous location where it can be easily viewed by tenants:

- 136 a. Short-Term Rental License number;
- 137 b. Contact information for the owner and responsible agent, including a phone  
138 number for 24-hour response to emergencies;
- 139 c. The property's maximum occupancy;
- 140 d. The property-specific parking plan including the maximum number of vehicles  
141 allowed to be parked on the property and applicable parking rules;
- 142 e. Description of the location/s of fire extinguishers and emergency egress routes;
- 143 f. Good neighbor requirements regarding noise, parking, trash pickup, and fire  
144 restrictions;
- 145 g. Current fire restriction information as disseminated through the Weber County  
146 Fire District website; and
- 147 h. Any other information deemed necessary by the reviewing agencies to ensure  
148 the public's health and safety.

149 (2) *Street Addressing.* Each licensed short-term rental property shall have its assigned street  
150 address posted externally in a conspicuous location where it can be easily viewed day or  
151 night from the adjacent access way.

152  
153 (b) *Advertising Requirements.* As provided in UCA 17-50-338, the following advertising  
154 requirements are not intended to prohibit an individual from listing a property for short-term  
155 rental on any short-term rental website. All advertising for a short-term rental property shall  
156 include:

- 157 (1) The property's short-term rental license number
- 158 (2) The property's maximum permitted occupancy
- 159 (3) Maximum parking capacity
- 160 (4) A digital link to the County's short-term rental regulations
- 161 (5) The following language shall be included verbatim in a prominent location of the  
162 advertisement: "Any advertisement for a short-term rental property in unincorporated

Weber County, Utah, that does not provide a unique license number is unlikely to be a lawfully licensed short-term rental.”

(c) Occupancy

(1) *Occupancy Limits*. The maximum occupancy for a short-term rental property shall be no more than **two** people per bedroom, plus **four** people up to a maximum of **10** people.

a. A property’s maximum occupancy may be reduced due to a property’s unique characteristics, including but not limited to, limited parking, septic/sewer system capacity, culinary water rights, etc.

b. A greater maximum occupancy may be approved following additional review and approval of applicable reviewing agencies and the provision of additional components that would otherwise limit capacity including, but not limited to, fire suppression systems, parking, septic/sewer capacity, culinary water rights, sleeping rooms, etc.

(2) *Single Contract*<sup>[PS8]</sup>. Owners shall not concurrently rent individual rooms or areas to unrelated parties for the same night or nights.

(3) *External sleeping accommodations prohibited*. All sleeping accommodations must be maintained internal to the licensed dwelling unit as indicated by the floorplan that was submitted and approved during the licensing process. External accommodations such as yurts, teepees, tents, or other temporary structures may not be used for sleeping accommodations or as a means to increase the maximum permitted occupancy.

(4) *Duration*. , No licensed short-term rental unit may be rented for less than **three** consecutive days, with exception to the following areas:

a. Licensed properties within the DRR-1 zone

b. Properties located within PRUD developments with short-term rental approval.

c. Properties located within the FR-3 zone that have obtained a valid conditional use permit and short-term rental license prior to **XX-XX-XXXX**.

(d) *Parking*. In addition to the parking requirements for dwellings, as outlined by Sec. 108-8-2 of this Land Use Code, the following parking regulations are also required for all licensed short-term rental properties.

(1) All vehicles of occupants and visitors of a short-term rental property shall be parked only within the property’s boundary lines. Additionally, no more than **25%** of the property’s front or side yard setbacks shall be dedicated to parking.

(2) No parking is allowed within the property’s adjacent rights-of-way.

(3) No more than one parking space per sleeping room may be provided.

(4) No vehicles shall be parked on the lawn or landscaped areas of the property.

(5) No person shall be permitted to stay overnight in any vehicle which is parked at the property.

(6) No vehicles with a passenger capacity of greater than sixteen **(16) persons** may be parked at the property.

(e) *Noise*. At no time shall the noise emanating from the property exceed **65 dB** as measured from the property line. Between the hours of **10:00 pm and 9:00 am**, no sound exceeding **55 dB**, and no amplified or reproduced sound, shall be allowed as measured from the property line.

- 207
- 208 (f) *Trash disposal and collection.* All short-term rental properties shall provide a trash disposal and  
209 collection plan at the time of license application to ensure that trash containers are not left  
210 outdoors where they can cause issues for wildlife, snow removal operations, or cause  
211 unsightliness. With exception to the property's assigned trash pick-up day, trash containers  
212 must be stored behind the property's front setback line and must be shielded from the view of  
213 adjacent public rights-of-way. The designated responsible agent shall ensure that any trash  
214 generated that exceeds the typical pick-up schedule is collected and removed from the property  
215 as needed on a case by case basis. Properties with larger maximum permitted occupancies may  
216 require the procurement of additional trash cans to accommodate the volume of anticipated  
217 trash being generated.
- 218
- 219 (g) *Outdoor lighting.* Incorporated herein for all properties located in unincorporated Weber County  
220 desiring a short-term rental license, all outdoor lighting associated with a short-term rental shall  
221 at all times comply with the exterior lighting requirements set forth in Sec 108-16 of the Land  
222 Use Code.
- 223
- 224 (h) *Signage.* On-site signage intended to advertise the property as a short-term rental is not  
225 permitted anywhere on the property or adjacent right-of-way.
- 226
- 227 (i) *Fire safety.*
- 228 (1) The property must have primary access along a public right-of-way or access easement  
229 that meets the fire marshal's requirements for a fire access road.
- 230 (2) The property must have a fire prevention system as approved by the fire marshal.
- 231 (3) Outdoor fire pits must be permanently affixed natural gas or propane gas fixtures.
- 232 (4) Smoke and carbon monoxide detectors must be installed and maintained per current  
233 building and fire codes.
- 234 (5) Fire extinguishers must be placed in an approved location on each level of the property  
235 and adjacent to outdoor fire pits.
- 236 (6) An emergency egress plan must be posted in a conspicuous location on each level of the  
237 property.
- 238 (7) Properties located within the Wildland-Urban Interface (WUI) area shall comply with the  
239 current Wildland-Urban Interface code requirements.

240 **Sec 108-23-X Complaints And Violations**

- 241 (a) *Complaints.* The Planning Division requires all complaints regarding the operation of any short-  
242 term rental unit to be made through the County's short-term rental hotline or website.
- 243 (1) Complaints concerning the use or occupancy of a licensed short-term rental unit may be  
244 made to the County through the County's short-term rental hotline or website. The  
245 subject of the complaint may include, without limitation, such things as parking, trash,  
246 noise, or other concerns related to the short-term rental unit. The complaining party will  
247 then be provided with a reference number associated with their complaint; however,  
248 anonymous complaints made through the website or call center will not be processed.

- 249 (2) When a complaint concerning a short-term rental unit has been received, contact to the  
250 responsible agent for the unit will be attempted by a County designee using the  
251 telephone number on file with the County. If the responsible agent can be reached by  
252 phone, the agent will be notified of the details of the complaint as filed by the  
253 complaining party. The time that the responsible agent was notified shall be recorded.
- 254 (3) The responsible agent is required to make an attempt to resolve the issue that was  
255 subject to the complaint as outlined in **Sec 108-23-XX**. The responsible agent shall  
256 promptly notify the County's hotline if the agent believes a complaint has been  
257 successfully resolved. If the County's hotline does not receive notification from the  
258 responsible agent that a complaint has been successfully resolved within the  
259 timeframes outlined in **Sec 108-23-XX**, it shall be presumed that the complaint has not  
260 been successfully resolved, and the complaining party may follow up with the County's  
261 hotline or website with the reference number issued for the original complaint.
- 262 (4) If a complaint involves the immediate health and safety of any person or property, or if,  
263 despite good faith efforts, the problem that was the subject of a complaint cannot be  
264 resolved, the responsible agent shall immediately contact the police, and follow any  
265 direction(s) given by the police.
- 266 a. If a complaint is not resolved to the satisfaction of the complaining party, a  
267 formal complaint may be filed with the Planning Division. The formal complaint  
268 shall describe in detail the violation(s) of this chapter alleged to have occurred  
269 on the short-term rental property. Within three (3) days of receipt of such a  
270 complaint, the County shall provide a copy of the formal complaint to the owner  
271 and responsible agent if applicable. Formal complaints shall be signed by an  
272 individual and are subject to public inspection; no anonymous formal  
273 complaints shall be accepted.
- 274 b. The County shall investigate any formal complaint received, in order to  
275 determine if it is a substantiated complaint that represents a documented  
276 violation of any provision(s) of this Chapter.
- 277
- 278 (b) *False complaints.* Complaints that are not found to be substantiated, or are not relevant to  
279 compliance with this chapter, may be subject to penalties. Multiple false or unsubstantiated  
280 complaints by the same person, or regarding the same issue may be considered harassment. If  
281 in the judgement of the County Attorney's Office such harassment is taking place, the County  
282 Attorney's Office may issue a Cease and Desist Letter will be sent to the offending party. If an  
283 additional false or unsubstantiated complaint is made by the same person, after a cease and  
284 desist letter has been sent, a citation may be issued to the offending party, which can result in a  
285 fine of up to **\$XXXXX** per day per violation.
- 286
- 287 (c) *Violations.* For the purposes of this chapter violations for licensed short-term rental properties  
288 shall be classified as either a Minor Violation or a Major Violation. Violations for unlicensed  
289 rental properties shall be classified as an Unlicensed Violation.
- 290 (1) *Minor violations.* A minor violation shall be any violation of the short-term rental  
291 standards as provided in **Sec XXX-XX-X** and **XXX-XX-X**.

- 292 a. Owners will be given one warning following their first minor violation within  
293 each calendar year. If this warning is subject to a static and prevailing concern,  
294 owners shall be given three calendar days to correct the issue or the warning  
295 will become a documented minor violation.
- 296 b. After three minor violations within 12 consecutive months, the owner shall be  
297 issued a major violation on the fourth and subsequent occurrences.
- 298 c. Each minor violation shall be subject to an administrative penalty as provided in  
299 **Sec 108-23-XX.**
- 300 (2) *Major violation.* A major violation shall consist of the failure of the responsible agent to  
301 perform their responsibilities as provided in Sec. **XXX-XX-X**, or the fourth and  
302 subsequent minor violations within a 12 month consecutive time frame as provided in  
303 Sec. **XXX-XX-X.**
- 304 a. Owners will be given one warning in the event of a responsible agent failing to  
305 perform their responsibilities within each calendar year.
- 306 b. Each major violation shall be subject to administrative penalties as provided in  
307 **Sec XXX-XX-X.**
- 308 (3) *Unlicensed violation.* An unlicensed violation is committed upon the rental of an  
309 unlicensed property on a short-term basis.
- 310 a. Owners will be given one warning within each calendar year. Each violation  
311 thereafter shall be subject to administrative penalties as provided in **Sec XXX-**  
312 **XX-X.**

### 313 **Sec 108-23-X Administrative Penalty**

314 Any person found in violation of any provision(s) of this Chapter is liable for an administrative penalty in  
315 the form of a monetary fine based on the property's average nightly rate. The advertised rental rate of  
316 the property shall be determined through advertised nightly rental rate. Each day a violation remains  
317 unresolved shall carry a daily administrative penalty and monetary fine as follows:

- 318 (a) *Minor violations.* Monetary fines shall be **50%** of the advertised nightly rental rate on the date/s  
319 of the violation.
- 320 (b) *Major violations.* Monetary fines shall be **100%** of the advertised nightly rental rate on the  
321 date/s of the violation.
- 322 (c) *Unlicensed violations.* Monetary fines shall be **200%** of the advertised nightly rental rate on the  
323 date/s of the violation. If the unlicensed property does not have advertised rental rates, then  
324 the administrative penalty shall be the average nightly rental rate for all rental properties  
325 located in unincorporated Weber County for the dates associated with the violation.

### 326 **Sec 108-23-X License Revocation**

- 327 (a) *Revocation due to minor violations.* If a short-term rental unit has **four** minor violations within  
328 **three** consecutive months, or **six** minor violations within **twelve** consecutive months, the short-  
329 term rental license shall be revoked in accordance with the provisions of Sec. 102-4-3.
- 330 (1) If a short-term rental license is revoked due to an accumulation of minor violations, for a  
331 minimum of **one** year following the revocation, the County shall not accept an  
332 application for a new license for the same short-term vacation rental property; with the

333 exception that a new application by a new property owner, proven to be unaffiliated  
334 with the property owner whose license was revoked, may be considered.

335  
336 (b) *Revocation due to major violations.* If a short-term rental unit has **two** major violations within  
337 **three** consecutive months, or **four** major violations within **twelve** consecutive months, the short-  
338 term rental license shall be revoked in accordance with the provisions of Sec. 102-4-3.

339 (1) If a short-term rental license is revoked due to major violations, for a minimum of **two**  
340 years following the revocation, the County shall not accept an application for a new  
341 license for the same short-term vacation rental property; with the exception that a new  
342 application by a new property owner, proven to be unaffiliated with the property owner  
343 whose license was revoked, may be considered.

344 **Sec 108-23-X License Revocation Appeal Procedure**

345 Any owner who has been issued a notice of impending license revocation may file an appeal with the  
346 Planning Division as directed by Sec 102-4-3.

347 **Amendment to Sec 102-4-3: [PS9] (Required to accommodate this new ordinance and permit type.)**

348  
349 A land use permit or conditional use permit may be revoked for violation of any part of this Land Use  
350 Code related to the specific use or permit in accordance with the following:

351 (a) Revocation shall be conducted by the land use authority that is authorized to approve the  
352 permit.

353 ~~(b) Prior to permit revocation, the land owner and, if different, permittee shall be given reasonable~~  
354 ~~opportunity to resolve the violation by bringing the property into compliance or by diligently~~  
355 ~~pursuing an amendment or modification to the permit, as may be allowed by this Land Use~~  
356 ~~Code.~~

357 ~~(c)(b)~~ ~~In the event compliance cannot be attained,~~ the land owner and, if different, permittee  
358 shall be given a notice of the impending permit revocation 14 days prior to final revocation. The  
359 notice of the impending permit revocation shall specify the violation, and inform the land owner  
360 and, if different, permittee of the right to request a hearing.

361 ~~(d)(c)~~ The land owner and, if different, permittee shall have a right to a hearing with the land  
362 use authority to show cause for why the permit should not be revoked, if a written request for  
363 such is submitted prior to a final written revocation decision. If a hearing is requested, final  
364 revocation of the permit shall be stayed until after the hearing. The hearing shall be scheduled  
365 at a time specified by the land use authority.

366 ~~(e)(d)~~ Revocation of a permit is final upon the issuance of a final written decision. The final  
367 written decision may be appealed pursuant to title 102, chapter 3.

368 ~~(f)(e)~~ Revocation of a permit shall not prohibit prosecution or any other legal action taken on  
369 account of the violation, as provided in this Land Use Code or any other applicable law

370



# Staff Report to the Western Weber Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Public hearing to discuss and take action on a proposal to amend the zoning code to allow for accessory dwelling units in all zones that allow single-family dwellings as a permitted use.
<b>Agenda Date:</b>	Tuesday, November 10, 2020
<b>Applicant:</b>	Weber County Planning Division
<b>File Number:</b>	ZTA 2020-03

### Staff Information

<b>Report Presenter:</b>	Tammy Aydelotte taydelotte@webercountyutah.gov (801) 399-8794
<b>Report Reviewer:</b>	CE

## Applicable Ordinances

- Weber County Land Use Code Title 101 Definitions (chapter 2)
- Weber County Land Use Code Title 104 Zones (chapters 3, 5, 6,8, 9, 10, 12-17)
- Weber County Land Use Code Title 108 Standards (chapters 8, 15, 19, 21)

## Summary and Background

This staff-driven text amendment has become necessary to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life (Ogden Valley General Plan, chapter 4, page 18). These amendments are intended to allow, as a permitted use, accessory dwelling units anywhere single-family dwellings are permitted. The amendments proposed, include removing 'accessory apartments' as a conditional use, and replace the chapter with general provisions and standards for accessory dwelling units. Included in the proposed amendments is a replacement of the term 'carriage house' with 'accessory dwelling unit', the the chapter dealing with agritourism standards. Currently under development by staff, the attached proposal can be properly vetted by the Planning Commission and then forwarded to the County Commission for possible implementation. This amendment only applies to residential zones.

## Summary of Proposed Amendments

### Clerical Edits:

The re-numbering of the sections and the redesign of the site development table are being made so that they conform to standard practices and make the table easier to use.

### Edits to add/edit definitions for terms added to the zoning code:

These definitions have been created/modified to clarify the meanings of various terms and to be helpful in determining applicability.

### Edits to the zones that allow for single-family dwellings (Sec. 104):

This allows for accessory dwelling units wherever single-family dwellings are a permitted use.

### Edits to the accessory apartments section to replace with the proposed accessory dwelling unit ordinance (Sec 104-19):

Standards and requirements, application and review procedure, and enforcement are outlined in this section.

### Edits to the parking section (Sec 108-8-2):

Edits to include parking requirements for an accessory dwelling unit.

Edits to the Agri-tourism section (Sec 108-21-6, Sec 108-21-6(a)(6)):

The term 'carriage house' will be removed from the code altogether and replaced with 'accessory dwelling unit'.

## Noticing Compliance

A hearing for this item was published in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

## Background and History

Weber County is projected to continue to grow over the course of the next ten years. The need for various housing types to fit a growing diversity in population, calls for changes to the Weber County Land Use Code, allowing for accessory dwelling units in all zones that permit a single-family residence.

This text amendment was presented in a hearing with the Ogden Valley Planning Commission on September 22, 2020.

There have been minimal clerical edits since the previous discussion.

## Staff Recommendation

Staff's recommendation to the Western Weber Planning Commission is outlined below:

Staff recommends that the County Commission consider the text included as **Attachment A**. Should the County Commission be comfortable with the proposal, it could be approved based on the following findings:

1. The changes are supported by and are part of the execution of, the 2003 West Central Weber General Plan.
2. The changes are necessary to address the growing need for various housing types in Weber County.
3. The changes will enhance the general health and welfare of County residents.

## Attachments

- A. Proposed Ordinance

**SECTION 1: AMENDMENT** "Sec 101-2-2 A Definitions" of the Weber County Code is hereby *amended* as follows:

**AMENDMENT**

Sec 101-2-2 A Definitions

***Abandonment.*** The term "abandonment" means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.

***Abutting.*** The term "abutting" means having a common border with, or being separated from such a common border by a right-of-way.

***Accessory dwelling unit.*** The term "accessory dwelling unit," also referred to as an "ADU," means a dwelling unit, as defined by this section, that is either attached to the main single-family dwelling or is otherwise located on the same lot or parcel as the main single-family dwelling or an agritourism operation. ~~An accessory dwelling unit is not an accessory apartment, as otherwise defined by this section. Ownership of an accessory dwelling unit shall not be transferred separate from the main single family dwelling to which it is accessory. See also "carriage house."~~

***Acreage, adjusted gross.*** The term "acreage, adjusted gross" means a total of all land area that lies within a project boundary and is classified as "developable" by this or any other county, state or federal law, ordinance or regulation.

***Acreage, agri-tourism activity center.*** The term "agri-tourism activity center acreage" means the land area within an approved agri-tourism operation that contains the grouping or assemblage of agri-tourism uses/activities. Activity center area consists of that impacted ground lying immediately adjacent to, in between, and within a reasonable distance around each use/activity. Distances greater than 300 feet in between uses/activities and their impacted grounds, represent a separation of activity centers.

***Acreage, gross.*** The term " gross acreage" means a total of all acreage that lies within a project boundary.

***Acreage, net developable.*** The phrase "net developable acreage" means the total acreage within a project boundary, subtracting acreage unsuitable for development, as defined by this section or as otherwise provided in this Land Use Code. When calculating net developable acreage, the area encumbered or proposed to be encumbered by a street right-of-way or other required right-of-way providing primary access to a lot is considered area unsuitable for development. The term "net developable area" shall have the same meaning, unless the context clearly indicates otherwise.

***Acreage, productive agri-tourism.*** The term "productive agri-tourism acreage" means agriculturally productive land area used for the combined purpose of cultivating agricultural products and hosting active tourism attractions (e.g., pumpkin patch, corn maze, U-pick, U-cut Christmas trees, crop tour, bird watching, hunting, horseback/sleigh/wagon rides etc.).

***Acreage unsuitable for development.*** The phrase "acreage unsuitable for development," means the area within a project that has extraordinary circumstances that under existing county, state, or federal laws render development on it very unlikely. The applicant bears the burden to prove an area does not meet this definition.

***Agricultural arts center.*** The term "agricultural arts center" means a facility designed for the purpose of offering public education, enjoyment, and enlightenment through artistic expression and/or a translation of concepts related to art, art history, and art theory. It, in a conducive agricultural setting, acts as a venue for the community to experience, appreciate, and consume art in a variety of forms, including, but not limited to, visual or media art, literature, music, theatre, film, and/or dance. An agricultural arts center does not provide accommodation for nightly farm-stays; however, it may serve meals when served to event participants and/or guests.

***Agricultural land, prime.*** The term "prime agricultural land" means the area of a lot or parcel best suited for large-scale crop production. This area has soil types that have, or are capable of having, highest nutrient content and best irrigation capabilities over other soil types on the property, and are of a sufficient size and configuration to offer marketable opportunities for crop-production. Unless otherwise specified by this Land Use Code, actual crop production need not exist onsite for a property to be considered to contain prime agricultural land.

***Agricultural building.*** The term "agricultural building" means a structure used solely in conjunction with an onsite agricultural use.

***Agricultural parcel.*** The term "agricultural parcel" means a single parcel of land, at least five acres in area if vacant, or five and one-quarter acres with a residential dwelling unit.

