

OGDEN VALLEY PLANNING COMMISSION

Ogden Valley Virtual Planning Commission

October 27, 2020

5:00 p.m.

<https://us02web.zoom.us/j/83749785146>

- *Roll Call*
- *Pledge of Allegiance*

Approval of the August 25, 2020, September 22, 2020 and October 6, 2020 meeting minutes

Scheduled times are approximate

Administrative Items

10 Min. CUP 2020-14: Request for approval of a conditional use permit for the storage of agricultural equipment for off-farm non-agricultural related construction work. *Staff Presenter – Steve Burton*

10 Min. CUP 2020-13: Consideration and/or action on a conditional use permit for Eden Storage, located in the CV-2 zone, at 2550 Valley Junction Drive, Eden, UT, 84310. *Staff Presenter – Tammy Aydelotte*

Legislative Items

1 hr. ZTA 2020-05: Public hearing to discuss and take comment on potential scenarios to amend § 108-7-25 of the Weber County Code regarding short-term rentals. *Staff Presenter – Scott Perkes*

30 min. 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. 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*

10 min. ZTA 2020-08: A public hearing regarding the removal of “Conference Center” as a conditional use within the FV-3 Zone. *Staff Presenter – Scott Perkes*

Work Session

20 min. WS1: CUP File 2020-15 – A discussion for a Conference/education center called Harvest Moon Ranch. *Staff Presenter Felix Lleverino*

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

The regular meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

&

Via Zoom Video Conferencing at the link listed here. <https://us02web.zoom.us/j/83749785146>

A Pre-Meeting will be held 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

Minutes of the Ogden Valley Planning Commission for August 25, 2020. To join meeting please navigate to the following web link at the time of the meeting <https://us02web.zoom.us/j/85275768120> Meeting ID: 852 7576 8120 commencing at 4:30 p.m. Pre-meeting

Present: John Lewis, Chair; John Howell, Chris Hogge, Shanna Francis Vice Chair, Jeffry R. Burton and Ron Lackey

Absent/Excused: Steve Waldrip

Staff Present: Rick Grover, Planning Director; Planner; Steve Burton, Planner, Felix Lleverini, Planner Scott Perkes, Planner; Tammy Aydelotte, Planner, Courtlan Erickson, Legal Counsel; Angela Martin, Lead Office Specialist

- **Roll Call**
- **Pledge of Allegiance**

APPRECIATION FOR SERVING ON THE PLANNING COMMISSION; Bob Wood.

1. Approval of the July 7, 2020 and the July 28, 2020 meeting minutes

Commissioner Lackey approved the July 7, 2020 and the July 28, 2020 meeting minutes, Commissioner Hogge seconded the motion. Chair Lewis, Commissioners Howell, Lackey, Burton, Francis, Hogge and Waldrip all voted aye, motion carried.

Work Session

WS1: Discussion about short-term rentals in Weber County and regulatory options. Staff Presenter: Scott Perkes

Mr. Perkes presented spreadsheets detailing short-term rental research conducted by staff. Mr. Perkes provided the commission with an update of the public input s that the community has sent in since the last work session. There was a discussion on this item. The Planning Commissioners pointed out several items that we preferred by the commission regarding short-term rental regulation scenarios. Enforcement was the most important one. What fines will be enforced, traffic, garbage, too many people staying in one home and loud parties, just to say a few. Mr. Perkes stated that the more input staff receives the better we can get this ordinance in a place where hopefully, everyone will be satisfied.

Meeting Adjourned: The meeting adjourned at 7:12pm

Respectfully Submitted,

Angela Martin

**Angela Martin, Lead Office Specialist
Weber County Planning Commission**

Minutes of the Ogden Valley and Western Weber Planning Commissions Joint Work Session for October 6, 2020. To join the meeting please navigate to the following weblink at <https://us02web.zoom.us/j/84873659061> the time of the meeting; commencing at 5:00 p.m.

Present: Ogden Valley Planning Commission, John Lewis, Chair; Shanna Francis, John Howell, Chris Hogge, Jeffry R. Burton, Steve Waldrip, Ron Lackey. Western Weber County, Bruce Nilson, Andrew Favero and Sara Wicherin

Absent/Excused:

Staff Present: Rick Grover, Planning Director; Charlie Ewart, Principal Planner; Steve Burton, Planner, Scott Perkes, Planner; Matt Wilson, Legal Counsel; Angela Martin, Lead Office Specialist

- *Roll Call*
- *Pledge of Allegiance*

Work Session Items:

WS1: Discussion about short-term rentals in Weber County and regulatory options. *Staff Presenter: Scott Perkes*

Mr. Perkes presented three different scenarios on short-term rentals.

