

## OGDEN VALLEY PLANNING COMMISSION

### Ogden Valley Planning Commission Virtual Meeting

November 17, 2020

5:00 p.m.

<https://us02web.zoom.us/j/87618541516>

#### Legislative Items

30 min. 1. ZTA 2020-05: Discuss and potentially take action on potential scenarios to amend 108-7-25 of the Weber County Code regarding short-term rentals. *Staff Presenter- Scott Perkes*

10 min 2.ZTA 2020-08: Public hearing to discuss, take comment, and potentially take action on a county-initiated proposal to amend various zones to remove the use of conference center from zones that are primarily residential in nature, and provide additional clarifying language as may be necessary. This amendment may affect the following zones: DRR-1, F-5, F-10, F-40, CVR-1, FR-1, FV-3, FR-3. *Staff Presenter – Scott Perkes*

30 min. 3. ZTA2019-6: A public hearing for, consideration of, and possible action on a county-initiated proposal to amend Section 101-2, 104-20, 104-21, 104-22, and 104-23 to provide building design standards for indoor storage units in commercial areas, to add the use in manufacturing zones, clarify where the use can occur, and clarify that outdoor storage is not permissible in these zones unless otherwise specifically allowed by the use. *Staff Presenter – Charlie Ewert*

10 min. 4. ZTA2020-07: A public hearing for, consideration of, and possible action on a county-initiated proposal to amend Section 108-7-6 to limit the height of weeds and turf grasses. *Staff Presenter – Charlie Ewert*

#### Work Session Items

1 hr. WS2: Eden Small Area Plan Discussion and Map Review: *Staff presenter Charlie Ewert*

The regular meeting will be held VIRTUALLY via Zoom Video Conference. Please access this VIRTUAL meeting by navigating to the following weblink in a web browser: <https://us02web.zoom.us/j/87618541516>

A Pre-Meeting will also be held VIRTUALLY through the same weblink listed above at 4:30 p.m. The agenda for the pre-meeting consists of discussion of the same items listed above, on the agenda for the meeting.

No decisions are made in the pre-meeting, but it is an open, public meeting.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791



## Weber County Planning Division

Date: 11/12/2020  
To: Ogden Valley Planning Commission  
From: Scott Perkes – Planner | Weber County Planning Division  
  
Subject: Short-term rental regulation scenarios and updated draft ordinance

Commissioners,

During the commission's 10/27/2020 public hearing of the short-term rental regulation scenarios and draft ordinance, the Commission requested that staff develop a clarified regulation scenario to be known as the "Proof of Concept Scenario". The enclosed ordinance (see **Attachment "A"**) has added this scenario and clarified its differences with the "Business as Usual Scenario" that was reviewed during the meeting. Please see Page 1 of the updated ordinance to read through the 5 clarified scenarios, including the requested "Proof of Concept" Scenario.

### Proposed Edits to the Draft Ordinance

Following the 10/27/2020 public hearing, staff has followed-up on various commission and public comments in the form of modifications to the draft ordinance language. These modifications are shown in the ordinance with redlined edits. These edits include the following:

1. Under the Prohibitions section, item (c) *Private Covenants* has been rewritten with proposed language from Clark Duellman, who is a member of the public and an attorney specializing in HOA law. Please see Attachment "B" below for an explanation of the proposed language revision.
2. Mr. Clark Duellman has also provided some proposed language for item (2)f. under the *Licensing Procedure* section. This language has been proposed to better match the language being updated in item (c) *Private Covenants* and to better explain the required documentation required for applicants to submit to staff at the time of licensure to verify STRs are allowed based on their neighborhood and any potential covenants that may be associated. Again, see Attachment "B" for Mr. Duellman's explanation for this proposed language.
3. Lastly, under the occupancy section, subsection (2) has been updated to clarify multi-contract STR use within lock-off units that may be associated with approved developments within the DRR-1 zone or approved PRUD developments.

### Western Weber Planning Commission Action 11/10/2020

The Western Weber Planning Commission held a public hearing to discuss the five potential regulation scenarios and associated draft ordinance during their 11/10/2020 meeting. Following public comment, the commission moved to table the item to allow the Ogden Valley Planning Commission to review the requested "Proof of Concept" scenario prior to them making a formal recommendation to the County Commission.

I look forward to wrapping-up our discussion on this topic during the upcoming 11/17/2020 meeting. Please feel free to reach out should you have any questions.

Scott Perkes  
Planner – Weber County Planning Division  
[sperkes@webercountyutah.gov](mailto:sperkes@webercountyutah.gov)  
801-399-8772

### Attachments:

Attachment A – Draft STR Ordinance Including 5 Potential Regulation Scenarios  
Attachment B – Written Comments Regarding Private Covenants and Propose Alternative Language– Clark Duellman

## Attachment A

1    **Sec 108-23 Short-Term Rentals**

2    The four regulation scenarios listed below represent a few options for potential short-term rental regulation.  
3    These scenarios have been created to facilitate discussion. Any future adopted regulation may or may not follow  
4    one or none of these scenarios.

5    **Open Scenario:**

6    Any residential property within the unincorporated Weber County may obtain a short-term rental license to rent  
7    a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days.

- 3<sup>rd</sup> Party Enforcement is **utilized** to augment county enforcement efforts
- This scenario would be subject to the requirements and operational standards of this chapter.

10    **Open/Limited Scenario:**

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

- This scenario also employs a geographic separation requirement that would prevent STR properties  
from being located adjacent to, or within a specified distance of another STR property.
- 3<sup>rd</sup> Party Enforcement is **utilized** to augment county enforcement efforts
- This scenario would be subject to the requirements and operational standards of this chapter.

20    **Business as Usual Scenario:**

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

**Commented [PS1]:** This language is unchanged from the existing Sec. 108-7-25 "Nightly Rentals"

- This language is unchanged from existing regulation found in Sec. 108-7-25 "Nightly Rentals"
- 3<sup>rd</sup> Party Enforcement is **NOT utilized** to augment county enforcement efforts
- This scenario would **NOT be Subject** to the requirements and standards of this chapter.

28    **Proof of Concept Scenario:**

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

**Commented [PS2]:** This language is unchanged from the existing Sec. 108-7-25 "Nightly Rentals"

- This language is unchanged from existing regulation found in Sec. 108-7-25 "Nightly Rentals"
- 3<sup>rd</sup> Party Enforcement is **utilized** to augment county enforcement efforts
- This scenario would be subject to the requirements and operational standards of this chapter.

36    **Closed Scenario:**

37    The county will continue to allow STR licenses to be issued in the DRR-1 zone going forward. Except for existing  
38    owners with a valid conditional use permit and business license, STRs will no longer be allowed as a conditional  
39    use in the FR-3 zone. Owners within existing PRUD developments (with approved STR use) will be allowed to  
40    obtain an STR license, or continue renting if already licensed. New PRUD developments will no longer be  
41    approved with the STR use.

- 3<sup>rd</sup> Party Enforcement is **NOT utilized** to augment county enforcement efforts
- This scenario would **NOT be Subject** to the requirements and standards of this chapter.