***Agriculture.*** The term "agriculture" means use of land for primarily farming and related purposes such as pastures, farms, dairies, horticulture, aquaculture, animal husbandry, and crop production, but not the keeping or raising of domestic pets, nor any agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

***Agri-tourism.*** The term "agri-tourism" means an agricultural accessory use that can provide a means of diversifying a farm's income through broadening its offerings and adding value to its products. They operate during more than six (consecutive or non-consecutive) days per year and provide agriculturally related, and in some instances, non-agriculturally related products and activities that attract members of the public to the farm for retail, educational, recreational, and/or general tourism purposes.

**Agro-ecology research and education center (AREC).** The term "agro-ecology research and education center (AREC)" means a facility designed for the purpose of providing academic training in the techniques of agro-ecology and sustainable agricultural systems. An AREC conducts (theoretical and applied) research and community outreach while offering academic education, practical experience/training and public service/instruction opportunities for audiences ranging from local school children to international agencies. Such a facility may afford meals and overnight lodging facilities for faculty, staff, and/or students/apprentices.

**Airport hazard.** The term "airport hazard" means any structure or natural growth or use of land which obstructs or restricts the airspace required for the safe flight of aircraft in landing, taking off or maneuvering at or in the vicinity of an airport, or is otherwise hazardous to such landing, taking off or maneuvering of aircraft.

**Alley.** The term "alley" means a public thoroughfare less than 26 feet wide.

**Animal/veterinary hospital.** The term "animal/veterinary hospital" means any building or structure used for medical and/or surgical care, treatment of animals, including boarding of domesticated animals. The term "animal/veterinary hospital" does not include an animal rescue facility, nor an animal sanctuary.

**Antenna.** The term "antenna" means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building and including the supporting structure; includes, but is not limited to amateur radio antennas, television antennas, and satellite receiving dishes.

~~**Apartments, accessory:** The term "apartments, accessory" means accessory apartments shall have a common wall and roof for at least 20 feet with the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and opens up into the common living space of the main home, can be closed off by a door. The accessory apartment opening into a garage or storage area doesn't meet the intent of the ordinance, and is not permitted. An accessory apartment doesn't constitute a dwelling unit.~~

**Appeal authority.** The term "appeal authority" means a person, board, commission, agency, or other body designated to decide an appeal of a decision of a land use application or variance.

**Automobile recycling (parts dismantling).** The term "automobile recycling (parts dismantling)" a process carried out within a completely enclosed building, of systematically disassembling or dismantling automobile vehicles for their component parts which are cleaned, refurbished, catalogued, and shelf stored as inventory for the purpose of resale. It includes the storage, both inside and outside the building, of not more than 40 disused or damaged vehicles awaiting movement to within the building for disassembly. The process also includes the immediate removal from the site of the vehicle body hulk and other waste material.

**Automobile repair/auto body shop (nonmechanical).** The term "automobile repair/auto body shop (nonmechanical)" means any building, structure or premises used for the external/non-mechanical repair of automotive vehicles, including the facilities for the incidental storage of damaged vehicles in connection with the operation of external body repairs and/or painting of automotive vehicles within an enclosed structure.

**Automobile repair shop (mechanical).** The term "automobile repair shop (mechanical)" means any building, structure or premises used for the mechanical repair of automotive vehicles, including the facilities for the incidental storage of damaged vehicles in connection with the operation of mechanical repairs of automotive vehicles within an enclosed structure.

**Automobile service station.** The term "automobile service station" means any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing, of motor vehicles including grease racks, tire repairs, battery charging, hand washing of automobiles, sale of merchandise and supplies related to the servicing of motor vehicles and minor replacements, for which all work takes place within an enclosed building or structure, but excluding body and fender work, engine overhauling, painting, welding, storage of autos not in operating condition, or other work involving the creation of a nuisance to adjacent property.

**Average percent of slope.** The term "average percent of slope" means the average percent of the slope of terrain of a given area. It shall be calculated as follows:  $(0.00229 \times I \times L) / A = S$ , where "S" is the average percent of slope, "I" is the contour interval in feet, "L" is the combined length of all contours within the given area in feet, and "A" is the acreage of the given area. As may be approved by the county engineer, alternative methods of calculating the average percent of slope are permissible provided the calculations render similar results and address the entire given area.

**SECTION 2:        AMENDMENT** "Sec 101-2-4 C Definitions" of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 101-2-4 C Definitions

**Cabaret/nightclub.** The term "cabaret/nightclub" means a business establishment open to public patronage where food and drink is prepared, served or offered for sale or sold for human consumption on or off the premises, and whose patrons may be entertained by performers who sing or dance or perform theatrical acts, and where the patrons may or may not dance.

**Campground.** The term "campground" means a private, public or semi-public open area with sanitary facilities for overnight camping and may include the parking of camping trailers, tent trailers or other vehicle types intended for camping purposes.

~~**Carriage house.** The term "carriage house" means an accessory, non-owner occupied, single-family dwelling unit that is sited on the same lot/parcel as a main dwelling unit. The carriage house may be constructed in designated areas when located on property that can accommodate the necessary zoning, water, wastewater, and typical building system requirements. It may privately serve as a guest house or be rented/leased separately; however, a carriage house may not, by any means, be sold separately from the main house. The right to construct a carriage house does not constitute a transferable development right. See also Accessory dwelling unit.~~

**Cemetery.** The term "cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such premises.

**Church.** The term "church" means a permanently located building or structure, together with its accessory buildings commonly used for religious worship. A church is not a "public building."

**Clinic, medical/dental.** The term "clinic, medical/dental" means a building wherein a staff of one or more doctors and/or medical staff conducts the examination and treatment of out-patients, excluding the performance of surgical procedures which require overnight stays.

**Club or fraternal lodge/organization, private.** The term "club or fraternal lodge/organization, private" means a non-profit association of persons who are bona fide members which owns or leases a building or portion thereof, the use of such premises being restricted to members and their guests.

**Cluster of residential lots.** The phrase "cluster of residential lots" means a grouping of residential lots, as provided title 108 chapter 3 of this Land Use Code, that are contiguous and uninterrupted by other nonresidential parcels except parcels required for a street and other allowed access or as otherwise allowed by this Land Use Code.

**Code.** The term "Code" means the Land Use Code of Weber County, Utah.

**Commercial use.** The term "commercial use" means an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

**Common open space.** See Open space, common.

**Community center.** The term "community center" means a place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**Compatible.** The term "compatible" means capable of orderly efficient integration and operation with adjacent developments. A development is compatible with an existing on or off-site development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property.

**Complete street.** The term "complete street" means a transportation facility that is planned, designed, operated, and maintained to provide safe, convenient, and inviting mobility for all users of the facility, including pedestrians, bicyclists, transit vehicles, and motorists.

**Conditional use.** See Use, conditional.

**Condominium.** The term "condominium" means an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

**Condominium dwelling unit.** The term "condominium dwelling unit" means an individual living/dwelling unit located within a residential condominium project.

**Condominium project.** The term "condominium project" means a real estate condominium project, a plan or project whereby two or more units, whether contained existing or proposed apartment, commercial or industrial buildings or structures or otherwise, are separately offered or proposed to be offered, for sale. The term "condominium project" shall also mean the property where the context so requires.

**Condominium rental apartment (condo-tel).** The term "condominium rental apartment (condo-tel)" means a condominium residential project in which the units, when not occupied by the owner, may be placed in a management rental pool for rent as transient living quarters similar to a motel operation. Because of the transient rental characteristics, a condominium rental apartment is classified as a use category separate and distinct from a condominium dwelling unit.

**Condominium unit** means a separate physical part of the property intended for any type of independent use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building or a time period unit, as the context may require. A convertible space shall be treated as a unit in accordance with 57-8-13.4, U.C.A., 1953, as amended (U.C.A. 1953, § 57-8-13.4).

**Conference/education center.** The term "conference/education center" means a facility designed for the purpose of conducting meetings for consultation, exchange of information and/or discussion which results in enhanced personal, business and/or professional development. A conference/education center may provide office facilities and schedule a range of business related and/or leisure activities (e.g., training workshops, seminars, retreats and similar type meetings). Such a facility may serve meals and offer day use and/or overnight lodging facilities.

**Conservation easement.** The term "conservation easement" means: An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants or wildlife; or maintaining existing land uses.

**Convalescent home.** The term "convalescent home" means a facility for the care of children, the aged, infirm, or convalescent of any age. See also Nursing home.

**Convenience store.** The term "convenience store" means any retail establishment offering for sale prepackaged food products, household items, and other goods which are commonly associated, may be in conjunction with gasoline sales, and having a gross floor area of less than 5,000 square feet.

**Corral.** The term "corral" means a fenced enclosure used for the close confinement of large animals with hay or grain feeding in contrast to pasture feeding.

**Cost benefit analysis (CBA).** The term "cost benefit analysis" (CBA) means a formal discipline used to help appraise, assess, or evaluate the desirability of a project or proposal. The CBA shall itemize, quantify, consider and weigh the total expected (tangible and intangible) costs against the total expected (tangible and intangible) benefits of one or more actions in order to demonstrate the viability, efficiency and compatibility of a particular proposal.

**County health officer.** The term "county health officer" means the administrative and executive officer of the county health department and local registrar of vital statistics or his duly authorized representatives.

**Cross-access.** The term "cross-access" means a logical, convenient, and safe two-way vehicle and pedestrian ingress and egress between a lot or parcel and an adjoining lot or parcel.

**Cross-access easement.** The term "cross-access easement" means an easement for the purpose of cross-access on a lot or parcel that contains or will contain a cross-access.

**Cul-de-sac** The term "cul-de-sac" means a minor terminal street provided with a turnaround.

**Custom exempt meat cutting.** The term "custom exempt meat cutting" means the cutting, wrapping, and preparation of meat for human consumption; provided, however, that the source of meat shall be limited to animals that are part of one or more livestock operation(s) in Weber County, and/or wild game.

**SECTION 3:            AMENDMENT** "Sec 101-2-5 D Definitions" of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 101-2-5 D Definitions

**Dairy:** The term "dairy" means a commercial establishment for the manufacture or processing of dairy products.

**Dark sky:** The term "dark sky" means a nighttime sky that is substantially free of interference from artificial light.

**Day care.** The term "day care" means the supervision of children, unaccompanied by parent or guardian, or adults in need of supervision by other than legal guardian, for periods of less than 24 hours. The term "day care" is inclusive of kindergartens, preschools, day care (child), nursery schools and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the public school system.

**Day care (adult) facility.** The term "day care (adult) facility" means any building or structure used for the purpose of furnishing care, supervision and guidance for three or more elderly, developmentally and/or emotionally disabled adults for periods of less than eight hours per day.

**Day care (child) center.** The term "day care (child) center" means a building or structure, other than an occupied residence, where care, protection and supervision are provided.

**Day care (child) home.** The term "day care (child) home" means an occupied residence where care, protection, and supervision are provided to no more than eight children at one time, including the caregiver's children under six years of age.

**Density; base.** The term "base density" means the number of dwelling units allowed in an area. For development types that permit a reduced lot area than otherwise provided by the zone, the base density shall be calculated as the net developable acreage, as defined herein, divided by the minimum lot area of the zone, except when a greater area would otherwise be required by the Weber-Morgan Health Department due to lack of sanitary sewer or culinary water, then the greater area shall be used. This calculation can be observed by this formula: ((net developable acreage) / (minimum lot area)) = base dwelling unit density. The result shall be rounded down to the nearest whole dwelling unit.

**Detached lockout.** In the Ogden Valley Destination and Recreation Resort Zone, the term "detached lockout" means a detached sleeping room (or multiple rooms) on the same lot with single-, two-, three-, four-, multi-family dwellings, condominiums, condominium rental apartments (condo-tel), private residence clubs, townhomes, residential facilities, timeshare/fractional ownership units, hotels, accessory dwelling units, and all or any portion of any other residential use, with separate or common access and toilet facilities but no cooking facilities except a hotplate and/or a microwave, which may be rented independently of the main unit for nightly rental by locking access. A detached lockout is accessory to the main use and shall not be sold independently from the main unit. Unless specifically addressed in the development agreement for the specific Ogden Valley Destination and [Recreation] Resort Zone, a detached lockout shall be considered one-third of a dwelling unit when figuring density on a parcel of land.

**Development.** The term "development" means all structures and other modifications of the natural landscape above and below ground or water, on a particular site; the division of land into one or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

**Development master plan.** The term "development master plan" means a plan of a development which encompasses an entire site under one or more ownerships which is designed to accommodate one or more land uses, the development of which may be phased, and which could include planned residential unit development, clustered subdivision and planned commercial development.

**Distillery.** The term "distillery" means a manufacturing operation to distill, brew, rectify, mix, compound, process, ferment, or otherwise make alcoholic products for personal use or for sale or distribution to others.

**Duplex.** See "dwelling, two family."

**Dwelling.** The term "dwelling" means a building or portion thereof, which is constructed in compliance with the county's adopted building codes and designed as a place for human habitation, except hotel, apartment hotel, boardinghouse, lodginghouse, tourist court or apartment court and meeting the requirements of title 108, chapter 15. The term "dwelling" shall include manufactured home and modular home when the requirements of title 108, chapter 14 are met.

**Dwelling, group.** The term "dwelling, group" means two or more dwellings arranged around a court.

**Dwelling, multiple-family.** The term "~~dwelling~~-multiple-family dwelling" means a building or portion thereof used and/or arranged or designed to be occupied by more than four families, including apartment houses and apartment hotels, but not including tourist courts.

**Dwelling, single-family.** The term "~~dwelling~~-single-family dwelling" means a building arranged or designed to be occupied exclusively by one family, the structure having only one dwelling unit, unless specified otherwise by this Land Use Code.

**Dwelling, two-family (duplex).** The term "~~dwelling~~-two-family dwelling-(duplex)" also referred to as a "duplex," means a building arranged or designed to be occupied by two families, the structure having only two dwelling units with approximately the same floor area.

**Dwelling unit.** The term "dwelling unit" means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one family.

**SECTION 4: AMENDMENT** "Sec 104-3-2 Permitted Uses" of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 104-3-2 Permitted Uses

The following uses are permitted in Residential Estates Zones RE-15 and RE-20:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use;
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture and agricultural experiment station;
- (d) Animals and fowl kept for family food production as an incidental and accessory use to the residential use of the lot;
- (e) Church, synagogue or similar building used for regular religious worship;
- (f) Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code;
- (g) Corral, stable or building for keeping of animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line;
- (h) Golf course, except miniature golf;
- (i) Greenhouse and nursery limited to sale of material produced on premises and with no retail shop operation;
- (j) Home occupations;
- (k) Household pets;
- (l) Parking lot accessory to use permitted in this zone;
- (m) Private stables; horses for private use only, and provided that not more than one horse may be kept for each one-half acre of land used for horses within any lot and no horses shall be kept on any lot of less than one-half acre in area;
- (n) Public building; public park, recreation grounds and associated buildings, public schools; private educational institutions having a curriculum similar to that ordinarily given in public schools;
- (o) Single-family dwelling; and
- (p) Temporary building or use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.

(Ord. of 1956, § 3-2; Ord. No. 7-76; Ord. No. 28-82; Ord. No. 14-92; Ord. No. 9-93; Ord. No. 96-35; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No 2011-2, § 3-2, 1-18-2011; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 5: AMENDMENT** “Sec 104-5-3 Permitted Uses” of the Weber County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 104-5-3 Permitted Uses

The following uses are permitted in Agriculture Zone A-1:

- (a) Accessory building incidental to the use of a main building; main building designed or

used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.

- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (d) Animals or fowl kept for family food production as an accessory use.
- (e) Cemetery; chinchilla raising, convalescent or rest home.
- (f) Church, synagogue or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with this Land Use Code.
- (h) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (i) Fruit or vegetable stand for produce grown on the premises only.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse, and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (l) Home occupations.
- (m) Household pets.
- (n) Parking lot accessory to uses allowed in this zone.
- (o) Private park, playground or recreation area but not including privately owned commercial amusement business.
- (p) Private stables; horses for private use only, provided that not more than two horses may be kept for each one-half acre of land used for horses within any lot.
- (q) Public building; public park, recreation grounds and associated buildings; public school; private educational institution having a curriculum similar to that ordinarily given in public schools.
- (r) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (s) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (t) Single-family dwelling.
- (u) Sugar beet loading or collection station.
- (v) Temporary buildings or use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 5-2; Ord. No. 7-76; Ord. No. 12-91; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 6:** AMENDMENT "Sec 104-6-3 Permitted Uses" of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 104-6-3 Permitted Uses

The following uses are permitted in the Agricultural Valley, AV-3 Zone:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (d) Animals or fowl kept for family food production as an accessory use.
- (e) Cemetery; chinchilla raising, convalescent or rest home.
- (f) Church, synagogue or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with this Land Use Code.
- (h) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- (i) Fruit or vegetable stand for produce grown on the premises only.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (l) Home occupations.
- (m) Household pets which do not constitute a kennel.
- (n) Parking lot accessory to uses allowed in this zone.
- (o) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (p) Private stables, horses for private use only and provided that not more than two horses may be kept for each 20,000 square feet of area devoted exclusively to the keeping of the horses.
- (q) Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.
- (r) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (s) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (t) Single-family dwelling.
- (u) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 5B-2; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 7:** AMENDMENT "Sec 104-8-3 Permitted Uses" of the Weber County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 104-8-3 Permitted Uses

The following uses are permitted in the Agriculture Zone A-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, agricultural experiment station, apiary; aviary.
- (d) Animals or fowl kept for food production as an accessory use; animal hospital or clinic, dog breeding, dog kennel, dog training school, provided any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- (e) Cemetery, chinchilla raising, convalescent or rest home.
- (f) Church, synagogue, or similar building used for regular religious worship.
- (g) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- (h) Corral, stable, or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (i) Fruit or vegetable stand for produce grown on the premises.
- (j) Golf course, except miniature golf course.
- (k) Greenhouse and nursery with no retail shop operation.
- (l) Home occupations.
- (m) Household pets.
- (n) Parking lot accessory to uses allowed in this zone.
- (o) Private park, playground or recreation area but not including privately owned commercial amusement business.
- (p) Private stables, horses for private use only, and provided that not more than two horses may be kept for each one-half acre of land used for horses within any lot.
- (q) Public building, public park, recreation grounds and associated buildings; public school; private educational institution having a curriculum similar to that ordinarily given in public schools.
- (r) Single-family dwelling.
- (s) Sugar beet loading or collection station and dump sites.
- (t) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 7-2; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 8:****AMENDMENT** “Sec 104-9-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

## AMENDMENT

### Sec 104-9-2 Permitted Uses

The following uses are permitted in Forest Zones F-5, F-10, and F-40:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Cluster subdivisions, which comply with the requirements of title 108, chapter 3.
- (e) Grazing and pasturing of animals, limited to one horse or cow per acre of land exclusively dedicated to the animal. The keeping of animals and fowl for family food production. Golf course, except miniature golf courses.
- (f) Home occupations.
- (g) Household pets.
- (h) Private stables, not to exceed one horse per acre.
- (i) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County; public buildings.
- (j) One recreational vehicle, temporarily parked on a lot or parcel for periodic short-term intervals of less than 180 days for recreational use only and not for longer term placement nor for full time living. The following additional conditions shall apply:
  - (1) The lot has a minimum area of five acres in the F-5, ten acres in the F-10, and 40 acres in the F-40 Zone or is determined to be a legally approved or legal nonconforming lot or parcel or cluster subdivision and meet the minimum lot size, frontage, and setback requirements for all zones in this chapter.
  - (2) County environmental health department approval as to waste disposal by an approved septic tank and drain field with approved connection to the R.V., and a land use permit from the county planning commission for each unit, which shall expire after 180 days from date of issue, and including only the following accessory uses: not more than one storage shed of not more than 200 square feet per lot, not to include electrical or plumbing connections; prepared R.V. parking pad; raised deck of not more than two feet in height adjacent to the R.V. parking pad; one outdoor camp fireplace; picnic table and chairs and tent type screens.
  - (3) A second recreation vehicle may be placed on any lot, parcel, legal nonconforming lot or parcel as qualified in subsection (f)(2) of this section containing a minimum area of two acres excluding land known as common land and/or open space.
  - (4) The following state and local division of health codes and requirements are complied with:
    - a. International Utah Plumbing Code.
    - b. Rules and regulations relating to public water supplies.
    - c. Code of Waste Disposal Regulations.
    - d. Code of Solid Waste Disposal Regulations.

e. Recreation regulations.

- (k) Signs shall comply with title 110, chapter 2, Ogden Valley signs, if located within the Ogden Valley area. ~~Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.~~
- (l) Single-family residences. ~~Facilities for persons with a disability meeting the requirements of section 108-7-13. Private stables, not to exceed one horse per acre. Household pets.~~

(Ord. of 1956, § 8-2; Ord. No. 96-35; Ord. No. 99-21; Ord. No. 2001-4; Ord. No. 2003-14; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No. 2014-14, 5-20-2014; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 9:****AMENDMENT** “Sec 104-10-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

##### Sec 104-10-2 Permitted Uses

The following uses are permitted in the

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture, grazing and pasturing of animals.
- (d) Boating.
- (e) Cemeteries.
- (f) Fishing.
- (g) Golf courses, excluding miniature golf courses.
- (h) Home occupations.
- (i) Keeping of animals and fowl for family food production.
- (j) Public parks and recreation grounds. Public campgrounds and picnic areas meeting the requirements of the Forest Campground Ordinance of Weber County. Public buildings
- (k) Single-family dwelling. Signs.
- (l) Water skiing and other water recreation activities.

(Ord. of 1956, § 9A-1; Ord. No. 6-61; Ord. No. 10-73B; Ord. No. 96-35; Ord. No. 98-3; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 10:** AMENDMENT “Sec 104-12-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-12-2 Permitted Uses

The following are permitted uses in the Single-Family Residential Zones R-1-12, R-1-10.