- 1). Planning Commission Recommendation Scenario: This scenario has been drafted to follow the planning commission feedback received to date and limits short-term rentals to areas where they are allowed under the current regulations.
- 2). Open & Limited Scenario: This scenario has been drafted where STRs are allowed in all residential zones (minus the FR-1 zone) but requires a geographic separation between licensed units.
- 3). Open Scenario: This scenario has been drafted where STRs are allowed in all residential zones

There was a discussion on all three items. The concerns about STR's from the Planning Commissions were, Code Enforcement, safety on the roads, noise and how many people actually are renting.

Director Grover indicated that the Planning Division would like to present these scenarios to the public in a public hearing on October 27th, 2020. The Planning Commission agreed on this approach to gain additional public input on efforts up to this point in the process.

WS2: Eden Small Area Plan Discussion and Map Review. *Staff Presenter: Charles Ewert and Steve Burton*

This item will be heard on the October 27, 2020 meeting.

Director Grover commented that this discussion item is very important and he would like to have this for a Work Session Discussion before the end of the year.

Adjourn

Chair Lewis made a motion to adjourn the meeting. Commissioner Howell seconded the motion.

Chair Lewis, Commissioners Burton, Hogge, Howell, Francis, Lackey, Favero, Wicherin, Nilson and Waldrip all in favor voted aye. (Motion carried)

The meeting adjourned at 8:15 pm

Respectfully Submitted,
Angela Martin, Lead Office Specialist
Weber County Planning Commission



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Request for approval of a conditional use permit for the storage of agricultural equipment for off-farm non-agricultural related construction work.

Application Type: Administrative

File Number: CUP 2020-14

Applicant: Thom Summers

Agenda Date: Tuesday, October 27, 2020

Approximate Address: 6212 E 2100 N, Eden

Project Area: 5.72 acres

Zoning: AV-3

Existing Land Use: Agricultural/ Residential

Proposed Land Use: Agricultural/ Residential

Parcel ID: 22-049-0037

Township, Range, Section: Township 7 North, Range 1 East, Section 35

Adjacent Land Use

| | |
|---|---|
| North: Agricultural/ Residential | South: Agricultural/ Residential |
| East: Agricultural/ Residential | West: Agricultural/ Residential |

Staff Information

Report Presenter: Steve Burton
sburton@co.weber.ut.us
801-399-8766

Report Reviewer: RG

Applicable Ordinances

- Weber County Land Use Code Title 104 Chapter 6 (AV-3 zone)
- Weber County Land Use Code Title 108 Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Chapter 1 (Design Review)

Background and Summary

The applicant is requesting a conditional use permit to be able to store agricultural equipment that is used for off-site, non-agricultural related construction work. The subject parcel is 5.72 acres with a residence, located on an unimproved extension of 2100 N Street. This portion of 2100 N street is considered a private drive that is used to access two homes, one of which is the home of the applicant. The proposal includes existing buildings, with no new buildings proposed.

The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the Planning Commission to review and approve applications for conditional use permits and design reviews.

Analysis

General Plan: As a conditional use, this operation is allowed in the AV-3 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation is not anticipated to negatively impact any of the goals and policies of the General Plan.

Zoning: The subject property is located within the AV-3 Zone. The purpose of the AV-3 Zone can be further described in LUC §104-6-1 as follows:

The AV-3 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone is to:

- a) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;*
- b) Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and*
- c) Direct orderly low-density residential development in a continuing rural environment.*

The AV-3 zone lists the following as a conditional use:

The use and storage of farm equipment and other related equipment such as a backhoe, front-end loader or up to a ten-wheel truck, to be used by a farm owner, farm employee and/or a contracted farm operator of a bona-fide farm operation consisting of five acres or more, for off-farm, non-agricultural related, construction work to supplement farm income.

The applicant is proposing to store one of each of the following: a dump truck, a track hoe, back hoe, end loader, and a flatbed trailer. Staff feels that the proposed equipment to be stored meets the definition listed above. If additional equipment is proposed to be stored in the future, an amendment to the conditional use permit will be required. The proposed hours of operation are from 7 AM to 6 PM each day of the week.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. The Weber County Engineering Division has reviewed and approved the proposal. Weber Fire District has reviewed the proposal and has approved the proposal, with the stipulation that the improved road surface be at least 20 feet wide. The following is analysis of this proposal compared to the conditional use standards

Standards relating to safety for persons and property: The proposal to store agricultural equipment on site is not anticipated to cause concerns of safety for persons and property.

Standards relating to infrastructure, amenities, and services: The proposed use will have some impact on the public streets in this area. According to the applicant, this use has occurred on this parcel for at least 40 years. The Weber County Engineering Division did not express concerns with the proposed use or its impact on the county roads. The Planning Commission may consider adding a condition of approval that requires the applicant to ensure that the 2100 N street is kept in good repair.