## Attachment A

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

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

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

52    **Sec 108-23-X Applicability**

53    Four applicability scenarios for consideration: “Open”, “Open/Limited”, “Business as Usual”, “Proof of Concept”,  
54    and “Closed”.

55    **Sec 108-23-X Prohibitions**

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

57    (a) *Accessory Buildings and Accessory Dwelling Units.* Short-term rentals are not allowed in any accessory  
58    building, including licensed accessory dwelling units (ADUs), unless specifically provided for in other  
59    areas of this land use code. A property that contains a licensed ADU is not eligible to obtain a short-term  
60    rental license for the primary residence.

61    (b) *Deed Restricted Housing.* Short-term rentals are not allowed in properties that have been deed  
62    restricted for affordable or workforce housing.

63    (c) *Private Covenants.* ~~A short-term rental license will not be issued for any property that is subject to any recorded private covenants that restrict the property's use for short-term rentals, regardless of whether or not such private covenants are enforced by a homeowners association or committee. Private covenants may be identified as covenants, conditions and restrictions (CC&Rs), protective covenants, restrictive covenants or neighborhood covenants. A short term rental license will not be issued for any property that is subject to a private covenant that restricts the property's use for short term rentals.~~

69    **(d)(c) Sec 108-23-X Short-Term Rental License Required**

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

75    (b) *Geographic Separation of Licenses.* With exception to the DRR-1 zone, PRUD developments with short-  
76    term rental approvals, and properties in the FR-3 zone with valid short-term rental licenses at the time  
77    of the adoption of this chapter (XX/XX/20XX), all licensed short-term rental units shall be located a  
78    minimum of ~~500 feet~~ from other licensed short-term rental units.

80    (c) *Initial Licensing Period.* Following the adoption of this chapter, County staff will process short-term  
81    rental license applications by the order in which they are received. License applications that are found to

**Commented [PS3]:** This section is only applicable to the “Open/Limited” applicability scenario.

**Commented [PS4]:** This section is only applicable to the “Open/Limited” applicability scenario.

## Attachment A

82 have a proposed short-term rental unit within an existing 500-foot separation buffer will be denied until  
83 such a time in which a nearby license/s creating the encumbrance become expired or revoked.

84 **(d) Licensing Procedure**

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

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

- 89 a. Detailed floor plan and site plan of rental property indicating all areas allowed to be  
90 occupied by short-term occupants
- 91 b. Parking plan demonstrating compliance with the parking standards established in Sec  
92 XXX-XX-X
- 93 c. Trash disposal and collection plan demonstrating compliance with the trash disposal and  
94 collection standards established in Sec XXX-XX-X
- 95 d. Proof of homeowners' and liability insurance
- 96 e. Preliminary title report dated within 30 calendar days prior to the submittal of an  
97 application.

98 f. For properties that are subject to any recorded private covenants, applicants must  
99 submit a letter from the community's homeowners association or committee, or submit  
100 a copy of the private covenants including any amendments to such private covenants, to  
101 verify the short-term rental of dwellings is not restricted. For properties located within  
102 an HOA, applicants must submit either a letter from the HOA board, a copy of the  
103 community's Covenants, Conditions, & Restrictions (CC&Rs), or other acceptable  
104 documentation verifying the community does not have a regulation prohibiting the  
105 short term rental of dwellings.

106 g. f. Outdoor lighting plan showing compliance with Section 108-16.

107 h. g. Submission of the name and contact information associated with the individual or  
108 management company being designated as the Responsible Agent.

109 i. h. Signed acknowledgement by the owner and responsible agent that they have read this  
110 short-term rentals ordinance and understand the licensing, operational standards, and  
111 violation structure.

112 (e) **Application Review Procedure.** Upon submission of a complete application for a short-term rental  
113 license, staff shall circulate the application to the Planning Division, Building Department, Fire District,  
114 Health Department, and any other reviewing agency deemed appropriate for adequate review and  
115 approval of the license. Reviewing agencies shall have 30 days to review the submitted plans and return  
116 any requests for additional information or conditions of approval to the applicant. Applicants shall have  
117 60 days to comply with review agency requests or the application will be removed from consideration.  
118

119 (f) **Issuance of License.** All licenses shall be issued to property owners. Licenses are tied to the owner for a  
120 specific property and are non-transferable to other properties or other owners, except to individuals  
121 who are next of kin. Licenses shall be issued for a period of one year and shall expire at the end of each  
122 calendar year.  
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124 **Commented [PS5]:** This highlighted language is only applicable to the "Open/Limited" applicability scenario.

## Attachment A

125       (g) *License Renewal.* Existing licenses must submit for renewal and pay the required fee by no later than  
126       December 1<sup>st</sup> of each year to remain valid through the next calendar year. Licenses issued anytime mid-  
127       year will be required to renew their license by December 1<sup>st</sup> of the same year in order to become  
128       concurrent with the sequential annual licensing cycle. Owners wishing to renew a license must provide:  
129           (1) License renewal application  
130           (2) Inspection report (if required by Sec. XXX-XX-X)

131       **Sec 108-23-X Property Inspection**

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

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

148       **Sec 108-23-X Applicable Taxes And Remittance**

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

154       **Sec 108-23-X Responsible Agent**

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

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

## Attachment A

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

- 168           (1) *Internal posting.* Each licensed short-term rental property shall have the following information  
169           posted in a conspicuous location where it can be easily viewed by tenants:
- 170           a. Short-Term Rental License number;
  - 171           b. Contact information for the owner and responsible agent, including a phone number for  
172           24-hour response to emergencies;
  - 173           c. The property's maximum occupancy;
  - 174           d. The property-specific parking plan including the maximum number of vehicles allowed  
175           to be parked on the property and applicable parking rules;
  - 176           e. Description of the location/s of fire extinguishers and emergency egress routes;
  - 177           f. Good neighbor requirements regarding noise, parking, trash pickup, and fire  
178           restrictions;
  - 179           g. Current fire restriction information as disseminated through the Weber County Fire  
180           District website; and
  - 181           h. Any other information deemed necessary by the reviewing agencies to ensure the  
182           public's health and safety.
- 183           (2) *Street Addressing.* Each licensed short-term rental property shall have its assigned street  
184           address posted externally in a conspicuous location where it can be easily viewed day or night  
185           from the adjacent access way.

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

- 190           (1) The property's short-term rental license number
- 191           (2) The property's maximum permitted occupancy
- 192           (3) Maximum parking capacity
- 193           (4) A digital link to the County's short-term rental regulations
- 194           (5) The following language shall be included verbatim in a prominent location of the advertisement:  
195            "Any advertisement for a short-term rental property in unincorporated Weber County, Utah,  
196            that does not provide a unique license number is unlikely to be a lawfully licensed short-term  
197            rental."

198       (c) *Occupancy*

- 200           (1) *Occupancy Limits.* The maximum occupancy for a short-term rental property shall be no more  
201           than two people per bedroom, plus four people up to a maximum of 10 people.
  - 202           a. A property's maximum occupancy may be reduced due to a property's unique  
203           characteristics, including but not limited to, limited parking, septic/sewer system  
204           capacity, culinary water rights, etc.
  - 205           b. A greater maximum occupancy may be approved following additional review and  
206           approval of applicable reviewing agencies and the provision of additional components  
207           that would otherwise limit capacity including, but not limited to, fire suppression  
208           systems, parking, septic/sewer capacity, culinary water rights, sleeping rooms, etc.