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Church, synagogue or similar building used for regular religious worship.
- (e) Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code.
- (f) Educational institution.
- (g) Golf course, except miniature golf course.
- (h) Greenhouse, for private use only.
- (i) Home occupations.
- (j) Household pets, which do not constitute a kennel.
- (k) Parking lot accessory to uses permitted in this zone.
- (l) Public building, public park, recreation grounds and associated buildings.
- (m) Single-family dwelling.
- (n) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (o) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

(Ord. of 1956, § 10-2; Ord. No. 96-35; Ord. No. 99-25; Ord. No. 2006-24; Ord. No. 2009-14; Ord. No. 2009-15; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 11:** AMENDMENT “Sec 104-13-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-13-2 Permitted Uses

The following uses are permitted in the Forest Residential Zone FR-1:

- (a) Accessory building incidental to the use of a main building; main building designed or

used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.

**(b) Accessory dwelling unit, in compliance with Chapter 108-19.**

- (c) Agriculture.
- (d) Animals and fowl kept for family food production.
- (e) Cluster subdivision, in accordance with title 108, chapter 3.
- (f) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any side or rear lot line, 40 feet from the residence and 75 from the nearest adjacent residence.
- (g) Greenhouse, noncommercial only.
- (h) Home occupations.
- (i) Horses for private use only, and provided that not more than two horses may be kept for each one acre of land - exclusively devoted to the keeping of horses.
- (j) Household pets which do not constitute a kennel.
- (k) Single-family dwelling.
- (l) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (m) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

(Ord. of 1956, § 12-2; Ord. No. 14-92; Ord. No. 96-35; Ord. No. 99-23; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 12: AMENDMENT** "Sec 104-14-2 Permitted Uses" of the Weber County County Code is hereby *amended* as follows:

**AMENDMENT**

Sec 104-14-2 Permitted Uses

The following uses are permitted in the Forest Valley Zone FV-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.**
- (c) Agriculture.
- (d) Animals and fowl kept for family food production.
- (e) Cluster subdivision, in accordance with title 108, chapter 3.
- (f) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than 100 feet from a public street, and not less than 25 feet from any

- side or rear lot line.
- (g) Greenhouse, noncommercial only.
- (h) Home occupations.
- (i) Horses for private use only, and provided that not more than two horses may be kept for each one acre of land exclusively devoted to the keeping of horses.
- (j) Household pets which do not constitute a kennel.
- (k) Single-family dwelling.
- (l) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (m) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.

(Ord. of 1956, § 12B-2; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 13:** AMENDMENT "Sec 104-15-2 Permitted Uses" of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

##### Sec 104-15-2 Permitted Uses

The following uses are permitted in the Two-Family Residential Zone R-2:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- (e) Church, synagogue or similar permanent building used for regular religious worship.
- (f) Educational institution.
- (g) Golf course, except miniature golf course.
- (h) Greenhouse for private use only.
- (i) Group dwelling with 24 or less dwelling units in accordance with section 108-7-11 of this Land Use Code.
- (j) Home occupations.
- (k) Household pets.
- (l) Parking lot accessory to uses permitted in this zone.
- (m) Public building, public park, recreation grounds and associated buildings.
- (n) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (o) Residential facility for elderly persons meeting the requirements of section 108-7-15.

- (p) Single-family dwelling.
- (q) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (r) Two-family dwelling.

(Ord. of 1956, § 13-2; Ord. No. 7-78; Ord. No. 17-87; Ord. No. 12-91; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 14:        AMENDMENT** “Sec 104-16-2 Permitted Uses” of the Weber County Code is hereby *amended* as follows:

#### AMENDMENT

##### Sec 104-16-2 Permitted Uses

The following uses are permitted in the Multiple-Family Residential Zone R-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Agriculture.
- (d) Bachelor and/or bachelorette dwelling with 24 or less dwelling units.
- (e) Church, synagogue or similar permanent building used for regular religious worship.
- (f) Educational institution.
- (g) Golf course, except miniature golf course.
- (h) Greenhouse for private use only.
- (i) Group dwelling with 24 or less dwelling units in accordance with section 108-7-11.
- (j) Home occupations.
- (k) Household pets.
- (l) Library or museum, public or nonprofit.
- (m) Multiple-family dwelling with 24 or less dwelling units.
- (n) Parking lot accessory to uses permitted in this zone.
- (o) Public building, public park, recreation grounds and associated buildings.
- (p) Residential facility for handicapped persons meeting the requirements of section 108-7-13.
- (q) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (r) Single-family dwelling.
- (s) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- (t) Two-family dwelling.

(Ord. of 1956, § 14-2; Ord. No. 7-78; Ord. No. 17-87; Ord. No. 12-91; Ord. No. 96-35; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 15:** **AMENDMENT** “Sec 104-17-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-17-2 Permitted Uses

The following uses are permitted in the Forest Residential Zone FR-3:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Accessory dwelling unit, in compliance with Chapter 108-19.
- (c) Cluster subdivision in accordance with title 108, chapter 3.
- (d) Dwelling unit as part of a Homeowner Association's common facility building, such as a clubhouse, for use by an on-site employed manager or night watchman with the density not greater than one manager or night watchman dwelling for every one hundred residential units within a project or combination of projects.
- (e) Home occupations.
- (f) Household pets.
- (g) Single-family, two-family, three-family and four-family dwellings.
- (h) Temporary building or use incidental to construction work. Such building or use to be removed upon completion or abandonment of the construction work.
- (i) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

(Ord. of 1956, § 15-2; Ord. No. 96-35; Ord. No. 99-29; Ord. No. 2009-14; Ord. No. 2010-20; Ord. No. 2012-3, 2-21-2012; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 16:** **AMENDMENT** “Sec 108-8-2 Parking Spaces For Dwellings” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-8-2 Parking Spaces For Dwellings

In all zones there shall be provided in a private garage or in an area designated for vehicle parking, that includes a hard surface area; ~~properly located for a future garage:~~

Single-family dwelling	Two side-by-side parking spaces
<u>Accessory dwelling unit</u>	<u>One parking space</u>
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1¼ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

- (a) Increased occupancy. If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.
- (b) Rental sleeping room. In addition to the above parking space requirements, dwelling units with more than two sleeping rooms shall provide three-fourths additional parking space per each additional room used as a rental sleeping room.

(Ord. of 1956, § 24-2; Ord. No. 27-80; Ord. No. 9-81; Ord. No. 2011-3, § 24-2, 2-15-2011; Ord. No. 2014-18, Exh. A, 6-17-2014)

**SECTION 17: AMENDMENT** “Sec 108-8-7 Parking Lot Design And Maintenance” of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 108-8-7 Parking Lot Design And Maintenance

- (a) Parking space location. Parking space(s) as required by this chapter shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located no farther than 500 feet therefrom.
- (b) Public parking lot standards. Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface. Exceptions to this requirement will be made for seasonal, temporary, or transient uses, including, but not limited to, a

fair, festival, short-term vendor, park and ride lots, and legitimate agricultural uses and agriculturally related uses, including, but not limited to, a petting farm, corn maze, green house, garden plant sales, and/or approved agri-tourism operations.

As determined by the planning commission, parking lots shall have appropriate bumper guards or curbs where needed, in order to protect property and/or pedestrians.

- (c) *Maximum yard area to be used for parking and vehicle access lanes.* For all uses permitted in a residential zone, none of the front yard area required by the respective zones shall be used for parking of no more than two automobiles, which shall be functional and licensed with current registration, but shall be left in open green space, except that access across and over the required front yard is allowed to the side or rear yards. In the case of multiple-family dwellings and nonresidential uses in a residential zone, not more than 50 percent of the required side and rear yards shall be used for parking. Any said yard area used in excess of said limits shall be provided in an equivalent amount of land elsewhere on the same lot as the building as open green space, patios, play areas or courts.
- (d) *Additional provisions.* The design and maintenance of off-street parking facilities shall be subject to the following provisions:
- (1) Each parking space shall encompass not less than 180 square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle from the side lines of the parking space.
  - (2) Adequate automobile access to and from parking area for interior block developments shall be provided. Minimum size of the access right-of-way shall be as follows based on the number of units to be served:
    - a. Up to and including four dwelling units, 16 feet.
    - b. Five or more dwelling units, one 24-foot two-way access right-of-way or two 16-foot one-way access rights-of-way.
    - c. A greater size of access right-of-way shall be required as deemed necessary by the planning commission, especially in cases where access right-of-way will create corner lots from otherwise interior lots.
  - (3) All off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet nor more than seven feet high, except that some type of hedge-row shrubs may be used in place of a wall or fence provided the hedge is continuous along adjoining property and at maturity is not less than five feet nor more than seven feet high. Hedge-row shrubs shall be maintained and replaced where necessary so that the hedge may become an effective screen from bordering property within a maximum five-year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.
  - (4) Lighting and signs shall conform to the requirements set forth in this Land Use Code.
  - (5) Parking requirements for dwellings will be located on the same lot with the dwelling.
  - (6) All private parking facilities must be improved with a hard surface such as

concrete or asphalt and must be sloped and graded to prevent drainage of stormwater onto adjacent properties.

(Ord. of 1956, § 24-6; Ord. No. 27-80; Ord. No. 2011-3, § 24-6, 2-15-2011; Ord. No. 2012-19, pt. 10(§ 24-6), 12-18-2012)

**SECTION 18:            AMENDMENT** “Sec 108-15-2 Other Standards And Requirements” of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

##### Sec 108-15-2 Other Standards And Requirements

In addition to the above, the following standards and requirements shall also be met:

- (a) Single-family dwellings shall:
  - (1) Be attached to a site-built permanent foundation which meets all applicable codes; and
  - (2) Have all installation and transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
  - (3) Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement, stucco, Masonite, metal, or vinyl; and
  - (4) Be permanently connected to all required utilities; and
  - (5) Be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property.
- (b) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a crawlspace area shall have those walls anchored to the perimeter of the dwelling. The walls shall be constructed of or faced with the following:
  - (1) Concrete or masonry materials; or
  - (2) Weather resistant materials that aesthetically imitate concrete or masonry foundation materials; or
  - (3) Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling.
- (c) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, shall have:

- (1) A roof pitch of not less than a 2:12 ratio; and
  - (2) Eaves that project a distance of not less than one foot as measured from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers; and
  - (3) A width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by identifying the lesser of two dimensions when comparing a front elevation to a side elevation.
- (d) One or more additional kitchen(s) in detached single-family dwellings shall be allowed in ~~all~~ each zones, where single family dwellings are permitted, provided compliance with the following: if all of the following requirements are met:
- (1) The main dwelling unit shall have only one front entrance.
  - (2) The main dwelling unit shall have only one address. ~~An interior access shall be maintained to all parts of the dwelling unit to assure that an accessory apartment is not created. No portion of the single family dwelling shall be locked for the purpose of rental. The dwelling unit shall have no more than one (1) electrical meter.~~
  - (3) Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an accessory ~~or "out"~~ building provided no more than one dwelling unit is established in the main single-family dwelling or in an accessory building ~~the use and occupancy limitations of this section are met and no second dwelling unit or accessory apartment is established in the primary or accessory buildings.~~
  - (4) The dwelling unit owner shall sign a notarized covenant to run with the land, as prescribed by Weber County, which provides that a second dwelling unit shall not be created as a result of the additional kitchen unless in accordance with Chapter 108-19 ~~the dwelling unit, including any accessory building, may not be converted into two or more dwelling units unless allowed by and in accordance with applicable provisions of this title.~~ The document shall be recorded with the Weber County Recorder's Office prior to issuance of a building permit. ~~An additional kitchen shall not be established in a one-family dwelling unit which contains an accessory apartment, whether or not such apartment was established pursuant to title 108, chapter 19.~~

(Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17, Exh. A, 5-9-2017; Ord. No. 2018-12, Exh. A, 8-28-2018)

**SECTION 19:** AMENDMENT "Chapter 108-19 Accessory Apartments" of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Chapter 108-19 Accessory ~~Apartments~~ Dwelling Units

**SECTION 20:** AMENDMENT “Sec 108-19-1 Purpose And Intent” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-19-1 Purpose And Intent

The purpose of allowing an accessory dwelling unit, whether attached or detached to a single-family dwelling, is to assist in providing housing types that meet the needs of populations of various income levels, ages, and stages of life. ~~accessory apartments within existing dwellings or by addition thereto, subject to conditions by conditional use permit, is to provide for affordable housing for the citizens of the county.~~

(Ord. of 1956, § 42-1)

**SECTION 21:** REPEAL “Sec 108-19-2 Conditional Use” of the Weber County County Code is hereby *repealed* as follows:

REPEAL

~~Sec 108-19-2 Conditional Use (Repealed)~~

~~Accessory apartments may be permitted, by conditional use permit, in any zone in which single-family residential dwelling units are allowed, under the following specifications:~~

- ~~(a) *Relationship to principal use; appearance.* An apartment may be established only accessory to a permitted dwelling. The apartment unit shall have common walls, roof, and/or floors with the principal dwelling. The minimum width shall be 20 feet with the livable floor area of the main home, with an opening from the accessory apartment to the main home, into a common living area of the main home. The opening can be closed off by a door. Basement apartments meet this requirement with the common floor. The stairs which lead to the main floor and open up into the common living space of the main home can be closed off by a door. The accessory apartment opening into a garage or storage is not considered livable space. The outward appearance of the accessory dwelling shall be consistent with the design and character of the principal dwelling in its construction, materials and finish treatment. There shall be no more than one apartment accessory to a permitted dwelling. There shall be no separate address, mailbox or utilities.~~
- ~~(b) *Floor area.* Living area of an accessory apartment shall contain a minimum of 400 square feet and shall not exceed a maximum of 800 square feet; there shall be no more than two bedrooms in such apartments. In no case shall the floor area exceed 25 percent of the gross livable floor area of the total structure.~~

- ~~(c) *Location.* An accessory apartment shall be so located upon a lot to comply with all dimensional requirements of the zoning district for new construction. An apartment located within the perimeter of an existing (by location) nonconforming dwelling, shall not be subject to such requirements. No apartment shall be located in a basement or cellar unless such basements or cellar constitutes a walk-out basement. Additions for the purpose of an accessory apartment shall be made only above or to the side or rear of the principal dwelling.~~
- ~~(d) *Access.* An accessory apartment shall have a minimum of one separate external door access from the principal dwelling located on either the side or the rear of the principal dwelling.~~
- ~~(e) *Amenities.* An accessory apartment shall contain separate amenities from the principal dwelling: kitchen facilities, full bath, electric panel with separate disconnect, telephone service.~~
- ~~(f) *Parking.* In addition to the two parking spaces required for the principal dwelling, two off-street parking spaces shall be provided for an accessory apartment in a designated location on the premises. Such spaces shall be on an area prepared to accommodate vehicle parking. In the Ogden Valley Destination and Resort Zone, this requirement shall be subject to modification by an approved parking plan pursuant to section 108-8-13.~~

~~(Ord. of 1956, § 42-2; Ord. No. 2016-4, Exh. F2, 5-24-2016)~~

**SECTION 22:** **ADOPTION** “Sec 108-19-2 Applicability” of the Weber County County Code is hereby *added* as follows:

#### ADOPTION

Sec 108-19-2 Applicability(*Added*)

- (a) *Applicability.* The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed by the zone.
- (b) *Ogden Valley Accessory Dwelling Unit.* In the Ogden Valley, a detached accessory dwelling unit shall only be allowed on a lot:
  - (1) that contains twice the minimum acreage required by the zone; or
  - (2) where an applicant requesting an accessory dwelling unit has successfully negotiated the reallocation of a development right from another landowner's property. The reallocation shall be made by recording an instrument to the lot or parcel that is sending the development right. The instrument shall prohibit the right to develop the applicable dwelling on the sending parcel. The instrument shall be in a form as acceptable to the County Attorney.

**SECTION 23:****AMENDMENT** "Sec 108-19-3 General Provisions" of the Weber County County Code is hereby *amended* as follows:

**AMENDMENT**

Sec 108-19-3 General Provisions

In addition to the section above, the following ~~general~~ provisions shall apply:

- (a) Number of accessory dwelling units per parcel. No more than one accessory dwelling unit shall be allowed on a lot containing a single-family dwelling, unless explicitly specified otherwise in this Land Use Code.
- (b) Amenities. An accessory dwelling unit shall contain sufficient amenities to be definable by Section 101-1-7 as a dwelling unit.
- (c) Parking. Parking shall be as provided in Section 108-8 for an accessory dwelling unit, and shall be on a hard-surfaced area prepared to accommodate vehicle parking.
- (d) Occupancy. Either the accessory dwelling unit or the single-family dwelling unit shall be owner-occupied. While away, the owner shall not offer the owner-occupied dwelling unit for rent. The non-owner-occupied unit is limited to no more than one family. For the purposes of this subsection 3(d), "owner-occupied dwelling unit" means a unit that is occupied by the owner for a minimum of seven months of the calendar year. Temporary leave for religious, military, or other legitimate purpose may be permissible.
- (e) Short-term rentals not allowed. Neither the single-family dwelling, nor the accessory dwelling unit, shall be used or licensed as a short-term rental, otherwise known as "nightly rental" elsewhere in this Land Use Code.
- (f) Relevant authority approvals. The accessory dwelling unit shall comply with local regulations and ordinances for a single-family dwelling unit. Approval is required from the Fire Authority, Addressing Official or similar, Culinary Water Authority, Sanitary Sewer Authority, and Building Official.

~~Either the principal dwelling or accessory apartment shall be occupied by the owner of the premises at all times, excepting reasonable vacation absences. Nothing shall prevent the owner of the premises from deed-restricting aspects of the use of the apartment as long as such restrictions legally conform to any local, state or federal law or regulation. There shall be no limitation on age of structure, time of ownership, or construction of additions to establish an accessory apartment, except as provided in this section. All provisions of the state building code, as amended from time to time, including the securing of requisite building land use permits, building permits, and certificates of occupancy, together with the requirements of all other applicable construction codes or regulations, shall be met to establish an accessory apartment. The fire marshal shall review and approve any proposal to establish an accessory apartment to assure adequate fire safety. The Morgan-Weber Environmental Health Department or sewer service provider shall review and approve any proposal to establish an accessory apartment to assure the premises conforms to the minimum requirements for sewage disposal. (Ord. of 1956, § 42-3)~~

**SECTION 24:** **ADOPTION** “Sec 108-19-4 Standards And Requirements” of the Weber County County Code is hereby *added* as follows:

ADOPTION

Sec 108-19-4 Standards And Requirements(*Added*)

(a) Accessory dwelling units shall comply with the following:

- (1) Standards same as single-family dwellings. If new construction for an accessory dwelling units is proposed or will occur, the standards for detached single-family dwellings, as provided in Title 108 Chapter 15 shall apply, except that an accessory dwelling unit shall not have a second kitchen.
- (2) Size. The floor area of an accessory dwelling unit shall not be less than 400 square feet and shall not exceed 1,000 square feet. In no case shall the floor area of the accessory dwelling unit exceed 40 percent of the gross livable area of the main dwelling, except that if the accessory dwelling unit is entirely located in a basement, the entire basement area may be used for the accessory dwelling unit.
- (3) Relationship to the main use; appearance. The exterior of the accessory dwelling unit shall conform to the main dwelling in architectural style and materials on all sides of the building and roof.
- (4) Location. An accessory dwelling unit shall comply with the same lot development standards as a single-family dwelling in the respective zone.
- (5) Access. The main access into the accessory dwelling unit shall be on the side or rear of the building, as viewed from the front lot line. Each accessory dwelling unit shall have direct access to the exterior of the building in a manner that does not require passage through any other part of the building.
- (6) Undivided ownership. Ownership of an accessory dwelling unit shall not be transferred separate from the main single-family dwelling to which it is an accessory, unless the transfer is part of a law fully platted subdivision that complies with all applicable lot standards of this Land Use Code, including building setbacks and access across the front lot line. A notice shall be recorded to the title of the lot that states that ownership may not transfer except in these circumstances.

**SECTION 25:** **AMENDMENT** “Sec 108-19-4 Application Procedure” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-19-4~~5~~ Application Procedure

Approval of an accessory dwelling unit requires a land use permit. The application and review procedure for a land use permit area as follows:

(a) Application submittal requirements.

- (1) A completed application form signed by the property owner or assigned agent.
- (2) An application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application.
- (3) A site plan drawn accurately to scale that shows property lines and dimensions, the location of existing buildings and building entrances, any proposed building and its dimensions from buildings and property lines, and the location of parking stalls.
- (4) Details floor plans, including elevations, drawn to scale with labels on rooms indicating uses or proposed uses.
- (5) Written verification that the applicant is the owner of the property and has permanent residency in the existing single-family dwelling where the request is being made. In order for an accessory dwelling unit to be permitted, the verification also requires the applicant to acknowledge that they are the owner-occupant and will remain an owner-occupant.

(b) Review procedure.

- (1) Upon submittal of a complete accessory dwelling unit application, Planning Division staff will review the application to verify compliance with this chapter and any other relevant component of this Land Use Code.
- (2) Planning Division staff will route the application to the local fire authority, local health department, the County Building Division, and any other relevant review department or agency for verification of compliance, determination of need for land use permit application modifications, and for the submittal of other applications or reviews necessary to obtain their approvals of an accessory dwelling unit.
- (3) If the land use permit application complies with relevant land use laws, and receives all required department and agency approvals, a land use permit shall be issued. If the application requires submittal of other applications or reviews necessary to attain the approvals of other required departments or agencies, but otherwise complies with relevant land use laws, the application shall be given conditional approval by Planning Division staff, conditioned on approval of other reviewers. The accessory dwelling unit shall maintain compliance with the approved permit.
- (4) If the application does not comply, Planning Division staff shall notify the applicant using the notification method typical for similar Planning Division correspondence. The applicant shall be given the opportunity to revise the application to bring it into compliance. If the application cannot be brought into compliance, the applicant may either withdraw the application, forfeiting the fee, or pursue a final land use decision by the Planning Division, which shall be denial of the land use application.
- (5) Upon receipt of an approved land use permit, the applicant shall submit for a building permit, if needed, prior to building or using any space as an accessory

dwelling unit.