Standards relating to the environment: For dust control, the applicant pours a dust guard consisting of magnesium chloride on the dirt road once a year. This proposal is not anticipated to negatively impact the environment.

Standards relating to the current qualities and characteristics of the surrounding area: This property is zoned agricultural, and is surrounded by several farms. The proposed use has similar characteristics to, and fits well into the surrounding area.

Design Review: The conditional use standards mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the buildings remains orderly and harmonious with the surrounding neighborhood. The following is an analysis of this proposal compared to the design review standards:

Considerations relating to traffic safety and traffic congestion: The proposal includes a site plan that identifies the location of the existing buildings and storage areas. The proposal is not anticipated to cause traffic safety concerns or congestion.

Considerations relating to landscaping: Although the site is not required to have landscaping because it is a primarily agricultural use, the site contains an area with existing landscaping for the residence. The landscaped area is approximately 1 acre with turf grass and evergreen trees.

Considerations relating to buildings and site layout: The storage buildings shown on the property are in compliance with the required zoning setbacks. The storage buildings on the property are not subject to the aesthetic commercial design standards.

Staff Recommendation

Staff recommends approval of this conditional use application subject to all review agency requirements and the following conditions:

1. Any additional equipment proposed to be stored after this permit is issued will require an amended conditional use permit application.
2. The applicant is required to repair any damages to the portion of 2100 N street, including the private drive, caused by the proposed use.
3. If the applicant does not legally have a right to use the private road for the proposed use, the conditional use permit will be void.

This recommendation is based on the following findings:

- The proposed use is allowed in the AV-3 one and meets the appropriate site development standards.
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Exhibits

- A. Application and Project Narrative
- B. Site Plan

Map 1



Weber County Conditional Use Permit Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

| | | | |
|----------------------------|-------------------|-----------------------------|--------------------------|
| Date Submitted / Completed | Fees (Office Use) | Receipt Number (Office Use) | File Number (Office Use) |
|----------------------------|-------------------|-----------------------------|--------------------------|

Property Owner Contact Information

| | | |
|--|-----|--|
| Name of Property Owner(s) Thom & Elise Summers | | Mailing Address of Property Owner(s) P.O. BOX 45 Eden, UT 84310 |
| Phone 801-603-6082 | Fax | |
| Email Address (required) thom.summers.farms@gmail.com | | Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail |

Authorized Representative Contact Information

| | | |
|--|-----|---|
| Name of Person Authorized to Represent the Property Owner(s) | | Mailing Address of Authorized Person |
| Phone | Fax | |
| Email Address | | Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail |

Property Information

| | | |
|---|--------------------------------------|----------------|
| Project Name drive way | Total Acreage 5.78 | Current Zoning |
| Approximate Address 6212 E 2100N Eden, UT | Land Serial Number(s) 22-049-0037 | |

| |
|--|
| Proposed Use use driveway for TRUCK and EQUIPMENT |
|--|

| |
|--|
| Project Narrative I have a weber Co. Business license # 2511 I have lived at this address for 40 plus years The driveway is the same dirt road That my family has used SINCE the property was homesteaded in the 1860's. I have used This driveway for my business Since 1983 |
|--|





Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and/or action on a conditional use permit for Eden Storage.
Agenda Date: Tuesday, October 27, 2020
Applicant: Jeff Allan, Owner
Authorized Representative: Lance Anderson
File Number: CUP 2020-13

Property Information

Approximate Address: 2550 Valley Junction Drive, Eden, UT 84310
Project Area: 2.19 acres
Zoning: Commercial Valley - 2 Zone (CV-2)
Existing Land Use: Vacant
Proposed Land Use: Self Storage
Parcel ID: 22-158-0010
Township, Range, Section: T6N, R2E, Section 34 NW

Adjacent Land Use

| | | | |
|---------------|---------------|---------------|-----------------------|
| North: | 2550 North St | South: | Vacant |
| East: | Vacant | West: | Valley Junction Drive |

Staff Information

Report Presenter: Tammy Aydelotte
taydelotte@co.weber.ut.us
801-399-8794
Report Reviewer: SB

Applicable Ordinances

- Weber County Land Use Code Title 101 Chapter 1 General Provisions, Section 7 Definitions
- Weber County Land Use Code Title 104 Chapter 21 (CV-2 Zone)
- Weber County Land Use Code Title 108 Chapter 4 (Conditional Uses)
- Weber County Land Use Code Title 108 Chapter 7 (Parking Lot Design and Maintenance)
- Weber County Land Use Code Title 108 Chapter 2 (Ogden Valley Architectural, Landscape, and Screening Standards)
- Weber County Land Use Code Title 108 Chapter 1 (Design Review)

Summary and Background

The applicant is requesting approval of a conditional use permit for Eden Storage, a self-storage facility, intended to provide 66 secure, covered storage units, to house a variety of recreational vehicles, as well as provide for other personal storage, located in the CV-2 zone at 2550 Valley Junction Drive, Eden, UT, 84310. The CV-2 Zone allows a "Self-storage, indoor units for personal and household items" and "Recreational vehicle storage" as conditional uses.