## Attachment A

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- (2) *Single Contract.* With exception to condominiums with approved lock-off units in the DRR-1 zone or PRUD developments with approved short-term rental use, 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 8:00 am, no sound exceeding 55 dB, and no amplified or reproduced sound, shall be allowed as measured from the property line.
- (f) *Trash disposal and collection.* All short-term rental properties shall provide a trash disposal and collection plan at the time of license application to ensure that trash containers are not left outdoors where they can cause issues for wildlife, snow removal operations, or cause unsightliness. With exception to the property's assigned trash pick-up day, trash containers must be stored behind the property's front setback line and must be shielded from the view of adjacent public rights-of-way. The designated responsible agent shall ensure that any trash generated that exceeds the typical pick-up schedule is collected and removed from the property as needed on a case by case basis. Properties with larger maximum permitted occupancies may require the procurement of additional trash cans to accommodate the volume of anticipated trash being generated.
- (g) *Outdoor lighting.* Incorporated herein for all properties located in unincorporated Weber County desiring a short-term rental license, all outdoor lighting associated with a short-term rental shall at all times comply with the exterior lighting requirements set forth in Sec 108-16 of the Land Use Code.

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## Attachment A

- 253  
254 (h) *Signage.* On-site signage intended to advertise the property as a short-term rental is not permitted  
255 anywhere on the property or adjacent right-of-way.  
256  
257 (i) *Fire safety.*  
258 (1) The property must have primary access along a public right-of-way or access easement that  
259 meets the fire marshal's requirements for a fire access road.  
260 (2) The property must have a fire prevention system as approved by the fire marshal.  
261 (3) Outdoor fire pits must be permanently affixed natural gas or propane gas fixtures.  
262 (4) Smoke and carbon monoxide detectors must be installed and maintained per current building  
263 and fire codes.  
264 (5) Fire extinguishers must be placed in an approved location on each level of the property and  
265 adjacent to outdoor fire pits.  
266 (6) An emergency egress plan must be posted in a conspicuous location on each level of the  
267 property.  
268 (7) Properties located within the Wildland-Urban Interface (WUI) area shall comply with the current  
269 Wildland-Urban Interface code requirements.

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

- 270  
271 (a) *Complaints.* The Planning Division requires all complaints regarding the operation of any short-term  
272 rental unit to be made through the County's short-term rental hotline or website.  
273 (1) Complaints concerning the use or occupancy of a licensed short-term rental unit may be made  
274 to the County through the County's short-term rental hotline or website. The subject of the  
275 complaint may include, without limitation, such things as parking, trash, noise, or other  
276 concerns related to the short-term rental unit. The complaining party will then be provided with  
277 a reference number associated with their complaint; however, anonymous complaints made  
278 through the website or call center will not be processed.  
279 (2) When a complaint concerning a short-term rental unit has been received, contact to the  
280 responsible agent for the unit will be attempted by a County designee using the telephone  
281 number on file with the County. If the responsible agent can be reached by phone, the agent will  
282 be notified of the details of the complaint as filed by the complaining party. The time that the  
283 responsible agent was notified shall be recorded.  
284 (3) The responsible agent is required to make an attempt to resolve the issue that was subject to  
285 the complaint as outlined in **Sec 108-23-XX**. The responsible agent shall promptly notify the  
286 County's hotline if the agent believes a complaint has been successfully resolved. If the County's  
287 hotline does not receive notification from the responsible agent that a complaint has been  
288 successfully resolved within the timeframes outlined in **Sec 108-23-XX**, it shall be presumed that  
289 the complaint has not been successfully resolved, and the complaining party may follow up with  
290 the County's hotline or website with the reference number issued for the original complaint.  
291 (4) If a complaint involves the immediate health and safety of any person or property, or if, despite  
292 good faith efforts, the problem that was the subject of a complaint cannot be resolved, the  
293 responsible agent shall immediately contact the police, and follow any direction(s) given by the  
294 police.

## Attachment A

- 295           a. If a complaint is not resolved to the satisfaction of the complaining party, a formal  
296           complaint may be filed with the Planning Division. The formal complaint shall describe in  
297           detail the violation(s) of this chapter alleged to have occurred on the short-term rental  
298           property. Within three (3) days of receipt of such a complaint, the County shall provide a  
299           copy of the formal complaint to the owner and responsible agent if applicable. Formal  
300           complaints shall be signed by an individual and are subject to public inspection; no  
301           anonymous formal complaints shall be accepted.
- 302           b. The County shall investigate any formal complaint received, in order to determine if it is  
303           a substantiated complaint that represents a documented violation of any provision(s) of  
304           this Chapter.

305           (b) *Violations.* For the purposes of this chapter violations for licensed short-term rental properties shall be  
306           classified as either a Minor Violation or a Major Violation. Violations for unlicensed rental properties  
307           shall be classified as an Unlicensed Violation.

308           (1) *Minor violations.* A minor violation shall be any violation of the short-term rental standards as  
309           provided in Sec XXX-XX-X and XXX-XX-X.

- 310           a. Owners will be given one warning following their first minor violation within each  
311           calendar year. If this warning is subject to a static and prevailing concern, owners shall  
312           be given three calendar days to correct the issue or the warning will become a  
313           documented minor violation.

- 314           b. After three minor violations within 12 consecutive months, the owner shall be issued a  
315           major violation on the fourth and subsequent occurrences.

- 316           c. Each minor violation shall be subject to an administrative penalty as provided in Sec  
317           108-23-XX.

318           (2) *Major violation.* A major violation shall consist of the failure of the responsible agent to perform  
319           their responsibilities as provided in Sec. XXX-XX-X, or the fourth and subsequent minor violations  
320           within a 12 month consecutive time frame as provided in Sec. XXX-XX-X.

- 321           a. Owners will be given one warning in the event of a responsible agent failing to perform  
322           their responsibilities within each calendar year.

- 323           b. Each major violation shall be subject to administrative penalties as provided in Sec XXX-  
324           XX-X.

325           (3) *Unlicensed violation.* An unlicensed violation is committed upon the rental of an unlicensed  
326           property on a short-term basis.

- 327           a. Owners will be given one warning within each calendar year. Each violation thereafter  
328           shall be subject to administrative penalties as provided in Sec XXX-XX-X.

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

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

334           (a) *Minor violations.* Monetary fines shall be 50% of the advertised nightly rental rate on the date/s of the  
335           violation.

336           (b) *Major violations.* Monetary fines shall be 100% of the advertised nightly rental rate on the date/s of the  
337           violation.

## Attachment A

338       (c) *Unlicensed violations.* Monetary fines shall be **200%** of the advertised nightly rental rate on the date/s of  
339       the violation. If the unlicensed property does not have advertised rental rates, then the administrative  
340       penalty shall be the average nightly rental rate for all rental properties located in unincorporated Weber  
341       County for the dates associated with the violation.