- (6) If the accessory dwelling unit is rented, a business license is required. If the business license is addressed to the site, it shall be reviewed as a home occupation business license, as provided in Title 108 Chapter 13, but the area regulations and confinement to one single-family dwelling onsite shall not apply.

The application for a conditional use permit for an accessory apartment shall follow the guidelines in chapter 4 of this title. The following provisions shall also apply to the establishment of an accessory apartment: A person seeking to establish an accessory apartment shall file an application for a conditional use permit and pay the associated filing fee. The application is to be accompanied by complete floor plans, elevations, and interior layout drawn to scale, including alterations to be made to the existing dwelling exterior. Also, photographs of the dwelling exterior are to be submitted with the application. The application shall then be reviewed and either approved or denied by the respective planning area planning commission in accordance with the decision requirements of title 108, chapter 4 of this Land Use Code. Upon receipt of a conditional use permit and building permit, and prior to issuance of a certificate of occupancy by the chief building official, the county zoning enforcement officer shall inspect the premises. The conditional use permit shall be reviewed for renewal every two years.

(Ord. of 1956, § 42-4; Ord. No. 2015-22, Exh. A, 12-22-2015)

**SECTION 26:** AMENDMENT "Sec 108-19-5 Moderate Income Housing Provision" of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 108-19-~~5~~6 Moderate Income Housing Provision

In accordance with the goals of the general plan, and state law, providing tools and methods for the creation of moderate income housing is necessary in the planning advisory areas of unincorporated Weber County. Accessory dwelling units created in accordance with this chapter will assist in provided for this need.

~~In the interest of furthering the goals of providing increased affordable housing stock, it is desirable that provision for accessory apartments be established meeting the affordability guidelines established by the county moderate income housing plan. Owners are encouraged to establish units in consideration of such guidelines. To determine achievement of affordable housing designation, the owner shall provide a copy of the initial rental agreement indicating either the monthly or annual rent of the unit at the time of issuance of the certificate of occupancy. The planning division staff, pursuant to its established administrative requirements, shall review rental agreements every two years as part of the conditional use approval in order to assure that the affordability of the accessory apartment is upheld and to keep records on numbers and availability of affordable housing.~~

(Ord. of 1956, § 42-5)

**SECTION 27:** **ADOPTION** “Sec 108-19-7 Enforcement” of the Weber County County Code is hereby *added* as follows:

#### ADOPTION

Sec 108-19-7 Enforcement(*Added*)

Violations of this chapter are subject to enforcement and penalties as outlined in Title 102 Chapter 4. Noncompliance with the standards of this section shall be just cause for the denial of a business license application or renewal, or revocation of an existing business license, if the original conditions are not maintained that allow for long term rental of the accessory dwelling unit.

**SECTION 28:** **AMENDMENT** “Sec 108-21-5 Permitted Uses/Activities Table” of the Weber County County Code is hereby *amended* as follows:

#### AMENDMENT

Sec 108-21-5 Permitted Uses/Activities Table

The following uses/activities have been determined desirable when thoughtfully incorporated into an approved agri-tourism operation. As stated above, these uses/activities may be subject to other requirements beyond those imposed by this chapter; therefore, it shall not be construed to mean that this chapter alters or nullifies any requirements contained in other codes, ordinances, statutes, or applicable standards. Those uses/activities marked with an asterisk (\*) have additional design and/or limitation standards beyond any provided within other specific, codes, ordinances, statutes, or other applicable standards. See section 108-21-7 for these specific design and/or limitation standards associated with each use/activity marked with an asterisk (\*).

Uses/Activities	Farm Designations					
	Market Garden (3—<5 acres)	Family Farm (5—<10 acres)	Small Farm (10—<20 acres)	Medium Farm (20—<40 acres)	Large Farm (40—<80 acres)	Ranch (=80 acres)
<b>Farm Stay (Residential and Overnight Accommodation) Uses/Activities</b>						
<u>Accessory dwelling unit*</u>	.	.	.	.	.	.
Agro-ecology research and education center (AREC)*	.	.	.	.	.	.
B&B farm dwelling (2 room)*		.	.	.	.	.
B&B farm retreat (7 room)*	.	.	.	.	.	.
B&B farm inn (16 room)*				.	.	.
Glamorous camping (glamping)*	.	.	.	.	.	.
<b>Carriage house*</b>	.	.	.	.	.	.
Conference/education center*			.	.	.	.
Single-family dwelling; a.k.a. Farm house*	.	.	.	.	.	.
Health farm*			.	.	.	.
Motor coach/caravan area, agri-tourism*	.	.	.	.	.	.
<b>Agriculturally Related Uses/Activities</b>						
Agro-ecology research and education center (AREC)*		.	.	.	.	.
Barn dance		.	.	.	.	.

Community garden/rent-a-row	.	.	.	.	.	.
Community supported agriculture	.	.	.	.	.	.
Corn maze			.	.	.	.
Educational classes	.	.	.	.	.	.
Farm museum		.	.	.	.	.
Farm tour	.	.	.	.	.	.
Fee fishing (if aquaculture)		.	.	.	.	.
Harvest-market*	.	.	.	.	.	.
Multi-farmer open air (farmer's) market, agri-tourism*				.	.	.
Nursery (plant cultivation)	.	.	.	.	.	.
Petting farm/zoo	.	.	.	.	.	.
Sleigh/hay ride			.	.	.	.
Special event; as defined by title 38, special events	.	.	.	.	.	.
Special occasion, agri-tourism			.	.	.	.
U-pick operation/pumpkin patch	.	.	.	.	.	.
<b>Non-Agriculturally Related Uses/Activities</b>						
Agricultural arts center			.	.	.	.
Bakery/cafe featuring farm products*				.	.	.
Conference/education center*					.	.

Fee fishing		.	.	.	.	.
Food concessions stand*			.	.	.	.
Gift shop (retail)*	.	.	.	.	.	.
Haunted house/hay stack/farm			.	.	.	.
Hunting preserve*						.
On-farm store/retail market, agri-tourism*					.	.
Play area, agri-tourism		.	.	.	.	.
Restaurant featuring farm products*				.	.	.
Special event; as defined by title 38, special events	.	.	.	.	.	.
Health farm*				.	.	.
Motor coach/caravan area, agri-tourism*				.	.	.
Value added product processing*	.	.	.	.	.	.

(Ord. No. 2012-19, pt. 1(§ 46-5), 12-18-2012)

**SECTION 29: AMENDMENT** “Sec 108-21-6 Use/Activity Standards And Limitations” of the Weber County County Code is hereby *amended* as follows:

**AMENDMENT**

Sec 108-21-6 Use/Activity Standards And Limitations

To ensure considerate integration of agri-tourism operations into established rural neighborhoods, the uses listed below shall be subject to additional standards beyond any provided within other, expressed and/or unexpressed, codes, ordinances, statutes, rules, or requirements. One or more of these additional standards and/or limitations, may be waived by the Planning Commission upon finding that either: a proposed use poses no detrimental effects to neighboring properties due to unique circumstances or that a proposed use can be mitigated to an acceptable level due to the imposition of other more appropriate, site specific conditions that justify the use's/activity's approval.

(a) *Farm stay (residential and overnight accommodation) uses/activities.*

(1) *Agro-ecology research and education center (AREC).*

- a. An AREC shall be limited to providing nightly accommodations for faculty, staff, and/or students/apprentices only.
- b. An AREC, approved as part of an agri-tourism operation, shall be limited to a number of lodging rooms that does not exceed two rooms per one gross acre.
- c. A lodging room may provide basic needs for up to a maximum of two persons; however, each room shall be limited to facilities that do not comprise or otherwise permit a lodging room to meet the definition of a single-family dwelling.
- d. An AREC shall not be located closer than 50 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 100 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(2) *B&B farm dwelling (two guest rooms).*

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm dwelling shall be limited to a maximum of two guest units/rooms.
- c. A B&B farm dwelling shall be subject to the Weber County zoning and platting requirements of the title 106, subdivision.

(3) *B&B farm retreat (seven guest rooms).*

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm retreat shall be limited to a maximum of seven guest units/rooms.
- c. A B&B farm retreat shall not be located closer than 100 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial

natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

- d. A B&B farm retreat shall be subject to the Weber County zoning and platting requirements of title 106, subdivision.

(4) *B&B farm inn (16 guest rooms).*

- a. An agri-tourism operation shall be limited to one B&B facility (i.e., one B&B dwelling, retreat, or inn) conference/education center, or health farm.
- b. A B&B farm inn shall be limited to a maximum of 16 guest units/rooms.
- c. The B&B farm inn shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(5) *Luxury camping (glamping).*

- a. Glamping, approved as part of an agri-tourism operation, shall be limited to a number of tents that does not exceed two tents or cabins per five gross acres.
- b. Occupancy shall not exceed six persons per tent or cabin.
- c. Meals shall only be served to overnight guests.
- d. Glamping area(s) shall be completely screened from street view.
- e. Glamping areas shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(6) *Accessory dwelling unit. Carriage house.*

- a. An agritourism operation may have more than one accessory dwelling unit onsite, whether or not a main single-family dwelling is also onsite. The number of accessory dwelling units shall not exceed ~~Carriage houses shall be limited to a number that does not exceed~~ the following calculation: net developable acreage of the parcel upon which a ~~carriage house(s)~~ accessory dwelling unit is located, divided by the minimum lot area required by the zone in which the lot or parcel(s) is located, all multiplied by 20 percent (net developable acreage / minimum lot area) × 20 percent = Maximum number of ~~carriage houses~~ accessory dwelling units at an approved agri-tourism operation.
- b. Meals shall only be served to overnight guests.

- e. ~~A carriage house shall consist of not more than 800 square feet, as measured by its footprint.~~
- d. ~~Carriage houses~~An accessory dwelling unit shall not be located closer than 150 feet to ~~the~~any agri-tourism operation's ~~perimeter~~exterior boundary ~~line~~, and in no case located closer than 300 feet ~~to~~from an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(7) *Conference/education center.*

- a. An agri-tourism operation shall be limited to one conference/education center.
- b. A conference/education center shall be limited to a maximum of 20 guest units/rooms.
- c. Conference/education centers shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(8) *Health farm.*

- a. An agri-tourism operation shall be limited to one health farm or B&B facility (i.e., one B&B dwelling, inn, or hotel).
- b. A health farm shall be limited to a maximum of ten guest units/rooms.
- c. A health farm shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(9) *Motor coach/caravan area.*

- a. A motor coach/caravan area, approved as part of an agri-tourism operation, shall be limited to a number of individual sites that does not exceed one site per five gross acres. In no case shall a motor coach/caravan area or combination of areas exceed 20 sites.
- b. A motor coach/caravan area shall not be located closer than 300 feet to any agri-tourism operation's perimeter boundary line and in no case located closer than 500 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual

- and/or audible impacts to neighboring property.
- (10) *Single-family dwelling; a.k.a. farm house.*
- a. An agri-tourism operation shall be limited to one single-family dwelling/farm house and is subject to the Weber County zoning and platting requirements of title 106, subdivision.
- (b) *Agriculturally related uses/activities.*
- (1) Argo-ecology research and education center (AREC).
    - a. See section 108-21-6(a)(1).
  - (2) Educational classes.
    - a. All courses of study or subject matter shall incorporate and consist of an agricultural and/or ecological component.
  - (3) Harvest-market.
    - a. Limited to agricultural products as defined in section 101-1-7 of this Land Use Code.
  - (4) Multi-farmer open air (farmer's) market.
    - a. The operation of a multi-farmer open air (farmer's) market shall be limited to the months of June through December.
    - b. A multi-farmer open air (farmer's) market shall not be located closer than 200 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
  - (5) Petting farm/zoo.
    - a. Limited to parcels with access provided by a collector or arterial road when located within the Ogden Valley. See the Ogden Valley Transportation Element Map for road designation information.
- (c) *Non-Agriculturally Related Uses/Activities.*
- (1) Bakery/cafe featuring farm product(s).
    - a. Not less than one agricultural product, offered at a bakery/cafe featuring farm product(s), shall be raised/cultivated and/or produced by the farm on which the bakery/cafe featuring farm product(s) is operated.
    - b. A bakery/cafe shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.
  - (2) Farm stay.
    - a. See section 108-21-6(a).
  - (3) Gift shop (retail).

- a. A gift shop and its outdoor display area or gift shop area within a multi-use building shall be limited to the following size standards:

1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

(4) Hunting preserve.

- a. Limited to the Western Weber County Planning Area.
- b. Limited to upland game and waterfowl hunting only.
- c. Subject to Utah Division of Wildlife Resource standards.

(5) Motor coach/caravan area.

- a. See section 108-21-6(a)(1).

(6) On-farm store/retail market.

- a. Not less than one agricultural product, offered at an on-farm store/retail market, shall be raised/cultivated and/or produced by the farm on which the on-farm store/retail market is operated.
- b. An on-farm store/retail market and its outdoor display area or on-farm store/retail market area within a multi-use building shall be limited to the following size standards:

1.	Large farm (40<80 ac)	600 square feet maximum.
2.	Ranch (>80 ac)	800 square feet maximum.

- c. Products made available at an on-farm store/retail market shall be limited to those commonly offered by a small-scale neighborhood grocer.
- d. An on-farm store/retail market shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be

reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(7) Restaurant featuring farm product(s).

- a. Not less than one agricultural product, offered at a restaurant featuring farm product(s), shall be raised/cultivated and/or produced by the farm upon which the restaurant featuring farm product(s) is operated.
- b. A restaurant shall not be located closer than 150 feet to any agri-tourism operation's perimeter boundary line, excepting the front property line, and in no case located closer than 300 feet to an existing dwelling on an adjacent lot/parcel. These standards may be reduced by up to one-half when a substantial natural landscape screen, standing at a minimum of six feet in height for a majority of its length, is used to mitigate potential visual and/or audible impacts to neighboring property.

(8) Value added product processing and packaging (VAPPP).

- a. VAPPP shall be limited to fowl, livestock, dairy, apiculture, aquaculture, and botanical products that have been raised, produced, and/or cultivated by the farm upon which the processing and packaging is taking place.
- b. VAPPP, related to the products listed immediately above, shall be limited to agri-tourism operations and parcels consisting of five acres or more. The planning commission may allow up to a two-acre reduction to this limitation if it is found that the VAPPP will take place in a completely enclosed building and will emit no perceivable smoke, dust, vibration, noise, and/or objectionable smell at the subject farm's property boundary.
- c. A VAPPP building and any outdoor work area or VAPPP area within a multi-use building shall be limited to the following size standards:

1.	Market garden (3<5 ac)	200 square feet maximum.
2.	Family farm (5<10 ac)	200 square feet maximum.
3.	Small farm (10<20 ac)	200 square feet maximum.
4.	Medium farm (20<40 ac)	400 square feet maximum.
5.	Large farm (40<80 ac)	600 square feet maximum.
6.	Ranch (>80 ac)	800 square feet maximum.

- d. Consumer direct (retail) sales of processed and packaged products shall only be made from an approved concession or other retail outlet.
- e. The structure in which VAPPP takes place shall in no case be located closer than 200 feet to an existing single-family dwelling on an adjacent

lot/parcel.

(Ord. No. 2012-19, pt. 1(§ 46-6), 12-18-2012; Ord. No. 2015-22, Exh. A, 12-22-2015; Ord. No. 2018-6, Exh. A, 5-8-2018)



# Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** A public hearing to consider and take action on ZTA 2019-06, a request to amend the Weber County Land Use Code to create standards for storage units in the commercial zones.

**Agenda Date:** Tuesday, October 27, 2020 and November 10, 2020

**Staff Report Date:** Tuesday, October 20, 2020

**Applicant:** Weber County

**File Number:** ZTA 2019-06

### Staff Information

**Report Presenter:** Charlie Ewert  
cewert@co.weber.ut.us  
(801) 399-8763

**Report Reviewer:** RG

## Applicable Ordinances

- § 101-2 – Definitions
- § 104-20-4 – Special Regulations in the C zones
- § 104-20-2 – Site Development Standards in the C zones
- § 104-21-2 – Site Development Standards in the CV zones
- § 104-21-4 – Special Regulations in the CV zones
- § 104-20-5 – Uses in the C zones
- § 104-21-5 – Uses in the CV zones
- § 104-22-2 – Permitted uses in the M-1 zone
- § 104-23-2 – Permitted uses in the MV-1 zone
- § 104-23-3 – Conditional uses in the MV-1 zone
- § 104-24-3 – Conditional uses in the M-2 zone

## Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

## Summary and Background

The use of storage units has been a recent topic for debate for both the Planning Commissions and the County Commission. If not held to higher standards, storage unit facilities tend to present poorly due, in part, to the absentee owner phenomenon. However, storage units are needed and will continue to be needed as the communities continue to grow. If they can be designed into the community in a manner that draws the least attention and generates the least impact, their usefulness can be enjoyed without their effects becoming a detriment to the community.

The attached ordinance is designed to require new storage unit proposals in the C and CV zones to be designed in a manner that they hide in plain sight. It will require street-facing storefronts/commercial spaces to be placed in front of a storage unit facility.

The proposal also addresses a number of clerical edits, and brings the C zones into alignment with the recent village-oriented ordinance modifications recently passed for the CV zones.

## Policy Analysis

The proposed ordinance draft is attached as Exhibits A. The following is an analysis of the proposal based on the

existing general plan and existing ordinances.

*General plan.* The West Central Weber County General Plan does not offer much information by way of regulating storage units. However, it does provide for a community village and suggests that the County create commercial design standards to be employed in the village areas:

Implementation Action: Develop commercial design standards to help commercial development better fit with the character of the area.<sup>1</sup>

The Ogden Valley General Plan does similarly:

Commercial Development Principle 2.1: Require new commercial development to conform to community design standards to ensure compatibility with the character of Ogden Valley and to provide for aesthetic and functional transition to surrounding residential and agricultural areas.<sup>2</sup>

*Zoning.* The term “storage units” is currently only present in the CV-2 and MV-1 zones, leading to the assumption that because it is so specifically regulated in these two zones, the fact that it is not mentioned in others means it is prohibited in them. The proposal addresses that by expanding the use to other commercial and manufacturing zones.

To endure a storage unit facility is designed to blend well in a commercial area, there needs to be some stringent standards applied. These standards a likely to drive up the cost of constructing a storage facility, so the Planning Commission will need to determine whether the added expense to a potential applicant/landowner is worth the community aesthetics the regulation might bring.

A section-by-section synopsis of the proposal, along with commentary from staff explaining the reasoning behind it, is provided in the notes in the columns of the attached proposed ordinance.

In brief, the proposed ordinance does the following:

- Provides consistency in the terminology of an indoor storage unit facility.
- Provides standards to which an indoor storage unit facility must adhere in each commercial zone.
- Defines outdoor storage and sets permissions/prohibitions in each commercial and manufacturing zone.
- Consolidates the C-1, C-2, C-3 zoning chapter with the CV-1 and CV-2 zoning chapter, creating a single chapter for all five commercial zones. This is to eliminate redundancies and reduce possibilities for clerical or interpretive errors.

## Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County’s Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

## Staff Recommendation

Staff recommends that the Planning Commission offer a positive recommendation to the County Commission for file ZTA 2019-06, the addition of development and architectural standards for indoor storage unit facilities and other related clerical edits.

1. Both the West Central Weber General Plan and the Ogden Valley General Plan call for commercial design standards in village areas.

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<sup>1</sup> West Central Weber County General Plan, p. 2-15. Pulled from <http://www.webercountyutah.gov/planning/plans.php> on August 18, 2020.

<sup>2</sup> Ogden Valley General Plan, p.33. Pulled from <http://www.webercountyutah.gov/planning/plans.php> on August 18, 2020.

2. The regulations will protect villages from the poor aesthetics that are typical of storage unit facilities, and thereby supporting the potential vitality of village areas.
3. That the clerical edits offered will assist with a more organized, efficient, and accurate administration of the zoning ordinances.
4. That the proposal is not detrimental to the health, safety, and welfare of the public.

## Exhibits

- A. Proposed Ordinance Changes with staff annotations.

**SECTION 1: AMENDMENT** “Sec 101-2-16 O Definitions” of the Weber County Code is hereby *amended* as follows:

## AMENDMENT

### Sec 101-2-16 O Definitions

*On-farm store/retail market, agri-tourism.* The term "agri-tourism on-farm store/retail market" means an agri-tourism use/activity that provides the opportunity for a farmer to sell retail quantities of agriculturally related products and, in some cases, non-agriculturally related products directly to the consumer or agri-tourist.

*Open space.* The term "open space" means an area which offers amenities such as, but not limited to, undeveloped land, trails, parks, and associated facilities, open space may be owned publically and/or privately.

*Open space, common area.* The term "open space, common area" means open space within or related to a development, which is not held in individually owned lots or dedicated for public use, but which is owned in common by the owner's association and is designed, maintained, and intended for the common use or enjoyment of the residents of the development.

*Open space, conservation.* The term "open space, conservation" means an undisturbed, public or private use, area that is undeveloped and permanently preserved in order to maintain scenic qualities and habitat values. Conservation open space is intended to preserve natural resources and/or to buffer natural areas including open or wooded lands, wetlands, lakes and watercourses. Typical conservation open space uses and/or designations include: vacant land, scenic viewsheds, agriculture, watershed protection zones, groundwater recharge areas, wildlife habitat and non-motorized trails/pathways including associated maintenance and signage.

*Ordinary high water mark.* The term "ordinary high water mark" means the line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.

*Outdoor Storage.* The term "outdoor storage" means items for sale, storage, or display outside a completely enclosed building for a period greater than 24 hours, which are for or associated with a commercial or manufacturing use.

↑ New definition used to allow outdoor storage in the M-2 and M-3 zones, but prohibit in others.

*Overlay district.* The term "overlay district" means a zone or district that encompasses one or more underlying zones with additional requirements or special regulations. These special requirements shall take precedence over the provisions of the underlying zone.

**SECTION 2: AMENDMENT** “Chapter 104-20 Commercial Zones C-1, C-2, C-3” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Chapter 104-20 Commercial Zones C-1, ~~C-2~~, Cv-1, C-2, Cv-2, And C-3

Consolidating chapters 104-20 and 104-21. The chapters are consistent enough to eliminate pages of code by consolidating, and also reduce the possibility of inaccurate interpretation/administration where there are differences. The consolidation allows the user see the *intentional* differences between the zones.

**SECTION 3: AMENDMENT** “Sec 104-20-1 Purpose And Intent” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-20-1 Purpose And Intent

- (a) The purpose of the ~~C-1 Neighborhood Commercial, C-2 Community Commercial, and C-3 Regional Commercial Zones~~ commercial zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of unincorporated Weber County. It is also to separate into three zones uses, based upon type of activity which are compatible and complementary, as well as intensity of land utilization and accessory use needs.
- (b) The C-1 Zone (Western Weber Planning Area Neighborhood Commercial Zone) and the CV-1 Zone (Ogden Valley Planning Area Neighborhood Commercial Zone) is established for the purpose of providing shopping facilities and services within neighborhoods that are more likely to be primarily patronized by those in the surrounding neighborhood. Commercial uses that are primarily patronized by those outside the surrounding neighborhood are less suitable for this zone.
- (c) The C-2 Zone (Western Weber Planning Area Community Commercial Zone) and the CV-2 Zone (Ogden Valley Planning Area Community Commercial Zone) is established for the purpose of providing a broad range of commercial services and goods to serve a larger community area. These areas are intended to be clustered around traditional town or village centers and not strung out along the highways.
- (d) The C-3 Zone (Regional Commercial Zone) is established for the purpose of providing commercial goods and services that are more likely to be patronized by those in surrounding region.

(Ord. of 1956, § 18-1)

**SECTION 4: AMENDMENT** “Sec 104-20-2 Site Development Standards” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-20-2 Site Development Standards

The following site development standards shall apply to the ~~C-1 Neighborhood Commercial, C-2 Community Commercial, and C-3 Regional~~ Commercial Zones:

(a) Lot area:

	<b>C-1 <u>AND CV-1</u> ZONE</b>	<b>C-2 <u>AND CV-2</u> ZONE</b>	<b>C-3 ZONE</b>
Minimum lot area:	None	None	None

(b) Lot width:

	<b>C-1 <u>AND CV-1</u> ZONE</b>	<b>C-2 <u>AND CV-2</u> ZONE</b>	<b>C-3 ZONE</b>
Minimum lot width:	None	None	None

(c) Yard Setbacks:

(1) Front yard setbacks:

	<b>C-1 <u>AND CV-1</u> ZONE</b>	<b>C-2 <u>AND CV-2</u> ZONE</b>	<b>C-3 ZONE</b>
Minimum front yard setback	<u>None, except 50 feet from the centerline of the street, as determined by the County Surveyor, on an arterial or collector street.</u> <del>20 ft. on streets of less than 80 ft. in width; 50 ft. on streets and highways of 80 ft. or more in width</del>		

(2) Side yard setback:

In the CV-1 and CV-2 zones, this was recently changed to "none." The new language here is to bring "none" to the other commercial zones, and to also clarify that "none" assumes the street right-of-way is at least a 50 foot 1/2 width, which is the standard needed to provide a pedestrian friendly village area.

	<b>C-1 AND CV-1 ZONE</b>	<b>C-2 AND CV-2 ZONE</b>	<b>C-3 ZONE</b>
Minimum side yard setback	<u>10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-20-4(e); or the building will abut a building on the adjoining lot or parcel.</u> <del>None, except 10 feet adjacent to residential zone boundary</del>		
Minimum side yard facing street on corner lot	<del>20 feet</del> <u>20 feet</u> <del>20 feet</del> None, except 50 feet from the centerline of the street, as determined by the County Surveyor, on an arterial or collector street. Clear view of intersecting streets shall be maintained, as provided in Section 108-7-7 or as otherwise prescribed by the County Engineer.		
(3) Rear yard setback	<del>at least a 50 foot 1/2 width, which is the standard needed to provide a pedestrian friendly village area.</del>		
	<b>C-1 AND CV-1 ZONE</b>	<b>C-2 AND CV-2 ZONE</b>	<b>C-3 ZONE</b>
Minimum rear yard setback	<u>10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-21-4(e); or the building will abut a building on the adjoining lot or parcel.</u> <del>None, except 10 feet where building rears on a residential zone</del>		

Copied from the CV-1 and CV-2 zones.

In the CV-1 and CV-2 zones, this was recently changed to "none." The new language here is to bring "none" to the other commercial zones, and to also clarify that "none" assumes the street right-of-way is at least a 50 foot 1/2 width, which is the standard needed to provide a pedestrian friendly village area.

(d) Building height:

	<b>C-1 AND CV-1 ZONE</b>	<b>C-2 ZONE</b>	<b>CV-2 ZONE</b>	<b>C-3 ZONE</b>
Minimum building height	1 story	1 story	<u>1 story</u>	1 story
Maximum building height	35 feet	None	<u>35 feet</u>	None

(e) Lot coverage:

	<b>C-1 AND CV-1 ZONE</b>	<b>C-2 AND CV-2 ZONE</b>	<b>C-3 ZONE</b>
Maximum lot coverage by buildings	60 percent	60 percent	None

(Ord. of 1956, § 18-2; Ord. No. 2-89)

**SECTION 5: AMENDMENT** “Sec 104-20-3 Sign Regulations” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-20-3 Sign Regulations

The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in ~~¶Title 110, chapter 1, Signs,~~ of this Land Use Code. ~~Permitted signs are listed in section 104-20-5.~~

(Ord. of 1956, § 18-3)

**SECTION 6: AMENDMENT** “Sec 104-20-4 Special Regulations” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-20-4 Special Regulations

- (a) Manufacturing uses. All manufacturing uses shall be done within a completely enclosed building in an effort to mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration. ~~Hereinafter specified permitted and conditional uses shall be permitted only when the following conditions are complied with: All manufacturing shall be done within a completely enclosed building. All uses shall be free from objection because of odor, dust, smoke, or noise. In the C-1 Neighborhood Commercial Zone, no entertainment, except recorded music shall be permitted in cafes, cafeterias, ice cream parlors, or restaurants.~~
- (b) Car wash. A car wash shall be permitted subject to the following restrictions:
  - (1) In the CV-1 zone, operation hours are limited to 6:00 a.m. to 10:00 p.m.
  - (2) In the CV-1 zone, there shall not be more than four washing bays for a manual spray car wash.
  - (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet. The frontage of the lot shall, for a depth of at least 30 feet, be reserved for future street-front commercial buildings and related

Everything in this section, except paragraph (g) which is a new addition for all commercial zones, has been copied and pasted from the CV-1 and CV-2 chapter. The C-X chapter and the CV-X chapter share the same origination, but it appears that more modifications have occurred to the CV-X chapter as a result of more development in commercial areas and needed changes to accommodate that development. Applying these changes to the C-X zones now may help avoid the untimely need for changes in the future.

improvements.

- (4) The off-street vehicle spaces or queues required shall be as follows:
- a. One bay car wash, four spaces in the approach lane;
  - b. Two bay car wash, three spaces in the approach lane for each wash bay;
  - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

A car wash shall be permitted subject to the following restrictions:

- ~~(a) Operation or use is forbidden between the hours of 10:00 p.m. and 6:00 a.m. on the following morning in C-1 Zones only. There shall not be more than four washing bays for a manual spray car wash in C-1 Zones only. One bay car wash, four spaces in the approach lane. Two bay car wash, three spaces in the approach lane for each wash bay. Three or more bay car wash, two spaces in the approach lane for each wash bay.~~

- ~~(b) Off-street vehicle storage required as follows:~~

(c) Complete street.

- (1) A complete street, as defined in Chapter 101-2, shall be installed to span the street-frontage of the lot for the width of existing or proposed completed improvements, including parking facilities and required landscaped area. If this width is 75 percent of the lot width or greater, the complete street shall span the lot's entire street-frontage in the commercial zone.

- a. Modification of existing site improvements that affect less than 25 percent of the lot area is exempt from complete street requirements.
- b. For portions of a lot's frontage in the commercial zone where a complete street is not required by this Subsection (c)(1), a 10-foot wide sidewalk is required, as prescribed by the Planning Director after consultation with the County Engineer.

- (2) A complete street design shall include a ten-foot pedestrian pathway or sidewalk, pedestrian lighting, shade trees, appropriate clear view of intersection, and shall also include safe street crossings for pedestrians in no greater than 300-foot intervals. The complete street design, tree species and planting techniques, and pedestrian lighting are subject to approval by the Planning Director, after consultation with the County Engineer.

- (d) Dwelling unit. A dwelling unit is allowed, as part of a mixed use building, only if allowed in Section 104-20-5, and only when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When fronting on a public or private street, buildings that contain dwelling units shall comply with the following:

- (1) The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for the entire length of the building's street frontage;
- (2) The building shall not be setback any greater than 20 feet at any point from the

property line that runs parallel to the public or private street; and

(3) The building shall be subject to the requirements of chapter 108-1 and chapter 108-2.

(e) **Perpetual building maintenance agreement.** When permitted by this chapter as a way to allow reduced side or rear setbacks, a perpetual building maintenance agreement is required between the building owner and the affected adjacent property owner, which shall allow for construction and maintenance of the side or rear of a commercial building, and shall:

(1) be reviewed for compliance with this section by the Planning Division and County Attorney's Office;

(2) place responsibility on the building owner for prompt repairs and maintenance of the side or rear of the building;

(3) require allowances of access to the property for repairs and maintenance purposes;

(4) be signed by the owner of the commercial building and the adjacent property owner to be considered valid; and be recorded on the title of both properties.

(f) **Cross-access and cross-access easement.** Access to adjacent existing or future development without the need to access the public right-of-way is in the interest of public safety. As such, at a minimum, each developed lot or parcel shall have two points of ingress and egress, at least one of which shall be stubbed to adjacent property where practicable.

(1) When locating a cross-access easement or designing the cross-access infrastructure, good faith efforts shall be made to coordinate the location and design with the adjoining land owner.

(2) The Planning Director may require the cross-access to be located in a manner that optimizes traffic circulation on the properties or in the area.

(3) Construction of the cross-access infrastructure shall be completed prior to the issuance of a certificate of occupancy for any structure on the lot or parcel, or a completion bond may substitute for completion if allowed by the County Engineer.

(4) When a lot or parcel is being developed that abuts an existing cross-access easement or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access infrastructure shall be constructed to the same standard as, or better than, the existing cross-access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the title of all affected properties, along with a perpetual operation and maintenance agreement between the property owners that specifies, at a minimum, that the infrastructure will be operated and maintained by the property owners in a manner that is safe and usable for two-way vehicle traffic.

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

(g) **Storage Unit.** When allowed by Section 104-20-5, and unless exempted herein, storage units are allowed if located on the same lot or parcel with street-facing commercial

New paragraph to regulate the appearance and development standards of storage units.

space. The use shall comply with the following:

- (1) Storage units shall be located behind or above building area that provides or reserves first-story street-facing commercial space. The building providing street-facing commercial space shall be designed by an architect and shall:
  - a. Provide street-facing commercial space that is at the street level and extends the entire length of the building's street-facing facade;
  - b. Be setback from the front property line, or side-facing street property line if on a corner lot, no greater than 20 feet;
  - c. Have one or more main entrance(s) accessible from the street right-of-way on the building's street-facing facade;
  - d. Have at least 50 percent fenestration for the part of a building's facade(s) that provide(s) first-story street-facing commercial space;
  - e. Have at least 30 percent fenestration for the part of a building's facade(s) that do(es) not provide first-story street-facing commercial space;
  - f. Appear from the exterior as if office or residential space is offered in the area housing the storage units; and
  - g. Comply with the architectural design theme specified in the respective general plan.
- (2) If located in a separate onsite building than the building providing first-story street-facing commercial space specified in Subsection (g)(1) herein, the separate building shall be located behind the building with first-story street-level commercial space, and shall only be as wide as the building providing first-story street-level commercial space. The building shall be designed by a licensed architect to have similar architectural features as the building providing first-story street-level commercial space.
- (3) Storage unit bay doors or garage doors shall face away from the nearest property line, and shall be completely obscured from view from any public right-of-way; except a bay or garage door may face a public right-of-way if the door is constructed of 80 percent window area and designed to appear as fenestration for first-story street-facing commercial space.
- (4) The lot's street frontage shall be developed as a complete street, as specified in Section 104-21-4(c).
- (5) Exemption: The requirements of this Subsection (g) shall be waived if:
  - a. The lot or parcel has no street frontage;
  - b. No street is planned that would give the lot or parcel frontage, as shown on any street plan or similar document adopted by the County; and
  - c. The parcel is surrounded on all sides by a zone that allows first-story street-facing commercial space, or is shown on a general plan, area plan, or other similar document adopted by the County to become surrounded on all sides by a zone that allows first-story street-facing commercial space.

(Ord. of 1956, § 18-4)

**SECTION 7: AMENDMENT** “Sec 104-20-5 Uses” of the Weber County  
 County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-20-5 Uses

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code. Uses designated "N" will not be allowed in that zone.

This table consolidates all of the C-X and CV-X zones into one table. Seeing the uses and how they relate in each zone will help provide clarity and consistency when administering the code.

	C-1	CV- 1	C-2	CV- 2	C-3
<u>Academies/studios for dance, art, sports, etc.</u>	C	C	P	P	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use	P	P	P	P	P
Air conditioning, sales and service	N	N	N	C	P
<del>Altering, pressing and repairing of wearing apparel</del>	P	P	P		
Ambulance base stations	N	N	C	C	P
Amusement enterprises	N	N	N	N	C
Animal hospital, small animals only and provided it is conducted within completely enclosed building	N	N	N	C	C
Antique, import or souvenir shop	N	N	P	P	P
Archery shop and range, provided it is conducted within completely enclosed building	N	N	P	P	P
Art and artists supply store	N	P	P	P	P
Athletic, <u>recreational equipment</u> , and sporting goods <del>stores</del> <u>sales or rentals</u> , excluding sale or repair of motor vehicles, motor boats or motors	N	N	P	P	P
Athletic and sporting goods store including sale or repair of motor vehicles, motor boats or motors	N	N	N	N	P
<del>Athletic club</del>	N	P	P		
Auction establishment	N	N	N	C	C

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

Already exists as "tailor" below

See "fitness center"

Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided it is conducted within completely enclosed building	N	<u>N</u>	N	<u>C</u>	P
Automobile, new or used; sales and service	N	<u>N</u>	N	<u>C</u>	P
Awning sales and service	N	<u>N</u>	P	<u>C</u>	P
Baby formula service	P	<u>N</u>	P	<u>N</u>	P
Bakery, <del>manufacture</del> -limited to goods retailed on premises	P	<u>C</u>	P	<u>P</u>	P
Bakery goods manufacturing	N	<u>N</u>	N	<u>N</u>	P
Bank or financial institution, <u>not including payday loan services</u>	P	<u>P</u>	P	<u>P</u>	P
Barbershop	P	<u>P</u>	P	<u>P</u>	P
Bath and massage establishment	N	<u>N</u>	P	<u>N</u>	P
Beauty culture school	N	<u>N</u>	N	<u>N</u>	P
Beauty parlor for cats and dogs	N	<u>N</u>	P	<u>P</u>	P
Beauty shop	P	<u>P</u>	P	<u>P</u>	P
<u>Bed and breakfast dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Bed and breakfast inn	N	<u>N</u>	P	<u>P</u>	P
Bed and breakfast hotel	N	<u>N</u>	C	<u>C</u>	P
Beer parlor, sale of draft beer	N	<u>N</u>	N	<u>C</u>	C
Bicycle sales and service	P	<u>P</u>	P	<u>P</u>	P
Billiard parlor	N	<u>N</u>	N	<u>C</u>	P
<del>Blue printing or photostating</del>	<del>N</del>	<del>P</del>	<del>P</del>		
Boarding house	N	<u>N</u>	C	<u>C</u>	P
Boat sales and service, <u>including water craft rentals as an accessory to boat sales and service</u>	N	<u>N</u>	C	<u>C</u>	P
Bookbinding	N	<u>N</u>	N	<u>N</u>	P
Bookstore, retail	P	<u>P</u>	P	<u>P</u>	P
Bottling and distribution plant	N	<u>N</u>	N	<u>N</u>	P
Bowling alley	N	<u>N</u>	C	<u>C</u>	P
Boxing arena	N	<u>N</u>	N	<u>N</u>	P
<u>Brewery, micro; in conjunction with a restaurant</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Building materials sales or yard	N	<u>N</u>	N	<u>N</u>	P
Bus terminal	N	<u>N</u>	P	<u>P</u>	P

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See "printing" below.

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<u>Butcher shop, excluding slaughtering</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>
Cabaret	N	<u>N</u>	N	<u>N</u>	C
Cafe or cafeteria	P	<u>P</u>	P	<u>P</u>	P
Camera store	P	<u>P</u>	P	<u>P</u>	P
Candy manufacture	N	<u>N</u>	N	<u>N</u>	P
Candy store, confectionery	P	<u>P</u>	P	<u>P</u>	P
Carbonated water sales	N	<u>N</u>	P	<u>P</u>	P
Carpenter and cabinet shop	N	<u>N</u>	N	<u>N</u>	P
Carpet and rug cleaning	N	<u>N</u>	N	<u>N</u>	P
Carpet, rug and linoleum service	N	<u>N</u>	P	<u>N</u>	P
<u>Car rental agency</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Car wash, <del>automatic</del> laundry type	N	<u>N</u>	C	<u>C</u>	P
Car wash, manual spray	C	<u>C</u>	P	<u>P</u>	P
Cash register sales and service	N	<u>N</u>	P	<u>N</u>	P
Catering establishment	N	<u>C</u>	P	<u>P</u>	P
China, crystal and silver shop	C	<u>C</u>	P	<u>P</u>	P
Christmas tree sales	P	<u>N</u>	P	<u>N</u>	P
Church	<del>P</del> <u>N</u>	<u>P</u>	<del>P</del> <u>C</u>	<u>P</u>	P
<del>Church, temporary revival</del>	<del>N</del>	<del>C</del>	<del>C</del>		
Circus, carnival or other transient amusement	N	<u>N</u>	N	<u>N</u>	C
Cleaning and dyeing establishment	N	<u>N</u>	P	<u>N</u>	P
Clinics, medical or dental	P	<u>P</u>	P	<u>P</u>	P
Clothing and accessory store	N	<u>N</u>	P	<u>P</u>	P
Coal and fuel sales office	N	<u>N</u>	N	<u>N</u>	P
Communication equipment building	N	<u>N</u>	P	<u>P</u>	P
Contractor shop, provided work is conducted within a completely enclosed building	N	<u>N</u>	N	<u>N</u>	P
<u>Convenience store</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>
Costume rental	N	<u>N</u>	P	<u>P</u>	P
Dairy products store	P	<u>P</u>	P	<u>P</u>	P
Dance hall	N	<u>N</u>	N	<u>N</u>	C
Data processing service and supplies	N		P		P

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Regulating a church differently than other churches is not advisable.

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		<u>N</u>		<u>P</u>	
<u>Day care center</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>N</u>
Delicatessen	P	<u>P</u>	P	<u>P</u>	P
Department store	N	<u>N</u>	P	<u>P</u>	P
Detective agency	P	<u>N</u>	P	<u>N</u>	P
Diaper service, including cleaning	N	<u>N</u>	P	<u>P</u>	P
Drapery and curtain store	N	<u>N</u>	P	<u>P</u>	P
Drive it yourself agency or business	N	<u>N</u>	P	<u>N</u>	P
Drug store	P	<u>P</u>	P	<u>P</u>	P
Dry cleaning- <del>establishment</del>	<del>P</del> <u>N</u>	<u>P</u>	P	<u>P</u>	P
<u>Dry cleaning pickup station</u>	<u>P</u>	<u>P</u>	<u>P</u>		
<u>Dwelling unit in compliance with Section 104-21-4(d)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>
Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that 3,000 sq. ft. of green area is provided for the family	C	<u>P</u>	C	<u>P</u>	N
Educational institution	N	<u>N</u>	P	<u>P</u>	P
Educational/institutional identification sign	C	<u>C</u>	C	<u>C</u>	C
Egg and poultry store, providing no live bird slaughtering or eviscerating permitted	P	<u>P</u>	P	<u>P</u>	P
Electrical and heating appliances and fixtures sales and service	N	<u>N</u>	P	<u>P</u>	P
Electronic equipment sales and service	N	<u>N</u>	P	<u>P</u>	P
Employment agency	N	<u>N</u>	P	<u>P</u>	P
Express and transfer service	N	<u>N</u>	N	<u>N</u>	C
Fabric and textile store	P	<u>C</u>	P	<u>P</u>	P
Farm implement sales	N	<u>N</u>	N	<u>C</u>	P
Film exchange establishment	P	<u>N</u>	P	<u>N</u>	P
<u>Fitness, athletic, health, or recreation center, or gymnasium</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Five and ten cent store	P	<u>N</u>	P	<u>N</u>	P
<u>Flooring sales and service, carpet, rug, and linoleum</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Florist shop	P	<u>C</u>	P	<u>P</u>	P
Frozen food lockers, incidental to a grocery store or food business	P	<u>P</u>	P	<u>P</u>	P

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Perhaps this can be governed by "dry cleaning" above?