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

343       (a) *Revocation due to minor violations.* If a short-term rental unit has **four** minor violations within **three**  
344       consecutive months, or **six** minor violations within **twelve** consecutive months, the short-term rental  
345       license shall be revoked in accordance with the provisions of Sec. 102-4-3.

346           (1) If a short-term rental license is revoked due to an accumulation of minor violations, for a  
347           minimum of **one** year following the revocation, the County shall not accept an application for a  
348           new license for the same short-term vacation rental property; with the exception that a new  
349           application by a new property owner, proven to be unaffiliated with the property owner whose  
350           license was revoked, may be considered.

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

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

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

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

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

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

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

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

371           **(c) In the event compliance cannot be attained, the land-owner and, if different, permittee shall be  
372           given a notice of the impending permit revocation 14 days prior to final revocation. The notice of the  
373           impending permit revocation shall specify the violation, and inform the land-owner and, if different,  
374           permittee of the right to request a hearing.**

375           **(d) The land owner and, if different, permittee shall have a right to a hearing with the land use  
376           authority to show cause for why the permit should not be revoked, if a written request for such is  
377           submitted prior to a final written revocation decision. If a hearing is requested, final revocation of the  
378           permit shall be stayed until after the hearing. The hearing shall be scheduled at a time specified by the  
379           land use authority.**

**Commented [PS6]:** These amendments will need to consider "License" vs. "Permit" nomenclature in order to be consistent.

## Attachment A

- 380       (e)(d) Revocation of a permit is final upon the issuance of a final written  
381           decision may be appealed pursuant to title 102, chapter 3.  
382       (f)(e) Revocation of a permit shall not prohibit prosecution or any other legal action taken on account  
383           of the violation, as provided in this Land Use Code or any other applicable law  
384

**From:** Clark Duellman <clark@cjdlegal.com>  
**Sent:** Tuesday, November 10, 2020 11:14 PM  
**To:** Perkes, Scott  
**Subject:** [EXTERNAL]Re: Draft Short-Term Rental Ordinance - HOAs & Private Covenants

**CAUTION:** This email originated from outside Weber County. Do not click links or open attachments unless you know the sender and are expecting the link or attachment. **Think Before You Click!**

Good morning Scott, I appreciate being given the chance to weigh-in on the two subsections of the draft short-term rental (STR) ordinance pertaining to HOAs and private covenants. Any changes to the County's ordinance or policies regarding STRs will have a significant impact on Ogden Valley communities, so I especially appreciate the time and attention you are putting into this effort.

I'll share my proposed revised language for each of the two subsections, followed by a few explanatory comments.

---

(c) *Private Covenants.* A short-term rental license will not be issued for any property that is subject to any recorded private covenants that restrict the property's use for short-term rentals, regardless of whether or not such private covenants are enforced by a homeowners association or committee. Private covenants may be identified as covenants, conditions and restrictions (CC&Rs), protective covenants, restrictive covenants or neighborhood covenants.

Here are my comments:

> Many Ogden Valley communities are subject to private covenants that are identified as "Covenants, Conditions & Restrictions" (CC&Rs). Other communities, however, are subject to private covenants with other names such as "protective covenants," "restrictive covenants," etc. For example, the private covenants currently recorded against the entire Elkhorn subdivision are simply labeled "Protective Covenants." I think it would be helpful to clarify that subsection (c) equally applies to all private covenants, regardless of how they are identified.

> Throughout Ogden Valley, some private covenants are governed and enforced by a homeowners association or committee, while other private covenants are not. The language I've proposed is intended to apply to all private covenants, including those that are recorded against communities that have no HOA or have no currently active HOA.

> While some private covenants in Ogden Valley are governed and enforced by an HOA, others are merely governed by a homeowners committee with the same or similar authority of an HOA.

---

f. For properties that are subject to any recorded private covenants, applicants must submit a letter from the community's homeowners association or committee, or submit a copy of the private covenants including any amendments to such private covenants, to verify the short-term rental of dwellings is not restricted.

Here are my comments:

- > Instead of referring to properties located within an HOA community, I've referred to "properties that are subject to any recorded private covenants." This ties Subsection (d)(2)f to the language of subsection (c) regarding private covenants, including private covenants that are enforced by an HOA and private covenants that may have been recorded against a community with no HOA or no currently active HOA. As currently written, Subsection (d)(2)f appears to require the submission of private covenants (CC&Rs) only if the property is located in an HOA community.
- > As I noted in my comments regarding subsection (c), some private covenants in Ogden Valley are governed and enforced by an HOA, while others are governed by a homeowners committee. I've added language to that effect.
- > I've eliminated the reference to CC&Rs, and instead referred to "private covenants" as that term is described under subsection (c).
- > I added the phrase "including any amendments" to cover the fact that private covenants may be periodically amended.
- > I eliminated the word "regulation" because that could be interpreted to broadly encompass not only private covenants but also any "rules and regulations" that might be adopted by a homeowners association or committee. It's important to note that Utah's HOA laws allow rules and regulations to be fairly easily adopted by a Board of Directors. Meanwhile, private covenants may only be adopted or amended by at least a majority vote, and often no less than 67% of the homeowners. In my experience, it's not unusual for HOA Boards to be overzealous by using rules and regulations (with zero homeowner approval) to address an issue that should actually be addressed under the private covenants (which requires a significant amount of homeowner approval). I strongly believe any restrictions regarding STRs should only be adopted and enforced as part of the community's private covenants – not as part of the community's rules and regulations.

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Those are my only suggestions and comments regarding the HOA and private covenant language. Of course, please don't hesitate to email or call with any follow-up comments or questions you might have.

Best regards,  
Clark  
(949) 244-2779



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Public hearing to discuss, take comment, and potentially take action on a county-initiated proposal to amend various zones to remove the use of conference center from zones that are primarily residential in nature.
<b>Agenda Date:</b>	Tuesday, November 17, 2020
<b>Applicant:</b>	Weber County
<b>File Number:</b>	ZTA 2020-08

### Staff Information

<b>Report Presenter:</b>	Scott Perkes sperkes@co.weber.ut.us (801) 399-8772
<b>Report Reviewer:</b>	RG

## Applicable Ordinances

- § 104-9 Forest Zones F-5, F-10, and F-40
- § 104-11 Commercial Valley Resort Recreation Zone CVR-1
- § 104-13 Forest Residential Zone FR-1
- § 104-14 Forest Valley Zone FV-3
- § 104-17 Forest Residential Zone FR-3
- § 104-29 Ogden Valley Destination and Recreation Resort Zone DRR-1

## 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 zoning ordinances for the F-5, F-10, F-40, CVR-1, FR-1, FV-3, FR-3, & DRR-1 zones to potentially remove the use of "Conference Center" from zones that are primarily residential in nature.

## Policy Analysis

The current zoning ordinances for the F-5, F-10, F-40, CVR-1, FR-1, FV-3, and FR-3 zones currently list the use of "Conference Center" as a conditional use. The DRR-1 zone is currently the only zone in which a conference center is listed as a permitted use.

The planning division recently received a conditional use permit application for a conference center in the FV-3 zone which spurred conversation as to whether a conference center is an appropriate use in zones that are primarily intended for residential uses.

Below is listed each of the affected zone's Purpose and Intent statements from their respective ordinances:

### § 104-9 Forest Zones F-5, F-10, and F-40:

- (a) *The intent of the forest zones is to protect and preserve the natural environment of those areas of the county that are characterized by mountainous, forest or naturalistic land, and to permit development compatible to the preservation of these areas.*
- (b) *The objectives in establishing the forest zones are:*
  - (1) *To promote the use of the land for forest, fish and wildlife and to facilitate the conservation of the*

- natural resources, vegetation and attractions;
- (2) To reduce the hazards of flood and fire;
  - (3) To prevent sanitation and pollution problems and protect the watershed;
  - (4) To provide areas for **private and public recreation and recreation resorts**; and
  - (5) To provide areas for homes, summer homes, and summer camp sites.

§ 104-11 Commercial Valley Resort Recreation Zone CVR-1:

- (a) The purpose of this zone is to provide locations in the Ogden Valley and at major recreation resort areas, where **service facilities** and goods normally required by the public in the pursuit of general recreation activities can be obtained.
- (b) In this role, even though the area is **primarily commercial in nature**, it should be compatible with the general surrounding natural environment. To this end, the general siting and architectural design of buildings and structures, the layout of parking areas and landscaping shall be subject to review and recommendations by the public agencies, design review and approval by the planning commission to ensure that the natural environment is preserved to the greatest possible extent.

§ 104-13 Forest Residential Zone FR-1:

The purpose of the forest residential zone is to provide area for **residential development** in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.

§ 104-14 Forest Valley Zone FV-3:

The purpose of the Forest Valley Zone, FV-3 is to provide area for **residential development** in a forest setting at a low density, as well as to protect as much as possible the naturalistic environment of the development.

§ 104-17 Forest Residential Zone FR-3:

The purpose in establishing the Forest Residential, FR-3 zone is to provide for medium density residential uses of apartment clusters or **condo-tels adjacent to and in conjunction with major recreational resorts**, recreation areas and facilities in the mountain areas of Weber County on the basis that such medium density multiple-family housing is an integral and normal part of a recreational resort complex catering to the needs of both tourists and permanent home ownership. This zone is intended to be used in mountain locations in **areas associated with major recreational resorts**.

§ 104-29 Ogden Valley Destination and Recreation Resort Zone DRR-1:

The purpose of this chapter is to provide flexible development standards to resorts that are dedicated to preserving open space and creating extraordinary recreational resort experiences while promoting the goals and objectives of the Ogden Valley general plan. It is intended to benefit the residents of the county and the resorts through its ability to preserve the valley's rural character, by utilizing a mechanism that allows landowners to voluntarily transfer development rights to areas that are more suitable for growth when compared to sensitive land areas such as wildlife habitats, hazardous hillsides or prime agricultural parcels. Resorts within an approved destination and recreation resort zone shall, by and large, enhance and **diversify quality public recreational opportunities**, contribute to the surrounding community's well-being and overall, instill a sense of stewardship for the land.

Staff's analysis of the zones in which a conference center is either a conditional or permitted use (listed above) has found that both the FR-1 and FV-3 zones are primarily intended for residential uses and may not be appropriate for a conference center use. Additionally, the FR-1 zone is entirely contained to Ogden Canyon where the majority of properties are constrained by narrow rights-of-way and other unique topographical characteristics that are not entirely hospitable to a conference center use.

The other applicable zones F-5, F-10, F-40, CVR-1, FR-3, and DDR-1 are intended to be more commercial or resort oriented and a conference center use may be acceptable as either a conditional use permit (F-5, F-10, F-40, CVR-1, FR-3), or as a permitted use (DDR-1) as is already required under their existing ordinances.

## **Noticing Compliance**

A public 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 consider which zones are desirable and appropriate for the conference center use. Staff also recommends that based on the analysis provided, that conference centers be removed as a conditional use from both the FR-1 and the FV-3 zones. Should the planning commission concur, a positive recommendation could be forwarded to the County Commission for file ZTA 2020-08.

## **Exhibits**

- A. Ogden Valley Zones – Use Matrix
- B. Proposed Ordinance

Ogden Valley Zones	<b>Conference/Education Center</b>
	<b>Permitted Use</b>
	Destination & Recreation Resort (DRR-1)
	<b>Conditional Use</b>
	Commercial Valley Resort Recreation (CVR-1)
	Forest Residential 1 (FR-1) (5 Acre Minimum)
	Forest Valley 3 (FV-3)
	Forest Residential 3 (FR-3)
	Forest 5 (F-5)
	Forest 10 (F-10)
	Forest 40 (F-40)
	<b>Not Permitted</b>
	Gravel (G)
	Manufacturing Valley (MV-1)
	Commercial Valley 2 (CV-2)
	Commercial Valley 1 (CV-1)
	(RE-20)
	(RE-15)
	Shoreline (S-1)
	Open Space (O-1)

1      [\*\*Chapter 104-14 Forest Valley Zone FV-3\*\*](#)  
2      [\*\*Sec 104-14-1 Zone Character And Objectives\*\*](#)  
3      [\*\*Sec 104-14-2 Permitted Uses\*\*](#)  
4      [\*\*Sec 104-14-3 Conditional Uses\*\*](#)  
5      [\*\*Sec 104-14-4 Permitted Signs And Regulations\*\*](#)  
6      [\*\*Sec 104-14-5 Site Development Standards\*\*](#)

Exhibit B

8      **Sec 104-14-1 Zone Character And Objectives**

10     The purpose of the Forest Valley Zone, FV-3 is to provide area for residential development in a forest setting at a low  
11    density, as well as to protect as much as possible the naturalistic environment of the development.

12     (Ord. of 1956, § 12B-1)

14     **Sec 104-14-2 Permitted Uses**

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

- 16       (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the  
17       main use to which the premises are devoted; and accessory uses customarily incidental to a main use.  
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19       (b) Agriculture.  
20       (c) Animals and fowl kept for family food production.  
21       (d) Cluster subdivision, in accordance with title 108, chapter 3.  
22       (e) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than 100  
23       feet from a public street, and not less than 25 feet from any side or rear lot line.  
24       (f) Greenhouse, noncommercial only.  
25       (g) Home occupations.  
26       (h) Horses for private use only, and provided that not more than two horses may be kept for each one acre of land  
27       exclusively devoted to the keeping of horses.  
28       (i) Household pets which do not constitute a kennel.  
29       (j) Single-family dwelling.  
30       (k) Temporary building for use incidental to construction work. Such building shall be removed upon the completion  
31       or abandonment of the construction work.  
32       (l) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.