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Consolidation of uses.	Fruit <u>or vegetable</u> store or stand	P	<u>P</u>	P	<u>P</u>	P
	Furniture sales and repair	N	<u>N</u>	P	<u>P</u>	P
	Fur apparel sales, storage or repair	N	<u>N</u>	P	<u>P</u>	P
	Garden supplies and plant materials sales	P	<u>C</u>	P	<u>P</u>	P
	Gift store	P	<u>P</u>	P	<u>P</u>	P
	Glass sales and service	N	<u>N</u>	P	<u>P</u>	P
	Government <u>office</u> buildings <del>or uses, nonindustrial</del>	C	<u>N</u>	P	<u>P</u>	P
Use separated. See below.	Greenhouse and nursery; <del>soil and lawn service</del>	N	<u>N</u>	P	<u>P</u>	P
	Grocery store	P	<u>C</u>	P	<u>P</u>	P
	Gunsmith	N	<u>P</u>	P	<u>P</u>	P
Consolidation with fitness center.	Gymnasium	N	<u>N</u>	P	<u>P</u>	P
	Hardware stores	N	<u>N</u>	P	<u>P</u>	P
	<del>Health club</del>	<del>N</del>	<del>P</del>	<del>P</del>		
	Health food store	P	<u>P</u>	P	<u>P</u>	P
	Heliport	N	<u>N</u>	C	<u>N</u>	C
	Hobby and crafts store	P	<u>P</u>	P	<u>P</u>	P
	Hospital supplies	N	<u>N</u>	P	<u>N</u>	P
	Hotel	N	<u>N</u>	C	<u>C</u>	P
	House cleaning and repair	N	<u>N</u>	P	<u>P</u>	P
	House equipment display	N	<u>N</u>	P	<u>N</u>	P
Redundant	Household appliance sales and incidental service	N	<u>N</u>	C	<u>C</u>	P
	Household pets, dwelling units only	P	<u>P</u>	P	<u>P</u>	P
	Ice cream manufacture	N	<u>N</u>	N	<u>N</u>	P
	Ice cream parlor	P	<u>P</u>	P	<u>P</u>	P
	Ice manufacture and storage	N	<u>N</u>	N	<u>N</u>	P
	Ice store or vending station	P	<u>P</u>	P	<u>P</u>	P
	Insulation sales	N	<u>N</u>	P	<u>P</u>	P
	Insurance agency	N	<u>N</u>	P	<u>P</u>	P
	Interior decorator and designing establishment <del>Interior decorator and designing establishment</del>	N	<u>P</u>	P	<u>P</u>	P
	Janitor service and supply	N	<u>N</u>	P	<u>N</u>	P
Jewelry store sales and service	P	<u>P</u>	P	<u>P</u>	P	

Knitting mills	N	<u>N</u>	N	<u>N</u>	C
Laboratory, dental or medical	N	<u>N</u>	P	<u>P</u>	P
<del>Laundry or dry cleaners, laundromat type</del>	P	<u>P</u>	P	<u>P</u>	P
<del>Laundry or dry cleaning establishment</del>	<del>N</del>	<del>N</del>	<del>P</del>		
<del>Laundrette or laundromat</del>	<del>P</del>	<del>P</del>	<del>P</del>		
Lawn mower sales and service	N	<u>N</u>	P	<u>P</u>	P
Leather goods, sales and service	N	<u>N</u>	P	<u>P</u>	P
Legal office	N	<u>N</u>	P	<u>P</u>	P
Library	P	<u>P</u>	P	<u>P</u>	P
Linen store	N	<u>N</u>	P	<u>P</u>	P
Linen supply service	N	<u>N</u>	N	<u>N</u>	P
Liquor store	N	<u>N</u>	C	<u>C</u>	C
Locksmith	P	<u>P</u>	P	<u>P</u>	P
Lodge or social hall	N	<u>N</u>	P	<u>P</u>	P
Lodging house	N	<u>N</u>	C	<u>N</u>	P
Lounge	N	<u>N</u>	N	<u>N</u>	C
Luggage store	N	<u>N</u>	P	<u>N</u>	P
Lumber yard	N	<u>N</u>	N	<u>N</u>	C
Machine shop operations incidental to any use permitted in C-3 district	N	<u>N</u>	N	<u>N</u>	P
Manufacture of goods retailed on premises	N	<u>N</u>	C	<u>N</u>	C
Meat custom cutting and wrapping, excluding slaughtering	N	<u>N</u>	C	<u>C</u>	C
Meat, fish and seafood store	P	<u>P</u>	P	<u>P</u>	P
Medical office	P	<u>P</u>	P	<u>P</u>	P
<u>Medical supplies</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Millinery	N	<u>N</u>	P	<u>N</u>	P
Miniature golf	N	<u>N</u>	N	<u>C</u>	C
Mobile home sales	N	<u>N</u>	C	<u>N</u>	P
Mobile home service	N	<u>N</u>	N	<u>N</u>	P
Monument works and sales	N	<u>N</u>	P	<u>P</u>	P
Mortuary	N	<u>N</u>	C	<u>C</u>	P

Redundant

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Motel	N	<u>N</u>	C	<u>C</u>	P
Motorboat sales and service	N	<u>N</u>	C	<u>N</u>	P
Motorcycle and motor scooters sales and service	N	<u>N</u>	C	<u>C</u>	P
Museum	C	<u>C</u>	P	<u>P</u>	P
Music store	N	<u>C</u>	P	<u>P</u>	P
Needlework, embroidery or knitting store	P	<u>N</u>	P	<u>N</u>	P
Newsstand	P	<u>P</u>	P	<u>P</u>	P
Nightclub or social club	N	<u>N</u>	N	<u>N</u>	C
Notion store	P	<u>N</u>	P	<u>N</u>	P
Novelty store	N	<u>N</u>	P	<u>N</u>	P
Nursery school	C	<u>N</u>	P	<u>N</u>	P
Office in which goods or merchandise are not commercially created, exchanged or sold	N	<u>N</u>	P	<u>N</u>	P
Office supply	N	<u>N</u>	P	<u>P</u>	P
Office machines sales and service	N	<u>N</u>	P	<u>N</u>	P
Oil burner shop	N	<u>N</u>	N	<u>N</u>	C
Optometrist, optician or oculist	P	<u>P</u>	P	<u>P</u>	P
Ornamental iron sales or repair	N	<u>N</u>	C	<u>C</u>	P
<u>Outdoor storage, except where expressly permitted otherwise in the zone</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Paint or wallpaper store	N	<u>N</u>	P	<u>P</u>	P
Paperhanger shop	N	<u>N</u>	P	<u>N</u>	P
Park and playground	P	<u>P</u>	P	<u>P</u>	P
Parking lot or garage <u>as a main use</u> <del>for passenger automobiles</del>	C	<u>N</u>	C	<u>C</u>	C
Pawnshop	N	<u>N</u>	N	<u>N</u>	P
Penny arcade	N	<u>N</u>	N	<u>N</u>	C
Pest control and extermination	N	<u>N</u>	P	<u>P</u>	P
Pet and pet supply store	N	<u>N</u>	P	<u>P</u>	P
Pharmacy	P	<u>P</u>	P	<u>P</u>	P
Photographic supplies	P	<u>P</u>	P	<u>P</u>	P
Photo studio	P	<u>P</u>	P	<u>P</u>	P
Physician or surgeon	P	<u>P</u>	P	<u>P</u>	P

New use listed.

Clarification.

Pie manufacture	N	<u>N</u>	P	<u>P</u>	P
Plumbing shop	N	<u>N</u>	C	<u>P</u>	P
Pony ring, without stables	N	<u>N</u>	N	<u>N</u>	C
Pool hall	N	<u>N</u>	N	<u>N</u>	P
Popcorn or nut shop	P	<u>P</u>	P	<u>P</u>	P
Post office	C	<u>C</u>	P	<u>P</u>	P
<u>Pottery, sales and manufacture of crafts and tile</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
<del>Printing, lithographing publishing or reproductions</del> <u>or copying</u> sales and services	N	<u>N</u>	C	<u>P</u>	P
Private liquor club	N	<u>N</u>	N	<u>C</u>	C
Professional office	N	<u>N</u>	P	<u>P</u>	P
Public utilities substation	C	<u>C</u>	C	<u>C</u>	C
Public building	P	<u>P</u>	P	<u>P</u>	P
Radio and television sales and service	C	<u>C</u>	P	<u>P</u>	P
Radio, <u>or</u> television <del>of FM</del> broadcasting station	N	<u>N</u>	P	<u>P</u>	P
Real estate agency	N	<u>C</u>	P	<u>P</u>	P
Reception center or wedding chapel	N	<u>N</u>	C	<u>C</u>	P
Recreation center	N	<u>N</u>	C	<u>N</u>	P
<del>Recreational vehicle storage,</del> <u>indoor only</u>	C	<u>N</u>	C	<u>C</u>	P
Rental agency for home and garden equipment	N	<u>N</u>	P	<u>P</u>	P
Restaurant	P	<u>C</u>	P	<u>P</u>	P
Restaurant, drive-in	N	<u>N</u>	P	<u>C</u>	P
<u>Restaurant, drive-through</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>P</u>
Roller skating rink	N	<u>N</u>	C	<u>N</u>	P
Roofing sales or shop	N	<u>N</u>	P	<u>N</u>	P
Secondhand store	N	<u>N</u>	P	<u>P</u>	P
Seed and feed store, retail	N	<u>N</u>	P	<u>P</u>	P
<u>Self-storage, indoor units for personal and household items, in compliance with the requirements of Section 104-20-4.</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>
Service station, automobile excluding painting, body and fender and upholstery work	P	<u>P</u>	P	<u>P</u>	P
Service station, automobile, with <del>rotating brush</del> <u>one-bay</u> car	P	<u>C</u>	P	<u>P</u>	P

Updating

Clarifying

Primary subject of this amendment

Updating

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

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wash as accessory use					
Sewing machine sale and service	N	<u>N</u>	P	<u>P</u>	P
Sheet metal shop and retinning, provided all operations are conducted within completely enclosed bldg.	N	<u>N</u>	N	<u>N</u>	C
Shoe repair or shoe shine shop	P	<u>P</u>	P	<u>P</u>	P
Shoe store	N	<u>N</u>	P	<u>P</u>	P
Shooting gallery	N	<u>N</u>	N	<u>N</u>	P
Sign manufacture or sign painting	N	<u>*</u>	N	<u>*</u>	P
Sign, animated; <u>only the time and temperature may be animated in the C-1 zone;</u>	<del>*P</del>	<u>*</u>	P	<u>*</u>	P
Sign, business	P	<u>*</u>	P	<u>*</u>	P
Sign, flat	P	<u>*</u>	P	<u>*</u>	P
Sign, construction project	P	<u>*</u>	P	<u>*</u>	P
Sign, directional	P	<u>*</u>	P	<u>*</u>	P
Sign, freestanding	P	<u>*</u>	P	<u>*</u>	P
Sign, identification and information	P	<u>*</u>	P	<u>*</u>	P
Sign, marquee	P	<u>*</u>	P	<u>*</u>	P
Sign, nameplate	P	<u>*</u>	P	<u>*</u>	P
Sign, off premises	N	<u>*</u>	P	<u>*</u>	P
Sign, projecting	P	<u>*</u>	P	<u>*</u>	P
Sign, roof	N	<u>*</u>	P	<u>*</u>	P
Sign, temporary	P	<u>*</u>	P	<u>*</u>	P
Sign, wall	P	<u>*</u>	P	<u>*</u>	P
<u>Snow plow and removal service</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>P</u>
<u>Snowmobile and ATV sales and repair</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Soil and lawn service</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Spa</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
Supermarket	P	<u>N</u>	P	<u>N</u>	P
<del>*only time and temperature animated sign in C-1 Zone</del>					
Tailor shop	<del>P</del> <u>N</u>	<u>P</u>	P	<u>P</u>	P
<u>Tavern, beer pub</u>	N	<u>N</u>	N	<u>C</u>	C
Taxicab stand	P	<u>N</u>	P	<u>N</u>	P

Clarifying

All of these four were brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

Clarifying. See "sign, animated" above.

Taxidermist	N	<u>N</u>	P	<u>P</u>	P
<b>Telegraph office</b>	<b>P</b>	<b>P</b>	<b>P</b>		
Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.	P	<u>P</u>	P	<u>P</u>	P
Theater, indoor	N	<u>N</u>	P	<u>P</u>	P
Theater, outdoor	N	<u>N</u>	N	<u>N</u>	C
Tire recapping or retreading sales and service	N	<u>N</u>	N	<u>N</u>	C
Tobacco shop	P	<u>N</u>	P	<u>P</u>	P
Tool design (precision) repair and manufacture	N	<u>N</u>	N	<u>N</u>	C
Toy store, retail	P	<u>N</u>	P	<u>P</u>	P
Trade or industrial school	N	<u>N</u>	C	<u>C</u>	P
Trailer sales and service	N	<u>N</u>	N	<u>N</u>	P
Travel agency	P	<u>C</u>	P	<u>P</u>	P
Truck terminal	N	<u>N</u>	N	<u>N</u>	P
Upholstery shop	C	<u>C</u>	P	<u>P</u>	P
Used car lot	N	<u>N</u>	N	<u>N</u>	C
Variety store	P	<u>N</u>	P	<u>N</u>	P
<b>Vegetable store or stand</b>	<b>P</b>	<b>P</b>	<b>P</b>		
Vendor, short term, <u>in compliance with the requirements of Section 108-13-3 (see definition under 1-6)</u>	P	<u>P</u>	P	<u>P</u>	P
Ventilating equipment sales and service	N	<u>N</u>	C	<u>C</u>	P
<u>Video sales and rental</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Warehouse storage	N	<u>N</u>	N	<u>N</u>	P
Weather stripping shop	N	<u>N</u>	P	<u>N</u>	P
Welding shop	N	<u>N</u>	N	<u>N</u>	C
Wholesale business	N	<u>N</u>	N	<u>N</u>	P
Window washing establishment	N	<u>N</u>	P	<u>P</u>	P

Updating

Consolidated with fruit stand above.

This was brought over from the CV-X chapter. It was not listed in the C-X chapter. Permissions set based on the sister zone.

\* See Section 110-2 for sign types allowed in the CV-1 and CV-2 zones.

(Ord. of 1956, § 18-5; Ord. No. 10-83; Ord. No. 2-85; Ord. No. 16-89; Ord. No. 95-19; Ord. No. 96-42; Ord. No. 97-20; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 8: AMENDMENT** “Chapter 104-21 Commercial Valley Zones Cv-1 And Cv-2” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Chapter 104-21 ~~Commercial Valley Zones Cv-1 And Cv-2~~ Reserved

Consolidating this entire chapter with chapter 20 to create a single commercial zoning chapter. The content of all subsections below are being deleted and reserved for a different zone at a later time.

**SECTION 9: AMENDMENT** “Sec 104-21-1 Purpose And Intent” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-21-1 Purpose And Intent

- (a) ~~The purpose of the CV-1 and CV-2 zones is to provide suitable areas for the location of the various types of commercial activity needed to serve the people and commerce of the Ogden Valley in unincorporated Weber County. It is also to separate, into two commercial zones, uses based upon the type of activity which are compatible and complementary, as well as the intensity of land utilization and accessory use needs. The CV-1 Zone (Neighborhood Commercial) has been established for the purpose of providing shopping facilities and services within neighborhoods in the Ogden Valley, primarily for the convenience of people living in a neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience goods" such as groceries, drugs, and personal services such as a barber and beauty shop, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, other uses such as automobile sales, furniture, and other stores, in which the principal patronage originates outside the surrounding neighborhood, have been excluded from the CV-1 zone. The maximum size of a CV-1 zone node shall be approximately five (5) acres exclusive of minimum lot widths and areas. The CV-2 Zone (General Commercial) has been established for the purpose of providing a broad range of commercial services and goods to serve a larger region of the county like the Ogden Valley. Areas with CV-2 zoning have a principal patronage which originates throughout the Ogden Valley or is due to recreation in the Ogden Valley. CV-2 areas are to be a commercial hub or node of activity. These areas, as outlined in the General Plan, are to be near the traditional town centers of the Ogden Valley and not to be strung out along the highways. Uses in the CV-2 Zone may provide goods and services not typically found amongst commercial areas within resorts including automobile sales and service, sporting goods, service stations, hotels, and professional offices.~~

Reserved.

(Ord. of 1956, § 18B-1; Ord. No. 2011-5, § 18B-1, 3-15-2011; Ord. No. 2012-17, § 18B-1, 10-23-2012)

**SECTION 10:** AMENDMENT “Sec 104-21-2 Site Development Standards” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-21-2 Site Development Standards

~~The following site development standards apply to the CV-1 and CV-2 zones: Lot area: Lot width: Yard Setbacks: Building height: Lot coverage: Front yard setbacks: Side yard setback: Rear yard setback: CV-1 ZONE CV-2 ZONE Minimum lot area: None None CV-1 ZONE CV-2 ZONE Minimum lot width: None None CV-1 ZONE CV-2 ZONE Minimum building height: 1-story 1-story Maximum building height: 35 feet 35 feet CV-1 ZONE CV-2 ZONE Maximum lot coverage by buildings: 60 percent 60 percent CV-1 ZONE CV-2 ZONE Minimum front yard setback: None None CV-1 ZONE CV-2 ZONE Minimum side yard setback: 10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-21-4(c); or the building will abut a building on the adjoining lot or parcel. CV-1 ZONE CV-2 ZONE Minimum rear yard setback: 10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-21-4(c); or the building will abut a building on the adjoining lot or parcel.~~

Reserved.

(Ord. of 1956, § 18B-2; Ord. No. 2011-5, § 18B-2, 3-15-2011; Ord. No. 2012-17, § 18B-2, 10-23-2012; Ord. No. 2016-10, Exh. A, 8-23-2016)

**SECTION 11:** AMENDMENT “Sec 104-21-3 Sign Regulations” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-21-3 Sign Regulations

~~The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in title 110, chapter 21, Ogden Valley signs, of this Land Use Code.~~

Reserved.

(Ord. of 1956, § 18B-3; Ord. No. 2011-5, § 18B-3, 3-15-2011; Ord. No. 2012-17, § 18B-3, 10-23-2012)

**SECTION 12:** AMENDMENT “Sec 104-21-4 Special Regulations” of the Weber County Code is hereby *amended* as follows:

## AMENDMENT

### Sec 104-21-4 Special Regulations

- (a) ~~**Manufacturing uses.** All manufacturing uses shall be done within a completely enclosed building in an effort to mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration. In the CV-1 zone, operation hours are limited to 6:00 a.m. to 10:00 p.m. In the CV-1 zone, there shall not be more than four washing bays for a manual spray car wash. Car wash facilities shall be set back from the street right-of-way at least 60 feet. The frontage of the lot shall, for a depth of at least 30 feet, be reserved for future street-front commercial buildings and related improvements. One bay car wash, four spaces in the approach lane; Two bay car wash, three spaces in the approach lane for each wash bay; Three or more bay car wash, two spaces in the approach lane for each wash bay. **Car wash.** A car wash shall be permitted subject to the following restrictions: Modification of existing site improvements that affect less than 25 percent of the lot area is exempt from complete street requirements. The off-street vehicle spaces or queues required shall be as follows: For portions of a lot's frontage in the CV-1 or CV-2 zone where a complete street is not required by this Subsection (c)(1), a 10-foot wide sidewalk is required, as prescribed by the Planning Director after consultation with the County Engineer. **Complete street.** A complete street, as defined in Section 101-1-7, shall be installed to span the street frontage of the lot for the width of existing or proposed completed improvements, including parking facilities and required landscaped area. If this width is 75 percent of the lot width or greater, the complete street shall span the entire street frontage of the lot in the CV-1 or CV-2 zone. A complete street design shall include a ten-foot pedestrian pathway or sidewalk, pedestrian lighting, shade trees, appropriate clear view of intersection, and shall also include safe street crossings for pedestrians in no greater than 300-foot intervals. The complete street design, tree species and planting techniques, and pedestrian lighting are subject to approval by the Planning Director, after consultation with the County Engineer. **Dwelling unit.** A dwelling unit is allowed, as part of a mixed use building, only if allowed in section 104-21-5, and only when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When fronting on a public or private street, buildings that contain dwelling units shall comply with the following: The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for the entire length of the building's street frontage; The building shall not be setback any greater than 20 feet at any point from the property line that runs parallel to the public or private street; The building shall be subject to the requirements of chapter 108-1 and chapter~~

~~108-2; and The lot's street frontage shall be developed as a complete street, as specified in section 104-21-4(e). **Perpetual building maintenance agreement.** When permitted by this chapter as a way to allow reduced side or rear setbacks, a perpetual building maintenance agreement is required between the building owner and the affected adjacent property owner, which shall allow for construction and maintenance of the side or rear of a commercial building, and shall be reviewed for compliance with this section by the Planning Division and County Attorney's Office; place responsibility on the building owner for prompt repairs and maintenance of the side or rear of the building; require allowances of access to the property for repairs and maintenance purposes; be signed by the owner of the commercial building and the adjacent property owner to be considered valid; and be recorded on the title of both properties. **Cross-access and cross-access easement.** Access to adjacent existing or future development without the need to access the public right-of-way is in the interest of public safety. As such, at a minimum, each developed lot or parcel shall have two points of ingress and egress, at least one of which shall be stubbed to adjacent property where practicable. When locating a cross-access easement or designing the cross-access infrastructure, good faith efforts shall be made to coordinate the location and design with the adjoining land owner. The Planning Director may require the cross-access to be located in a manner that optimizes traffic circulation on the properties or in the area. Construction of the cross-access infrastructure shall be completed prior to the issuance of a certificate of occupancy for any structure on the lot or parcel, or a completion bond may substitute for completion if allowed by the County Engineer. When a lot or parcel is being developed that abuts an existing cross-access easement or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access infrastructure shall be constructed to the same standard as, or better than, the existing cross-access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the title of all affected properties, along with a perpetual operation and maintenance agreement between the property owners that specifies, at a minimum, that the infrastructure will be operated and maintained by the property owners in a manner that is safe and usable for two-way vehicle traffic. If property owners fail to operate or maintain cross-access infrastructure that was required by the County under this section, the County may pursue enforcement measures as provided in this Land Use Code.~~

Reserved.