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

36     **Sec 104-14-3 Conditional Uses**

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

- 41       (a) Agri-tourism; meeting the requirements of title 108, chapter 21 (agri-tourism).  
42       (b) Bed and Breakfast dwelling subject to the following standards:  
43               (1) Two parking spaces shall be provided for the host family plus one space for each guest room;  
44               (2) Proprietor or owner shall occupy the property;  
45               (3) Meals shall only be served to overnight guests;  
46               (4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per  
47               dwelling;  
48               (5) Not more than two guests sleeping rooms per dwelling;

- 49                         (6) Allowed only in existing dwellings with no exterior additions nor change in residential character;
- 50                         (7) Business license shall be obtained.
- 51
- 52                         (c) Bed and breakfast inn subject to the following standards and criteria:
- 53                                 (1) Proprietor or owner shall occupy the premises;
- 54                                 (2) Not more than seven sleeping rooms per inn;
- 55                                 (3) The lot shall be at least three acres in area with frontage on a public street of at least 250 feet in  
56                                 width;
- 57                                 (4) The lot shall have frontage on a major street as shown on the county master plan (state highway or  
58                                 county major street);
- 59                                 (5) The inn shall be at least 300 feet from the nearest existing dwelling;
- 60                                 (6) Two parking spaces shall be provided for the host family plus one space for each guest sleeping  
61                                 room;
- 62                                 (7) The guest parking shall be in the rear of the Inn;
- 63                                 (8) Meals shall be served to registered overnight guests only;
- 64                                 (9) Signs are limited to one name plate or one identification sign of not more than eight square feet in  
65                                 area;
- 66                                 (10) The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape  
67                                 plan shall be submitted with site plan.
- 68                                 (11) The inn shall be of a historic period or other distinguishable architectural style or design so as not to  
69                                 resemble the modern block motel appearance;
- 70                                 (12) A business license shall be obtained;
- 71                                 (13) All units to be in one building together with owner's residence.
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- 73                         (d) Small events, such as weddings, family reunions, business retreats and art/cooking classes, not to exceed 75  
74                                 participants and not more than four events held per calendar month, and only when conducted as an accessory  
75                                 use to an approved bed and breakfast inn.
- 76                         (e) Church, synagogue or similar permanent building used for regular religious worship.
- 77                         (f) ~~Conference/e~~Education center.
- 78                         (g) Educational institution.
- 79                         (h) Educational/institutional identification sign.
- 80                         (i) Golf course, except miniature golf.
- 81                         (j) Parking lot accessory to uses permitted in this zone.
- 82                         (k) Planned residential unit development in accordance with title 108, chapter 5 of the Land Use Code.
- 83                         (l) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- 84                         (m) Public building, public park, recreation grounds and associated buildings.
- 85                         (n) Public utility substations.
- 86                         (o) Recreation lodge.
- 87                         (p) Ski resorts, including summer skateboard activities as an accessory use.
- 88                         (q) Water pumping plants and reservoirs.
- 89                         (r) Recreation lodge.
- 90                         (s) Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code  
91                                 of Waste Disposal Regulations, but not including individual water disposal systems.

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7(§ 12B-3), 12-18-2012)**Sec 104-14-4 Permitted Signs And Regulations**

The following signs and regulations shall apply to the Forest Valley Zone, FV-3:

- (a) *Nameplate.* One nameplate for each dwelling unit, not exceeding two square feet in area, indicating the name of the occupant and/or permitted home occupation.
- (b) *Identification signs.* One sign, not exceeding eight square feet in area.
- (c) *Property signs.* One or more signs not exceeding eight square feet in combined total area for each street frontage of the lot, appertaining to lease or sale of the property. In addition, one or more signs of a temporary nature for each approved subdivision under development, or main building or uses under development other than dwellings, provided such signs shall not exceed in combined total area 200 square feet and that no one sign shall exceed 100 square feet in area.
- (d) *Location of signs.* Identification signs shall not be in any required front or side yard except that signs attached to a building may project not more than six feet into a required yard and must be not less than ten feet above the ground. Property signs shall be located not closer than ten feet to any property line. Nameplates may be located on the main structure.
- (e) *Lighting of signs.* Signs may be illuminated or floodlighted by indirect lighting only and the source of light shall not be visible beyond the property upon which located nor constitute a nuisance. Visible luminous tubes shall be considered as direct lighting. Animated signs are prohibited.
- (f) *Location.* Signs shall meet requirements of title 110, chapter 2, Ogden Valley signs, if located within the Ogden Valley area.

(Ord. of 1956, § 12B-4)

**Sec 104-14-5 Site Development Standards**

The following site development standards shall apply to the Forest Valley Zone, FV-3:

Minimum lot area	3 acres
Minimum lot width	150 feet except the width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third provided the lot has the required lot width at a distance of 70 feet back from the front lot line
Minimum yard setbacks	
Front	30 feet on streets of less than 80 feet in width; 50 feet on streets and highways of 80 feet or more in width
Side	20 feet, except 30 feet on side facing street on corner lot
Rear	
Main building	30 feet
Accessory building	10 feet
Main building height	
Minimum	1 story
Maximum	35 feet
Accessory building height	25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings

(Ord. of 1956, § 12B-5; Ord. No. 2002-8; Ord. No. 2009-14)

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129 **Chapter 104-13 Forest Residential Zone FR-1**  
130 Sec 104-13-1 Zone Character And Objectives  
131 Sec 104-13-2 Permitted Uses  
132 Sec 104-13-3 Conditional Uses  
133 Sec 104-13-4 Permitted Signs And Regulations  
134 Sec 104-13-5 Site Development Standards

135 **Sec 104-13-1 Zone Character And Objectives**

136 The purpose of the forest residential zone is to provide area for residential development in a forest setting at a low density,  
137 as well as to protect as much as possible the naturalistic environment of the development.

138 (Ord. of 1956, § 12-1)

139 **Sec 104-13-2 Permitted Uses**

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

- 141 (a) Accessory building incidental to the use of a main building; main building designed or used to accommodate the  
142 main use to which the premises are devoted; and accessory uses customarily incidental to a main use.
- 143 (b) Agriculture.
- 144 (c) Animals and fowl kept for family food production.
- 145 (d) Cluster subdivision, in accordance with title 108, chapter 3.
- 146 (e) Corral, stable or building for keeping animals or fowl, provided such building shall be located not less than 100 feet  
147 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  
148 the nearest adjacent residence.
- 149 (f) Greenhouse, noncommercial only.
- 150 (g) Home occupations.
- 151 (h) Horses for private use only, and provided that not more than two horses may be kept for each one acre of land -  
152 exclusively devoted to the keeping of horses.
- 153 (i) Household pets which do not constitute a kennel.
- 154 (j) Single-family dwelling.
- 155 (k) Temporary building for use incidental to construction work. Such building shall be removed upon the completion or  
156 abandonment of the construction work.
- 157 (l) Residential facilities for persons with a disability meeting the requirements of section 108-7-13.