(Ord. of 1956, § 18B-4; Ord. No. 2011-5, § 18B-4, 3-15-2011; Ord. No. 2012-17, § 18B-4, 10-23-2012; Ord. No. 2016-10, Exh. A, 8-23-2016)

**SECTION 13:            AMENDMENT “Sec 104-21-5 Uses” of the Weber County**  
County Code is hereby *amended* as follows:

## AMENDMENT

### Sec 104-21-5 Uses

in the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in title 108, chapter 4 of this Land Use Code. Uses designated "N" shall not be allowed in that zone.

~~CV-1 CV-2 Academies/studios for dance, art, sports, etc. CAccessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use PPAAnimal hospital NCAntique, import or souvenir shop NPArchery shop and range, provided it is conducted within an enclosed building NP Art and artists gallery or supply store PPAssisted living facility including convalescent or rest home PPAthletic, recreational equipment, and sporting goods sales/rentals, excluding sale or repair of motor vehicles, motor boats or motors NPAuction establishment NCAutomobile repair including paint, body and fender, brake, muffler, upholstery, or transmission work provided it is conducted within an enclosed building NCAutomobile, new or used sales/service NCAwning sales and service NP Bakery CPBank or financial institution not including payday loan services PPBarbershop PPBeauty shop PPBed and breakfast dwelling PPBed and breakfast inn NPBed and breakfast hotel NCBrewery, micro in conjunction with a restaurant NP Bicycle sales and service PPBilliard parlor NCBoarding house NCBBoat sales and service NCBBoat and personal water craft rentals as an accessory use to boat sales and service NCBBook store, retail PPBowling alley NCBButcher shop, excluding slaughtering CPCafe PPCamera store PPCandy store, confectionery PPCar rental agency NPCar wash, automatic NCCar wash, manual spray CPCatering establishment CPChurch PPClinics, medical or dental PPClothing and accessory store NPCommunication equipment building NPConvenience store CPCostume rental NPData processing service and supplies NPDay care center CPDelicatessen PPDiaper service, including cleaning NPDrapery and curtain store NPDrug store PPDry cleaning PPDwelling unit, if in compliance with section 104-21-4(d) NP Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use. The provisions of section 104-21-4(d) are not applicable. PPEducational institution NPElectrical and heating appliances and fixtures sales and service NPElectronic equipment sales and service NPEmployment agency NPFabric and textile store CPFarm implement sales NCFEed and seed store, retail NPFlooring sales and service, carpet, rug and linoleum NPFFlorist shop CPFitness, athletic, health, recreation center, or gymnasium NPFruit and vegetable store or stand PPFurniture sales and repair NPFur apparel sales, storage or repair NPGarden supplies and plant materials sales CPGift store PPGlass sales and service NPGGovernment office buildings NPGreenhouse and nursery NPGrocery store CP Grooming for small animals PPGunsmith PPHardware store NPHealth food store PPHobby and crafts store PPHotel NCHouse cleaning and repair NPHousehold appliance sales and incidental service NCIce cream parlor PPI nsulation sales NPInterior decorator and designing establishment PPJewelry store sales and service PPLaboratory, dental or medical NPLaundromat PPLawn mower sales and service NPLibrary PPLinen store NPLiquor store NCLocksmith PPLodge or social hall NPMeat, custom exempt cutting, wrapping, and processing of livestock and game, excluding slaughtering NCMedical supplies NPMiniature~~

~~golfNCMonument works and salesNPMortuaryNCMotelNCMotorecycle and motor scooters sales and serviceNCMuseumCPMusic storeCPOffice supplyNPOrnamental iron sales or repairNCPaint or wallpaper storeNPPark and playgroundPPParking lot or garage as a main useNCPest control and exterminationNPPet and pet supply storeNPPharmacyPPPhoto studioPPPumbing shopNPPost officeCPPottery, sales and manufacture of crafts and tileNPPrinting, copy sales and servicesNPPrivate liquor clubNCProfessional officeNPPublic utilities substationCCRadio and television sales and serviceCPRadio or television broadcasting stationNPRReal estate agencyCPReception center or wedding chapelNCRRecreational vehicle storageNCRental, equipmentNPREstaurantCPRestaurant, drive-inNCRestaurant, drive-throughNCSecond-hand storeNPSelf storage, indoor units for personal and household itemsNCSERVICE station, automobile excluding body, fender, and upholstery workPPSERVICE station, automobile with 1-bay automatic car wash as an accessory useCPSewing machine sales and serviceNPShoe repairPPShoe storeNPSnow plow and removal serviceNCSnowmobile, ATV sales and repairNCSoil and lawn serviceNPSpaNPTailor shopPPTavern, beer pubNCTaxidermistNPTemporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.PPTheater, indoorNPTobacco shopNPToy store, retailNPTrade or industrial schoolNCTravel agencyCPUpholstery shopCPVendor, short-termPPVentilating equipment sales and serviceNCVideo sales and rentalPPWindow washing establishmentNP~~

Reserved.

(Ord. of 1956, § 18B-5; Ord. No. 10-83; Ord. No. 2001-6; Ord. No. 2001-16; Ord. No. 2006-25; Ord. No. 2011-5, § 18B-5, 3-15-2011; Ord. No. 2012-1, § 3, 1-3-2012; Ord. No. 2012-17, § 18B-5, 10-23-2012; Ord. No. 2015-7, Exh. A, 5-5-2015; Ord. No. 2016-10, Exh. A, 8-23-2016)

**SECTION 14:** AMENDMENT “Sec 104-22-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-22-2 Permitted Uses

The following uses are permitted in the M-1 Zone:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Any permitted use in a C-3 Zone except dwelling units.
- (c) Agriculture.
- (d) Animal hospitals.
- (e) Animals and fowl for family food production.
- (f) Boat building.

- (g) Bookbinding.
- (h) Body and fender work, if conducted within an enclosed building.
- (i) Bottling works, soft drinks.
- (j) Cannabis production establishment, in compliance with Section 108-7-34.
- (k) Carpenter shop, cabinet shop.
- (l) Carpet and rug cleaning and dyeing.
- (m) Coal, fuel and wood yards, enclosed within a building or by a solid fence of not less than six feet in height.
- (n) Construction of buildings to be sold and moved off the premises.
- (o) Dairy.
- (p) Dry cleaning plant.
- (q) Dwelling unit for night watchman or guard and family.
- (r) Egg handling, processing and sales.
- (s) Electric appliances and/or electronic instruments assembling.
- (t) Express office.
- (u) Garage, public.
- (v) Home occupations.
- (w) Honey extraction.
- (x) Ice manufacturing and storage.
- (y) Kennel.
- (z) Knitting mill.
- (aa) Laboratory.
- (ab) Laundry.
- (ac) Lithographing, including engraving and photo engraving.
- (ad) Machine shop.
- (ae) Manufacturing, compounding, processing, packing and treatment of the following products:
  - (1) Bakery goods.
  - (2) Candy.
  - (3) Dairy products.
  - (4) Pharmaceuticals.
- (af) Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials:
  - (1) Cellophane.
  - (2) Canvas.
  - (3) Cloth.
  - (4) Cork.
  - (5) Felt.
  - (6) Shell.
  - (7) Straw.
  - (8) Textile.
  - (9) Wood.
  - (10) Yarn.
- (ag) Manufacturing and maintenance of the following:
  - (1) Business machines.

- (2) Cameras and photographic equipment.
- (3) Electric and neon sign, billboards and/or commercial advertising structures.
- (4) Light sheet metal products, including heating and ventilating ducts and equipment.
- (5) Musical instruments.
- (6) Novelties.
- (7) Rubber and metal stamps.
- (8) Toys.
- (ah) Monument works.
- (ai) Motion picture studio.
- (aj) Motor vehicles, trailers, bicycles and machinery repairing, rentals, sales and reconditioning.
- (ak) Parking lot.
- (al) Planing mill.
- (am) Printing, including engraving and photo engraving, blueprinting, photostatting and duplication.
- (an) Public and quasi public uses.
- (ao) Public transit yards.
- (ap) Radio and television transmitting towers.
- (aq) Retail sale of products produced by, developed in conjunction with or normally required and used in the performance of a commercial or manufacturing operation permitted in this zone; and provided the retail sale is clearly an accessory use to the main permitted use and is conducted within the same building or if the main use is not a building then on the same property provided however, no retail sale of products may be made in conjunction with a warehousing or wholesale business.
- (ar) Rubber welding.
- (as) Sand blasting.
- (at) Self-storage, indoor units for personal and household items.
- (au) Service station.
- (av) Sign painting shop.
- (aw) Temporary building for uses incidental to construction work including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.
- (ax) Tire retreading and/or vulcanizing.
- (ay) Transfer company.
- (az) Truck service station.
- (ba) Trucking terminal.
- (bb) Upholstering, including mattress manufacturing, rebuilding and renovating.
- (bc) Used car lot.
- (bd) Veterinary, and hotel and beauty parlor for cats and dogs.
- (be) Warehouse.
- (bf) Weaving.
- (bg) Welding shop.
- (bh) Wholesale business.



Subject use  
being added  
here.

**SECTION 15:** AMENDMENT “Sec 104-23-2 Permitted Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-23-2 Permitted Uses

The following uses are permitted in the MV-1, Ogden Valley Light Manufacturing Zone:

- (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- (b) Agricultural implement repair.
- (c) Ambulance base station.
- (d) Animal hospital.
- (e) Archery shop and range, provided conducted within completely enclosed building.
- (f) Auction establishment.
- (g) Carpenter shop, cabinet shop.
- (h) Cleaning and dyeing establishment.
- (i) Communication equipment building.
- (j) Contractor's equipment storage yard, maintenance, and repair.
- (k) Distillery.
- (l) Farm implement sales.
- (m) Garden supplies and plant material sales.
- (n) Greenhouse and nursery.
- (o) Gymnasium.
- (p) Lawn mower sales and/or service.
- (q) Meat custom cutting and wrapping excluding slaughtering.
- (r) Monument works and/or sales.
- (s) Ornamental iron sales and/or repair.
- (t) Pest control and extermination.
- (u) Plumbing shop.
- (v) Printing, including engraving and photo engraving, blueprinting, photostatting and duplication.
- (w) Public and quasi public uses.
- (x) Recreation center.
- (y) Recreational vehicle storage.
- (z) Rental agency for home and garden equipment.
- (aa) Roofing sales or shop.
- (ab) Self-storage, indoor units for personal and household items.
- (ac) Small-batch artisan food processing limited to food for human consumption, e.g., baked goods, confectioneries, and craft cheese.

Subject use  
being added  
here.

- (ad) Small brewery.
- (ae) Soil and lawn service.
- (af) Taxidermist.
- (ag) Trade or industrial school.
- (ah) Upholstery shop.
- (ai) Ventilating equipment sales and service.
- (aj) Warehouse, including storage units.
- (ak) Window washing establishment.

(Ord. of 1956, § 21B-2; Ord. No. 2009-31; Ord. No. 2011-4, § 21B-2, 2-22-2011; Ord. No. 2014-7, § 1, 4-1-2014; Ord. No. 2015-7, Exh. A, 5-5-2015)

**SECTION 16:            AMENDMENT** “Sec 104-23-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

#### A M E N D M E N T

#### Sec 104-23-3 Conditional Uses

The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108, chapter 4 of this Land Use Code.

- (a) Automobile repair, auto body and fender work, if conducted within an enclosed building.
- (b) Cement batch plants with the following conditions:
  - (1) The cement silo mixer shall not be larger than 200 barrel.
  - (2) There shall be a 15 feet landscape buffer with six feet high earth berm planted with six feet or larger Evergreen trees. The trees shall be Canada Hemlock, Scotch Pines, Douglas Fir, or Blue Spruce. The trees shall be planted every 15 feet on center. The evergreen shrubs shall be Junipers, Mugo Pines, or Spreading Yew. The shrubs shall be 36 inches high and there shall be 15 shrubs per 100 feet. There shall be five canopy trees per 100 feet. These trees shall be, Maples, Linden, Quaking Aspens, Cottonless Cottonwood, Honey Locust, or Birch trees. These trees shall be a minimum of two-inch caliper. This landscaping shall be planted on the crest of the six feet berm when the property abuts agricultural or residential zones.
  - (3) There shall be no more than eight, trailers with up to two-cubic-yard capacity.
  - (4) There shall be no more than 40 yards of sand and gravel mix stored on this site. The sand and gravel mix shall be stored in a three-wall bin and covered when not in use.
  - (5) All cement product on site shall be stored within the silo. At least 15,000 square feet of the lot shall be dedicated for this use.
  - (6) A detailed plan for the trailer washout area is required.

- (c) Daycare when located on the same lot/parcel and established in conjunction with and as an accessory to a recreation center.
- (d) Dwelling unit for proprietor or employee, who also serves as night watchman and his immediate family, provided that an additional 3,000 square feet of landscaped area is provided for the residential use. As a conditional use, the planning commission, for the planning area in which the application is made, shall have the discretion to approve either an attached or a detached dwelling, based upon the primary manufacturing use and architectural design to protect the noise levels and privacy of the resident.
- (e) Machine shop.
- (f) Public utility substations.
- (g) Sign painting shop.
- (h) Site leveling and preparation for future development.
- (i) Water storage reservoir developed by a public agency and meeting the requirements of title 108, chapter 10 of this Land Use Code.
- (j) Wastewater treatment or disposal facilities meeting the requirements of the state division of health code of waste disposal regulations.
- (k) Welding shop.
- ~~(l) Dwelling unit for proprietor or employee, who also serves as night watchman and his immediate family, provided that an additional 3,000 square feet of landscaped area is provided for the residential use. As a conditional use, the planning commission, for the planning area in which the application is made, shall have the discretion to approve either an attached or a detached dwelling, based upon the primary manufacturing use and architectural design to protect the noise levels and privacy of the resident.~~

Moving for alphabetical consistency.

(Ord. of 1956, § 21B-3; Ord. No. 2001-12; Ord. No. 2001-27; Ord. No. 2007-30; Ord. No. 2009-31; Ord. No. 2011-4, § 21B-3, 2-22-2011; Ord. No. 2011-4, § 21B-3, 2-22-2011; Ord. No. 2015-22, Exh. A, 12-22-2015)

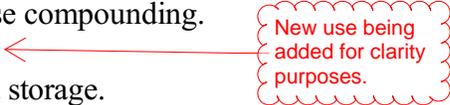
**SECTION 17: AMENDMENT “Sec 104-24-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:**

#### AMENDMENT

##### Sec 104-24-3 Conditional Uses

The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108, chapter 4 of this Land Use Code:

- (a) Any conditional use allowed in an M-1 Zone.
- (b) Automobile recycling (parts dismantling) when conducted within a completely enclosed building. The recycling facility shall have no more than 40 automobiles at the site at any one time. Any automobile recycling vehicle storage area must be enclosed by a solid wall or fence of not less than seven feet in height.

- (c) Go cart racing or drag strip racing.
- (d) Incinerator, nonaccessory, provided that no objectionable fumes and odors are emitted.
- (e) Manufacturing, fabrication, assembly, canning, compounding, packaging process treatment, storage and/or maintenance of the following:
  - (1) Alcohol.
  - (2) Brass, brick.
  - (3) Candles, cast stone products, cement and cinder products, copper, ceramic products, clay products.
  - (4) Dyestuff.
  - (5) Feathers, fiber, fish food products.
  - (6) Glass, glucose, gypsum.
  - (7) Hair.
  - (8) Ink, iron.
  - (9) Lampblack, linoleum, lime.
  - (10) Malt, meats.
  - (11) Oilcloth, oiled rubber goods.
  - (12) Paper, paint, pulp, pickles, plaster, plaster of Paris, plastic.
  - (13) Sauerkraut, sheet metal, shellac, shoddy, shoe polish, soap, and detergent, starch, steel.
  - (14) Terracotta, tile, turpentine.
  - (15) Varnish, vinegar.
  - (16) Yeast.
- (f) Metals and metal products treatment and processing.
- (g) Oil or lubricating grease compounding.
- (h) Outdoor storage. 
- (i) Petroleum refining and storage.
- (j) Public utility substations.
- (k) Railroad yards, shop and/or roundhouse.
- (l) Rock crusher.
- (m) Sewage disposal or treatment plant.
- (n) Site leveling and preparation for future development.
- (o) Wrecked car sales.
- (p) Uses which follow, provided they are located at least 600 feet from any zone boundary:
  - (1) Animal by products plants, garbage, offal or dead animal reduction or dumping; automobile wrecking yard, provided the use is enclosed with a seven foot high solid fence or wall.
  - (2) Blast furnace.
  - (3) Cement, mortar, plaster or paving material, central mixing plant.
  - (4) Fat rendering.
  - (5) Gravel pits, quarries.
  - (6) Junk or salvage yard, provided the use is enclosed with a seven foot high solid fence or wall.
  - (7) Manufacturing, processing, refining, treatment, distillation, storage or compounding of the following: Acid, ammonia, asphalt, bleaching powder and chlorine, bone, chemicals of an objectionable or dangerous nature, coal or

wood, creosote, disinfectants or insecticides, fat, fireworks or explosives, fur, gas, gelatin or size, glue, hide, ore, plastic, potash, pyroxylin, roofing or waterproofing materials, rubber or guttapercha, tallow grease or lard, tar, wood, or metals crushing for salvage.

- (8) Ore beneficiation.
- (9) Smelting or refining of materials.
- (10) Steel or iron mill mines.
- (11) Stockyards, slaughterhouse.
- (q) Manufactured housing, to serve as quarters for guard or night watchman and family so long as it is permanently affixed on approved concrete or concrete block foundation.
- (r) Dwelling unit for proprietor or employee, who also serves as night watchman, and their immediate family, provided that an additional 3,000 square feet of landscaped area is provided for the residential use. As a conditional use, the planning commission, for the planning area in which the application is made, shall have the discretion to approve either an attached or a detached dwelling, based upon the primary manufacturing use and architectural design to protect the noise levels and privacy of the residents.

(Ord. of 1956, § 22-3; Ord. No. 15-85; Ord. No. 12-90; Ord. No. 3-91; Ord. No. 96-42; Ord. No. 2001-33; Ord. No. 2010-20; Ord. No. 2015-22, Exh. A, 12-22-2015)



## Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** A public hearing to consider and take action on ZTA 2020-07, a request to amend the Weber County Land Use Code to add a height limit for weeds and turf grasses.

**Agenda Date:** Tuesday, October 27, 2020 and November 10, 2020

**Staff Report Date:** Tuesday, October 22, 2020

**Applicant:** Weber County

**File Number:** ZTA 2020-07

#### Staff Information

**Report Presenter:** Charlie Ewert  
cewert@co.weber.ut.us  
(801) 399-8763

**Report Reviewer:** RG

### Applicable Ordinances

§ 108-7-6 Garbage, Junk, and Weeds Unlawful

### Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

### Summary and Background

The County Commission has request consideration of amended language to the weed ordinance to regulate the height of weeds and non-ornamental turf grasses. The attached proposal is intended to satisfy this concern. Staff is recommending approval.

### Policy Analysis

In 2019, the County adopted an administrative code enforcement ordinance that enabled a more efficient method of enforcement of the land use code. Part of that new ordinance included provisions for weeds and unkempt yards (§ 108-7-6 of the Weber County Code). The ordinance did not specify a height limit at which the County would consider weeds or grasses "unkempt," but rather left this to interpretive measures. The proposed ordinance specifies the height, thereby removing the interpretive guess-work when enforcing against violators.

### Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

### Staff Recommendation

Staff recommends that the Planning Commission offer a positive recommendation to the County Commission for file ZTA 2020-07, the addition of a weed height regulation, based on the following standards:

1. Both the West Central Weber General Plan and the Ogden Valley General Plan support a community that is aesthetically pleasant.
2. That the clerical edits offered will assist with a more organized, efficient, and accurate administration of the zoning ordinance.
3. That the proposal is not detrimental to the health, safety, and welfare of the public.

## Exhibits

- A. Proposed Ordinance Changes

**SECTION 1: AMENDMENT** “Sec 108-7-6 Garbage, Junk, And Weeds Unlawful” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 108-7-6 Garbage, Junk, And Weeds Unlawful

- (a) *Weeds and unkempt yards.* ~~landowners are responsible for clearing~~ All weeds shall be cleared from residential, commercial, manufacturing, and institutional ~~their~~ property's, including their property's perimeters and any adjacent sidewalk, trail or pathway, parkwaystrip, or unimproved portions of public rights-of-way. ~~The yard portions of the property~~ A yard, and any adjacent sidewalk, trail or pathway, parkstrip, or unimproved portion of public rights-of-way that are visible from ~~the~~ a public right-of-way shall be maintained so that the property's appearance does not detract from the appearance of the neighborhood. Weeds, except noxious or invasive weeds which shall be removed promptly, and non-ornamental grasses shall be maintained at a height of not more than 6 inches at any time, and the cuttings shall be promptly disposed of in an organized manner. It is the responsibility of the property owner, not the County, to maintain the vegetation that is between the edge of the vehicle-travel-surface within the public right-of-way, and the edge of the public right of way adjoining the owner's property, in a healthy and attractive manner.
- (b) *Exemptions.* This section shall not apply to items which are clearly accessory and incidental to any agricultural use permitted in the zone, or to items completely and lawfully enclosed within a building or enclosure where it is not visible from a public or private way or other public or private property and which does not constitute a nuisance, endanger or adversely affect the health or welfare of the community, or the keeping of which does not violate any other law or ordinance.
- (c) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation of this section shall make proper arrangements for the correction of the violation.
- (d) *Public streets and other public property.*
- (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way, or other public property in unincorporated areas of the county any garbage, inoperable or abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous to the health, safety, and welfare of the people of the county.
  - (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.
  - (3) In addition to the requirements of section 32-8-2, owners or occupants of a platted building lot, or a lot of record with an existing residential, commercial, or manufacturing use, that adjoins a paved pedestrian pathway and is less than

five acres shall also be required to ensure continual removal of snow from the pathway.