158 (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-  
159 7, Exh. A, 5-5-2015)

160 **Sec 104-13-3 Conditional Uses**

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

- 163 (a) Bed and breakfast dwelling, subject to the following standards:
  - 164 (1) Two parking spaces shall be provided for the host family plus one space for each guest room;
  - 165 (2) Proprietor or owner shall occupy the property;
  - 166 (3) Meals shall only be served to overnight guests;
  - 167 (4) Signs are limited to a nameplate identification sign not exceeding two square feet in area per dwelling;
  - 168 (5) Not more than two guests sleeping rooms per dwelling;
  - 169 (6) Allowed only in existing dwellings with no exterior additions nor change in residential character; and
  - 170 (7) Business license shall be obtained.
- 171 (b) Bed and breakfast inn, subject to the following standards and criteria:
  - 172 (1) Proprietor or owner shall occupy the premises;
  - 173 (2) Not more than seven sleeping rooms per inn;
  - 174 (3) The lot must be at least 2½ acres in area with frontage on a public street of at least 250 feet in width;
  - 175 (4) The lot shall have frontage on a major street as shown on the county general plan (state highway or county  
176 major street);

- (5) The lot shall not be in a recorded subdivision unless the lot is specifically created for the purpose of a bed and breakfast inn;
- (6) The inn shall be at least 300 feet from the nearest existing dwelling;
- (7) Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;
- (8) The guest parking shall be in the rear of the inn;
- (9) Meals shall be served to registered overnight guests only;
- (10) Signs are limited to one nameplate or one identification sign of not more than eight square feet in area;
- (11) The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape plan shall be submitted with site plan;
- (12) The inn shall be of a historic period or other distinguishable architectural style or design so as not to resemble the modern block motel appearance;
- (13) A business license shall be obtained;
- (14) All units to be in one building together with owner's residence.
- (c) Church, synagogue or similar permanent building used for regular religious worship.
- (d) Educational institution.
- (e) Educational/institutional identification sign.
- (f) Golf course, except miniature golf.
- (g) Parking lot accessory to uses permitted in this zone.
- (h) Planned residential unit development in accordance with title 108, chapter 5 of this Land Use Code.
- (i) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (j) Public building, public park, recreation grounds and associated buildings.
- (k) Public utility substations.
- (l) Ski resorts, including summer skateboard activities as an accessory use.
- (m) Water storage reservoir developed by a public agency.
- (n) Conference/eEducation center, with five acre minimum lot size.

(Ord. of 1956, § 12-3; Ord. No. 3-72; Ord. No. 19-77; Ord. No. 15-86; Ord. No. 9-90; Ord. No. 14-92; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-42; Ord. No. 99-23; Ord. No. 2003-2; Ord. No. 2010-20)

#### **Sec 104-13-4 Permitted Signs And Regulations**

Signs shall meet requirements of chapter 32B, Valley Commercial Signs if located within the Ogden Canyon or Ogden Valley area.

(Ord. of 1956, § 12-4)

#### **Sec 104-13-5 Site Development Standards**

The following site development standards shall apply to the Forest Residential Zone FR-1:

Minimum lot area	1 acre
Minimum lot width	150 feet, except the width of lots on the outside of the curved streets or on the ends of cul-de-sacs may be reduced by up to one-third, provided the lot has the required lot width at a distance of 70 feet back from the front lot line
Minimum yard setbacks	
Front	30 feet on streets of less than 80 feet in width; 50 feet on streets and highways of 80 feet or more in width
Side	20 feet
Rear	
Main building	30 feet

Accessory building	10 feet
Main building height	
Minimum	1 story
Maximum	35 feet
Accessory building height	25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings

210 (Ord. of 1956, § 12-5; Ord. No. 7-77; Ord. No. 2-89; Ord. No. 2002-8; Ord. No. 2009-14)



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

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	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.
<b>Agenda Date:</b>	Tuesday, <del>October 27, 2020</del> November 17, 2020
<b>Staff Report Date:</b>	Tuesday, October 20, 2020
<b>Applicant:</b>	Weber County
<b>File Number:</b>	ZTA 2019-06

### Staff Information

<b>Report Presenter:</b>	Charlie Ewert cewert@co.weber.ut.us (801) 399-8763
<b>Report Reviewer:</b>	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 are 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 County Code is hereby *amended* as follows:

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

**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:

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

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.

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

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

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

**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:

## A M E N D M E N T

### 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.		

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

(3) Rear yard setback:

	<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>		

(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:

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

**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 ~~t~~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:

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

**Sec 104-20-4 Special Regulations**

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.

- (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

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:

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

**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>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>
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	<u>P</u>	P	<u>P</u>	P
Air conditioning, sales and service	N	<u>N</u>	N	<u>C</u>	P
<u>Altering, pressing and repairing of wearing apparel</u>	<u>P</u>	<u>P</u>	<u>P</u>		
Ambulance base stations	N	<u>N</u>	C	<u>C</u>	P
Amusement enterprises	N	<u>N</u>	N	<u>N</u>	C
Animal hospital, small animals only and provided it is conducted within completely enclosed building	N	<u>N</u>	N	<u>C</u>	C
Antique, import or souvenir shop	N	<u>N</u>	P	<u>P</u>	P
Archery shop and range, provided it is conducted within completely enclosed building	N	<u>N</u>	P	<u>P</u>	P
Art and artists supply store	N	<u>P</u>	P	<u>P</u>	P
Athletic, <u>recreational equipment</u> , and sporting goods <del>store</del> <u>sales</u> <u>or rentals</u> , excluding sale or repair of motor vehicles, motor boats or motors	N	<u>N</u>	P	<u>P</u>	P
Athletic and sporting goods store including sale or repair of motor vehicles, motor boats or motors	N	<u>N</u>	N	<u>N</u>	P
<u>Athletic club</u>	<u>N</u>	<u>P</u>	<u>P</u>		
Auction establishment	N	<u>N</u>	N	<u>C</u>	C

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
<u>Blue printing or photostatting</u>	<u>N</u>	<u>P</u>	<u>P</u>		
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

	C	C	P	P	P
<u>Butcher shop, excluding slaughtering</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>	P	<u>P</u>	<u>P</u>
Car wash, <del>automatic laundry type</del>	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	<u>P</u> <u>N</u>	P	<u>P</u> <u>E</u>	<u>P</u>	P
<del>Church, temporary revival</del>	<u>N</u>	<u>E</u>	<u>E</u>		
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>	P	<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

		N	P	
	C	C	P	P
<u>Day care center</u>	C	C	P	P
Delicatessen	P	P	P	P
Department store	N	<u>N</u>	P	P
Detective agency	P	<u>N</u>	P	<u>N</u>
Diaper service, including cleaning	N	<u>N</u>	P	P
Drapery and curtain store	N	<u>N</u>	P	P
Drive it yourself agency or business	N	<u>N</u>	P	<u>N</u>
Drug store	P	P	P	P
Dry cleaning <del>establishment</del>	<u>P</u> <del>N</del>	<u>P</u>	P	P
<u>Dry cleaning pickup station</u>	P	P	P	
<u>Dwelling unit in compliance with Section 104-21-4(d)</u>	<u>N</u>	<u>N</u>	<u>N</u>	P
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	P	C	P
Educational institution	N	<u>N</u>	P	P
Educational/institutional identification sign	C	<u>C</u>	C	<u>C</u>
Egg and poultry store, providing no live bird slaughtering or eviscerating permitted	P	P	P	P
Electrical and heating appliances and fixtures sales and service	N	<u>N</u>	P	P
Electronic equipment sales and service	N	<u>N</u>	P	P
Employment agency	N	<u>N</u>	P	P
Express and transfer service	N	<u>N</u>	N	<u>N</u>
Fabric and textile store	P	<u>C</u>	P	P
Farm implement sales	N	<u>N</u>	N	<u>C</u>
Film exchange establishment	P	<u>N</u>	P	N
<u>Fitness, athletic, health, or recreation center, or gymnasium</u>	<u>N</u>	<u>N</u>	P	P
Five and ten cent store	P	<u>N</u>	P	<u>N</u>
<u>Flooring sales and service, carpet, rug, and linoleum</u>	<u>N</u>	<u>N</u>	P	P
Florist shop	P	<u>C</u>	P	P
Frozen food lockers, incidental to a grocery store or food business	P	P	P	P

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

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

Consolidation of uses.