(Ord. No. 2019-14, Exh. A, 7-30-2019)

## MEMORANDUM

To: Western Weber Planning Commission  
From: Charles Ewert, AICP  
Date: November 4, 2020  
Subject: Text Amendment for Substandard Streets/Roads

In the July 14, 2020 Western Weber Planning Commission meeting you held a public hearing regarding a text amendment regarding two subjects within the County's subdivision ordinance: storm water drainage easements and facilities, and substandard roads. In an effort to be efficient, staff combined the two unrelated subjects into one proposal.

In that meeting you tabled the proposed language pending further refinement of the drainage topic. Since then it has been determined that the best way to generate the accurate code language for the topic is to convene a small working committee to flesh out the details and vet final language. The challenge since that time has been aligning committee member's individual schedules in order to meet.

While I do anticipate that this committee will meet in the near future, I know the County Commission wanted the substandard road topic fast-tracked, and the drainage topic is delaying their ability to consider it.

Thus, in the attached ordinance proposal I have separated the topics by only including the substandard road amendment in order that they may run their own courses and timelines. I have also included the July 14, 2020 staff report to help refresh your recollection of the issues.

Feel free to reach out to me if you have any questions.



**SECTION 1:****AMENDMENT** “Sec 106-4-1 General Requirements” of the Weber County County Code is hereby *amended* as follows:

**A M E N D M E N T**

Sec 106-4-1 General Requirements

- (a) The owner of any land to be platted as a subdivision shall, before recording the final plat, either install all improvements required by this chapter or provide a financial guarantee for the completion of the improvements as allowed by section 106-4-3.
- (b) All improvements shall comply with the specifications and standards contained in the county's current "Public Work Standards and Technical Specifications."
- (c) All improvements shall be installed prior to issuance of any land use permit within a newly approved subdivision. The only improvements that may not be required prior to construction of a dwelling are the asphalt, chip and seal, landscaping, street monuments, secondary water (if not in the right-of-way), and curb, gutter, and sidewalk.
- (d) All public and private utilities within the road right-of-way shall be installed prior to the road being asphalted. Cuts within one year of asphalt placement on a new road will require a special permit and include requirements for special backfill and asphalt replacement.
- (e) The applicant shall sign a survey monumentation improvement agreement and pay applicable fees associated prior to the county surveyor signing the final subdivision plat Mylar.
- (f) Upon completion of the construction of roads and utility lines, the developer's engineer shall prepare and submit as-built plans for all improvements for the approval of the county engineer. As-built plans shall include a digital plan (dwg format) and one set of reproducible Mylars prior to county acceptance for maintenance of roads.
- (g) Whenever the applicant develops a subdivision a phase at a time, such development shall be in an orderly manner and in such a way that the required improvements will be made available to the buyers of the lots. The applicant shall be responsible for coordinating the installation of utilities, streets, water lines, fire hydrants, and all other required improvements with the buyers of lots.
- (h) ~~New subdivisions with sole access from a~~ A new subdivision located along a street route that is at any point the single means of access from the subdivision to the greater interconnected public street network shall not be approved unless the entirety of the single-access street route is constructed to the County's public work standards and has the appropriate right-of-way width. ~~substandard street shall not be approved until the substandard street is fully improved to county public work standards and adopted right-of-way width.~~
  - (1) This requirement shall be waived if:
    - a. A traffic study, conducted by a qualified professional and funded by the applicant, demonstrates that the existing single-access street route is adequate and safe, or can be made adequate and safe with

- improvements volunteered by the applicant, for the increased traffic demand of the new subdivision; and
- b. The Planning Director and County Engineer can mutually make the following findings:
1. That due to topographic or other environmental characteristics of the area, it is unlikely that a another street route will be established that provides a second connection from the new subdivision to the greater interconnected public street network within the next 10 years; and
  2. That not providing the new subdivision with a single-access street route that complies with currently adopted standards, or that not providing the new subdivision with a second street route access to the greater interconnected public street network, does not conflict with an applicable general plan, small area plan, master streets plan, or similar adopted planning document.
- (2) In order for the provisions of (h)(1) to apply, owners having interest in the new subdivision shall execute a substandard road agreement and notice to new owners. The content of the substandard road agreement and notice shall be as specified by the county. At a minimum, it shall:
- a. Explain that the new subdivision has only a single street access connecting it to the greater interconnected public street network, and the single street access is not built to the minimum design and safety standards;
  - b. Require a deferral agreement that specifies that the owner or successors and heirs are responsible at a time the governing authority deems it necessary for their roughly proportionate share of improving the parts of the single-access street route that do not conform to County standards;
  - c. Cause for the governing authority, at their option, to withhold any written protest filed by the owner or their successors or heirs under the State Code's Assessment Area Act, Provisions For Local Districts, or any similar government revenue generation mechanism, from the final tally of collected protests, provided that the revenue generated by the mechanism is:
    1. limited to the actual estimated value, adjusted for market changes over time, of improving the substandard public street to the standards applicable at the time of the agreement's execution; and
    2. only applied to:
      - i. improving the substandard street to the standards applicable at the time of the agreement's execution;
      - ii. the larger cost of improving the street to an updated or better standard; or
      - iii. creating a second street route from the subdivision to the greater interconnected public street network; and

d. Be recorded to the property at the time of subdivision recordation or sooner.

(3) No precise mathematical calculation is required to determine the roughly proportionate share of improving the substandard single-access street route, as provided in Section 106-4-1(h)(2). However, an individualized determination shall be conducted for each lot. In determining what is roughly proportionate, the following guidelines apply:

a. The individualized determination is required to show that the established roughly proportionate share is related in both nature and extent to the impact of the developed lot.  
b. For each lot, the following factors shall be considered to determine their relevance to the calculation:

1. The minimum lot width of the applicable zone;
2. The actual lot width;
3. The average daily distance travelled;
4. The uses on the lot, the weight of a typical vehicle related to those uses, and the average daily trips related to those uses;
5. The total number of actual daily trips over a given time;
6. The longevity of current ownership and longevity of existing development or uses as they relate to historical property taxes paid; and
7. Any other consideration deemed necessary relative to the lot's impact on the substandard street route.

c. A lot owner may provide the County with a third-party study, conducted by a qualified professional as defined in Section 101-2, to assist in determining the nature and extent of the impact of the lot on the substandard street, or to analyze the financial obligation of the lot owner, or both.

(Ord. of 1952, title 26, § 4-1; Ord. No. 3-82, 1-26-1982; Ord. No. 2012-2, § 1(26-4-1), 1-10-2012; Ord. No. 2017-27, Exh. B, 7-25-2017)

**Editor's note**—Ord. No. 2017-27, Exh. B, adopted July 25, 2017, amended the catchline of § 106-4-1 from "Owner of subdivision responsible for costs" to read as herein set out.



## Staff Report to the Western Weber Planning Commission

Weber County Planning Division

### Synopsis

#### Application Information

**Application Request:** A public hearing to consider and take action on a request amend Weber County Code to require PUE's to be as specified by the County Engineer and/or Land Use Authority and to enable development along substandard streets under specific conditions.

**Agenda Date:** Tuesday, ~~May 12, 2020~~ July 14, 2020

**Staff Report Date:** Tuesday, May 5, 2020

**Applicant:** Weber County

**File Number:** ZTA 2020-04

#### Staff Information

**Report Presenter:** Charlie Ewert  
cewert@co.weber.ut.us  
(801) 399-8763

**Report Reviewer:** RG

### Applicable Ordinances

§ Sec 106-2-4 Lots  
§ Sec 106-4-1 General Requirements

### Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

### Summary and Background

Recent development in a cluster subdivision in Western Weber County has brought to our attention that requiring a ten foot public utility easement on every side lot line does not support the reduced sideyard setback of the cluster code. Further, we have found that a number of subdivision plat designers will place ten foot public utility easements along every lot line as their standard mode of operation. These arbitrary and unused easements often lead to problems for resulting landowners who cannot utilize the area in the easement. The attached proposal allows flexible public utility easement widths along with affirmative consent from the County Engineer or Land Use Authority (who is the planning commissions on all subdivisions except small subdivisions) for their placement.

### Policy Analysis

The proposed ordinance draft is attached as Exhibits A and B. The following is an analysis of the proposal based on the existing general plan.

*General plan.* Neither the Ogden Valley General Plan nor the West Central Weber General Plan address public utility easements or substandard streets in the context of this proposal. It can be determined, however, that the proposal will have a positive effect on both plans, since both plans strongly advocate for clustering development onto smaller lots, and an easement on every lot line causes unnecessary hardship on the use of the land. The effect of allowing development to continue along a substandard street, provided a traffic engineer deems it safe, will decrease street impacts and stormwater runoff. Requiring a substandard road agreement will assist the county to obtain a standard street at some point in the future.

*Ordinance.* Requiring that the County maintain control over what and where public utility easements are required is necessary because, through plat dedication, the County becomes the owner of those easements. The majority of

the time, public utility entities want to locate only across the front of the lot. Side and rear easement may be necessary on a case by case basis given the uniqueness of specific subdivisions and the specific utility, but to enable a surveyor or engineer to arbitrarily place them in an arbitrary or impracticable location on a subdivision plat leads to the county inheriting a host unnecessary private land encumbrances.

Recommending additional development to occur on a substandard dead-end street is atypical in more urban environments. However, there are a number of long substandard dead-end streets in rural areas that exist today as an evolutionary effect of age-old wagon trails, and not as a deliberate and intentional result of new street construction. Thus the public street right of way construction standards have never been applied to many unincorporated streets, and rather, the county has only provided operations, maintenance, and occasional safety improvements. The current ordinance does not allow development along a substandard public street. The proposal will allow development to occur provided traffic safety and road capacity is not reduced to unacceptable levels. It also builds-in a method by which the County can ensure the street is brought to standard over time without significant cost to the general public.

### Past Action on this Item

The Western Weber Planning Commission considered this item and offered staff direction in their April 14, 2020 work session.

The Ogden Valley Planning Commission considered this item and offered staff direction in their April 7, 2020 work session.

### Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 and UCA §17-27a-502 in the following manners:

- Posted on the County's Official Website
- Posted on the Utah Public Notice Website
- Published in a local newspaper

### Staff Recommendation

Staff recommends that the Planning Commission offer a positive recommendation to the County Commission for file ZTA 2020-04, a proposal to require PUE's to be as specified by the County Engineer and to enable development along substandard streets under specific conditions.

This comes with the following findings:

1. That the proposal does not have negative effect on the general plans.
2. The proposal will not place unnecessary burden for offsite street improvements on any single land developer.
3. The proposal will ensure thoughtful and deliberate acquisition of public utility easements in a manner less impactful to land owners.
4. That the proposal is in the best interest of the health, safety, and welfare of the public.

### Exhibits

- A. Proposed Ordinance Changes – Track Change Copy.
- B. Proposed Ordinance Changes – Clean Copy.

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1 **Title 106 Subdivisions**

2 ...

3 **Chapter 106-2 Subdivision Standards**

4 ...

5 **Sec 106-2-4 Lots**

6 ...

7 (i) *Easements*. Lots shall have a ten-foot public utility easement abutting the public street right-  
8 of-way and spanning the lot width, except that this easement is not required in zones that  
9 allow ~~no a zero~~ front setback. Other public utility easements shall ~~only~~ be provided ~~whereif,~~  
10 ~~and only if,~~ authorized ~~or required~~ by the County Engineer ~~or Land Use Authority, who shall~~  
11 ~~specify the easement's location and width, with a minimum width no less than five feet. If the~~  
12 ~~applicant cannot demonstrate that surface water runoff onto adjacent lots or parcels will not~~  
13 ~~exceed historic runoff rates, the land use authority may require that a land drain easement be~~  
14 ~~provided by the applicant. The land drain shall be installed as a part of the subdivision~~  
15 ~~improvements. easements for drainage through the subdivision and adjoining property be~~  
16 ~~provided by the applicant. Easements for water, sewer, drainage, power lines and other~~  
17 ~~utilities shall be provided where required, and at a width specified, by the County Engineer,~~  
18 ~~but never a width less than five feet. -~~ ~~Where a subdivision is adjacent to a parcel with an~~  
19 ~~agricultural use, and the agricultural use is at a lower elevation than the subdivision, a~~  
20 ~~perimeter land drain easement shall be provided and a land drain shall be installed as part of~~  
21 ~~the subdivision improvements in a manner that protects the agricultural use from surface water~~  
22 ~~infiltration.~~

Commented [CE31]: New language

23

24 ...

25

26 **Sec 106-4-1 General Requirements**

27 ...

28 (h) New subdivisions with sole access from a terminal substandard public street ~~system, whether~~  
29 ~~directly connected or connected via streets that meet county standard,~~ shall not be approved  
30 until the substandard street is fully improved to county public work standards and adopted  
31 right-of-way width.

32 (1) This requirement shall be waived if a traffic study, conducted by a qualified professional,  
33 demonstrates that the existing substandard public street ~~system~~ from which the new  
34 subdivision will gain access is adequate ~~and safe, or can be made adequate and safe with~~  
35 ~~improvements from the applicant,~~ for the increased traffic demand of the new subdivision,  
36 and if the Planning Director and County Engineer can mutually make the following  
37 findings:

38 (4)a. That due to topographic or other environmental characteristics of the area, it is  
39 unlikely that the terminal substandard street system will make a second connection to  
40 the public street network within the next 10 years; ~~and~~

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41 ~~(2)~~b. That not providing a secondary connection to the public street network does not  
42 conflict with a general plan, small area plan, master streets plan, or similar adopted  
43 planning document; ~~and~~.

44 (2) In order for the provisions of (h)(1) to apply, owners having interest in the proposed  
45 subdivision ~~have executed~~shall execute a ~~deferral~~substandard road agreement and notice  
46 to new owners. The content of the substandard road agreement and notice shall be as  
47 specified by the county. At a minimum, it shall:

48 a. require a deferral agreement that specifies that the owner or their successors and heirs  
49 are responsible for their roughly proportionate share of improving the substandard  
50 public street system at a time the county deems it necessary; ~~and~~

51 b. cause for the governing authority, at their option, to withhold any written protest filed  
52 by the owner under the State Code's Assessment Area Act, provisions for local  
53 districts, or any similar government revenue generation mechanism, from the final tally  
54 of collected protests. bind the owners and their successors and heirs to not file a  
55 written protest as otherwise allowed in State Code under the creation of a special  
56 assessment area, special improvement district~~Assessment Area Act, the provisions~~  
57 ~~for local districts, or any similar government revenue generation mechanism, intended~~  
58 ~~to improve the terminal fund improvements to the substandard public street system.~~  
59 ~~This requirement applies regardless of whether the terminal substandard public street~~  
60 ~~later makes a second connection to the public street network. The revenue generated~~  
61 by the mechanism shall be:

62 1. limited to the actual value, adjusted for market changes over time, of improving the  
63 substandard public street to the standards applicable at the time of the  
64 agreement's execution; and

65 2. only reinvested into improving the substandard street to the standards applicable  
66 at the time of the agreement's execution, or applied to the total cost of improving  
67 the street to an updated or better standard; and

68 c. be recorded to the property at the time of subdivision recordation, or sooner.

69 (3) No precise mathematical calculation is required to determine the roughly proportionate  
70 share of improving the substandard public street, as provided in Section 106-4-1(h)(2).  
71 However, an individualized determination shall be conducted for each lot. In determining  
72 what is roughly proportionate, the following guidelines apply:

73 a. The individualized determination is required to show that the established roughly  
74 proportionate share is related in both nature and extent to the impact of the developed  
75 lot.

76 b. For each lot, the following factors shall be considered to determine their relevance to  
77 the calculation: the minimum lot width of the applicable zone, the actual lot width,  
78 average daily distance travelled, number of actual trips, the uses on the lot, average  
79 daily trips related to those uses, weight of a typical vehicle related to those uses,  
80 longevity of current ownership and longevity of existing development or uses as they

**Commented [CE22]:** Ogden Valley forwarded a positive recommendation for this text amendment, but asked the County Commission to pay particular attention to the way this paragraph was written, as it didn't sit comfortably with a number of them, but the majority were not ready to say it isn't needed.

I have rewritten this paragraph after their discussion to try to mitigate some of the discomfort. It is now reads less heavy handed in terms of a landowner's ability to file a protest, gives the governing authority more leniency, and limits the governing authority's scope on what can be assessed in one of these taxing areas and on what the additional tax can be spent. Hopefully this mitigates concerns that this provision can lead to the runaway government effect.

**Commented [CE23]:** New section desired by the Ogden Valley Planning Commission to help quantify what roughly proportionate means. "rough proportionality" has been tested through several court cases. There is no set method to calculate, but the governing authority needs to make the case that through individual development evaluations their determination of roughly proportionate needs to be related both in nature and extend to the impact of the existence of the development.

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81 relate to historical taxes paid, and any other consideration deemed necessary relative  
82 to the lot's impact on the substandard street.

83 c. A lot owner may provide the county with a third-party study, conducted by a qualified  
84 professional as defined in Section 101-1-7, to assist in determining the nature and  
85 extent of the impact of the lot on the substandard street, or to analyze the financial  
86 obligation of the lot owner, or both.

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1 **Title 106 Subdivisions**

2 ...

3 **Chapter 106-2 Subdivision Standards**

4 ...

5 **Sec 106-2-4 Lots**

6 ...

7 (i) *Easements.* Lots shall have a ten-foot public utility easement abutting the public street right-  
8 of-way and spanning the lot width, except that this easement is not required in zones that  
9 allow a zero front setback. Other public utility easements shall be provided if, and only if,  
10 authorized or required by the County Engineer or Land Use Authority, who shall specify the  
11 easement's location and width, with a minimum width no less than five feet. If the applicant  
12 cannot demonstrate that surface water runoff onto adjacent lots or parcels will not exceed  
13 historic runoff rates, the land use authority may require that a land drain easement be provided  
14 by the applicant. The land drain shall be installed as a part of the subdivision improvements.  
15 Where a subdivision is adjacent to a parcel with an agricultural use, and the agricultural use  
16 is at a lower elevation than the subdivision, a perimeter land drain easement shall be provided  
17 and a land drain shall be installed as part of the subdivision improvements in a manner that  
18 protects the agricultural use from surface water infiltration.

19 ...

20 ...

21 **Sec 106-4-1 General Requirements**

22 ...

23 (h) New subdivisions with sole access from a terminal substandard public street, whether directly  
24 connected or connected via streets that meet county standard, shall not be approved until the  
25 substandard street is fully improved to county public work standards and adopted right-of-way  
26 width.

27 (1) This requirement shall be waived if a traffic study, conducted by a qualified professional,  
28 demonstrates that the existing substandard public street from which the new subdivision  
29 will gain access is adequate and safe, or can be made adequate and safe with  
30 improvements from the applicant, for the increased traffic demand of the new subdivision,  
31 and if the Planning Director and County Engineer can mutually make the following  
32 findings:

33 a. That due to topographic or other environmental characteristics of the area, it is unlikely  
34 that the terminal substandard street system will make a second connection to the  
35 public street network within the next 10 years; and

36 b. That not providing a secondary connection to the public street network does not  
37 conflict with a general plan, small area plan, master streets plan, or similar adopted  
38 planning document.

39 (2) In order for the provisions of (h)(1) to apply, owners having interest in the proposed  
40 subdivision shall execute a substandard road agreement and notice to new owners. The  
41 content of the substandard road agreement and notice shall be as specified by the county.  
42 At a minimum, it shall:

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- 43 a. require a deferral agreement that specifies that the owner or their successors and heirs  
44 are responsible for their roughly proportionate share of improving the substandard  
45 public street system at a time the county deems it necessary;
- 46 b. cause for the governing authority, at their option, to withhold any written protest filed  
47 by the owner under the State Code's Assessment Area Act, provisions for local  
48 districts, or any similar government revenue generation mechanism, from the final tally  
49 of collected protests. . The revenue generated by the mechanism shall be:
- 50 1. limited to the actual value, adjusted for market changes over time, of improving the  
51 substandard public street to the standards applicable at the time of the  
52 agreement's execution; and
- 53 2. only reinvested into improving the substandard street to the standards applicable  
54 at the time of the agreement's execution, or applied to the total cost of improving  
55 the street to an updated or better standard; and
- 56 c. be recorded to the property at the time of subdivision recordation, or sooner.
- 57 (3) No precise mathematical calculation is required to determine the roughly proportionate  
58 share of improving the substandard public street, as provided in Section 106-4-1(h)(2).  
59 However, an individualized determination shall be conducted for each lot. In determining  
60 what is roughly proportionate, the following guidelines apply:
- 61 a. The individualized determination is required to show that the established roughly  
62 proportionate share is related in both nature and extent to the impact of the developed  
63 lot.
- 64 b. For each lot, the following factors shall be considered to determine their relevance to  
65 the calculation: the minimum lot width of the applicable zone, the actual lot width,  
66 average daily distance travelled, number of actual trips, the uses on the lot, average  
67 daily trips related to those uses, weight of a typical vehicle related to those uses,  
68 longevity of current ownership and longevity of existing development or uses as they  
69 relate to historical taxes paid, and any other consideration deemed necessary relative  
70 to the lot's impact on the substandard street.
- 71 c. A lot owner may provide the county with a third-party study, conducted by a qualified  
72 professional as defined in Section 101-1-7, to assist in determining the nature and  
73 extent of the impact of the lot on the substandard street, or to analyze the financial  
74 obligation of the lot owner, or both.