Fruit or vegetable store or stand

Furniture sales and repair

Fur apparel sales, storage or repair

Garden supplies and plant materials sales

Gift store

Glass sales and service

Government office buildings or uses, nonindustrial

Greenhouse and nursery; soil and lawn service

Grocery store

Gunsmith

Gymnasium

Hardware stores

Health club

Health food store

Heliport

Hobby and crafts store

Hospital supplies

Hotel

House cleaning and repair

House equipment display

Household appliance sales and incidental service

Household pets, dwelling units only

Ice cream manufacture

Ice cream parlor

Ice manufacture and storage

Ice store or vending station

Insulation sales

Insurance agency

Interior decorator and designing establishment *Interior  
decorator and designing establishment*

Janitor service and supply

Jewelry store sales and service

Use separated.  
See below.

Health club

Consolidation with fitness center.

Health food store

Heliport

Hobby and crafts store

Hospital supplies

Hotel

House cleaning and repair

House equipment display

Household appliance sales and incidental service

Household pets, dwelling units only

Ice cream manufacture

Ice cream parlor

Ice manufacture and storage

Ice store or vending station

Insulation sales

Insurance agency

Interior decorator and designing establishment *Interior  
decorator and designing establishment*

Janitor service and supply

Jewelry store sales and service

Redundant

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>	<u>N</u>	<u>N</u>	<u>P</u>		
<del>Launderette or laundromat</del>	<u>P</u>	<u>P</u>	<u>P</u>		
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 <sub>3</sub> 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

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.

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 for passenger automobiles</u>	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
<b>Pottery, sales and manufacture of crafts and tile</b>	<u>N</u>	<u>N</u>	P	<u>P</u>	<u>P</u>
Printing; <del>lithographing publishing or reproductions or copying</del> 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; <del>or</del> 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
Recreational vehicle storage, <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
<b>Restaurant, drive-through</b>	<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
<b>Self-storage, indoor units for personal and household items, in compliance with the requirements of Section 104-20-4.</b>	<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

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>	*P	<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
* <u>only time and temperature animated sign in C-1 Zone</u>					
Tailor shop	<u>PN</u>	<u>P</u>	P	<u>P</u>	P
Tavern, <u>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	P	P
<b>Telegraph office</b>	P	P	P		
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
Theat <u>reer</u> , indoor	N	<u>N</u>	P	<u>P</u>	P
Theat <u>reer</u> , 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>	P	P	P		
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
<b>Video sales and rental</b>	<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

\* 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)

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.

**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:

A M E N D M E N T

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:

A M E N D M E N T

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 reereation 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:

A M E N D M E N T

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 ZONECV-2 ZONE Minimum lot area: None None CV-1 ZONECV-2 ZONE Minimum lot width: None None CV-1 ZONECV-2 ZONE Minimum building height: 1 story Maximum building height: 35 feet 35 feet CV-1 ZONECV-2 ZONE Maximum lot coverage by buildings: 60 percent 60 percent CV-1 ZONECV-2 ZONE Minimum front yard setback: None None CV-1 ZONECV-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(e); or the building will abut a building on the adjoining lot or parcel. CV-1 ZONECV-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(e); 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:

A M E N D M E N T

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 County Code is hereby *amended* as follows:

A M E N D M E N T

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 ear wash, four spaces in the approach lane; Two bay ear wash, three spaces in the approach lane for each wash bay; Three or more bay ear 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 (e)(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 101-17, 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:**

## A M E N D M E N T

### Sec 104-21-5 Uses

~~n 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. CPAccesory 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. PPAncillary hospital NCAntique, import or souvenir shop NPArchery shop and range, provided it is conducted within an enclosed building. NPArt and artists gallery or supply store. PPAssisted living facility including convalescent or rest home. PPAAthletic, recreational equipment, and sporting goods sales/ rentals, excluding sale or repair of motor vehicles, motor boats or motors. NPAn auction 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. NPBakery. 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. NPBiycle sales and service. PPBilliard parlor. NCBoarding house. NCBoat sales and service. NCBoat and personal water craft rentals as an accessory use to boat sales and service. NCBook store, retail. PPBowling alley. NCButcher 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). NPDwelling 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. NPFlorist shop. CPFitness, athletic, health, recreation center, or gymnasium. NPFruit and vegetable store or stand. PPFurniture sales and repair. NPFur apparel sales, storage or repair. NGarden supplies and plant materials sales. CGift store. PPGlass sales and service. NPGovernment office buildings. NPGreenhouse and nursery. NPGrocery store. CPGrooming for small animals. PPGunsmith. PPHardware store. NPHHealth food store. PPHobby and crafts store. PPHotel. NCHouse cleaning and repair. NPHousehold appliance sales and incidental service. NCIce cream parlor. PPInsulation 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 salesNPMortuaryNCMotelNCMotorcycle and motor scooters sales and serviceNCMuseumCPMusic storeCPOffice supplyNPOriginal iron sales or repairNCPaint or wallpaper storeNPPark and playgroundPPParking lot or garage as a main useNCPest control and exterminationNPPet and pet supply storeNPPharmacyPPPPhoto studioPPPlumbing shopNPPost officeCPPottery, sales and manufacture of crafts and tileNPPrining, copy sales and servicesNPPrivate liquor clubNCProfessional officeNPPublic utilities substationCCRadio and television sales and serviceCPRadio or television broadcasting stationNPReal estate agencyCPReception center or wedding chapelNCRecreational 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:

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

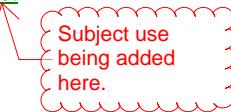
**Sec 104-22-2 Permitted Uses**

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.



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

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

**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. Subject use being added here.
- (ac) Small-batch artisan food processing limited to food for human consumption, e.g., baked goods, confectioneries, and craft cheese.

- (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.~~

(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:

## A M E N D M E N T

### 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.

Moving for  
alphabetical  
consistency.

- (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.**



New use being  
added for clarity  
purposes.

- (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

<b>Application Request:</b>	A public hearing to consider and take action on ZTA 2020-07, a request to amend the Weber County Land Use Code to create standards for storage units in the commercial zones.
<b>Agenda Date:</b>	Tuesday, <del>October 27, 2020</del> November 17, 2020
<b>Staff Report Date:</b>	Tuesday, October 22, 2020
<b>Applicant:</b>	Weber County
<b>File Number:</b>	ZTA 2020-07

### Staff Information

<b>Report Presenter:</b>	Charlie Ewert cewert@co.weber.ut.us (801) 399-8763
<b>Report Reviewer:</b>	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 requested 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:

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

**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 properties, including their property's perimeters and any adjacent sidewalk, trail or pathway, parkwaysstrip, 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)