The application is being processed as an administrative review due to the approval procedures in Uniform Land Use Code of Weber County, Utah (LUC) §108-1-2 which requires the planning commission to review and approve applications for conditional use permits and design reviews.

Analysis

General Plan: The proposal conforms to the Ogden Valley General Plan by continuing and clustering commercial development within village areas (pgs. 30-31 Ogden Valley General Plan, Commercial Locations). As a conditional use, this operation is

allowed in the CV-2 Zone. With the establishment of appropriate conditions as determined by the Planning Commission, this operation will not negatively impact any of the goals and policies of the General Plan.

Zoning: The subject property is located within the Commercial Valley (CV-2) Zone. The purpose of the CV-2 Zone can be further described in LUC §104-21-1 as follows:

- (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.*
- (c) *The CV-2 Zone (General Commercial) has been established for the purpose of providing a broad range of commercial services and goods to serve a larger region of the county like the Ogden Valley. Areas with CV-2 zoning have a principal patronage which originates throughout the Ogden Valley or is due to recreation in the Ogden Valley. CV-2 areas are to be a commercial hub or node of activity. These areas, as outlined in the General Plan, are to be near the traditional town centers of the Ogden Valley and not to be strung out along the highways. Uses in the CV-2 Zone may provide goods and services not typically found amongst commercial areas within resorts including automobile sales and service, sporting goods, service stations, hotels, and professional offices.*

The applicable standards are as follows:

- Minimum front yard setback: 0 feet
- 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.
- 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.
- Maximum height: 35 feet
- Maximum lot coverage: 60% of lot area by buildings or accessory buildings

LUC 104-21-4 Commercial Valley Zones CV-1 and CV-2 Special Regulations

Complete street

1. A complete street, as defined in Section 101-1-7, shall be installed to span the street-frontage of the lot for the width of existing or proposed completed improvements, including parking facilities and required landscaped area. If this width is 75 percent of the lot width or greater, the complete street shall span the entire street-frontage of the lot in the CV-1 or CV-2 zone.
 1. Modification of existing site improvements that affect less than 25 percent of the lot area is exempt from complete street requirements.
 2. For portions of a lot's frontage in the CV-1 or CV-2 zone where a complete street is not required by this Subsection (c)(1), a 10-foot wide sidewalk is required, as prescribed by the Planning Director after consultation with the County Engineer.
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.

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.

Conditional Use Review: A review process has been outlined in LUC §108-4-3 to ensure compliance with the applicable ordinances and to mitigate anticipated detrimental effects. Prior to commencing work, the applicant will need to receive approval from the applicable agencies for the proposal. A condition has been made part of the Planning Division's recommendations to ensure that this standard is met.

Design Review: The CV-2 zone and the proposed conditional use mandate a design review as outlined in LUC §108-1 to ensure that the general design, layout and appearance of the building remains orderly and harmonious with the surrounding neighborhood. As part of this review, the Planning Commission shall consider the applicable matters based on the proposed conditional use and impose conditions to mitigate deficiencies where the plan is found deficient. The matters for consideration are as follows:

Considerations relating to traffic safety and traffic congestion:

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.

The proposal includes a site plan that identifies the location of the proposed buildings and the location of future and existing parking spaces that will provide adequate parking for customers.

LUC §108-8-4 outlines parking regulations. Self-storage is not a listed use. The chapter states the following for uses not listed:

Where uses not listed above, the parking requirements shall be established by the planning commission based upon a reasonable number of spaces for staff and customers, and similar requirements of like businesses.

LUC §108-8-7(6) further states:

All private parking facilities must be improved with a hard surface such as concrete or asphalt and must be sloped and graded to prevent drainage of storm water onto adjacent properties.

Staff feels that two customer parking spaces located at the east side of the proposed storage facility, will be adequate for the proposed use. All parking must be hard surface. Access to the proposed structures will be gained from 7800 E (see exhibit B). If the planning commission feels additional parking is required, a condition of approval must be added to staff's recommendation.

Considerations relating to landscaping. Applicant must submit a landscaping plan that shows breakdown of % of parcel that is proposed to be landscaped. The landscaping plan must meet the requirements as outlined in LUC §108-2, including 80% living plant material, and an irrigation plan.

Considerations relating to buildings and site layout. The proposed buildings meet the site development standards of the CV-2 Zone, including preferred building colors. As such, the applicant has been made aware that smooth CMU's are not allowed on street sides of buildings (LUC §108-2-4(2)). The applicant will be required to submit revised building elevations that show compliance with the architectural standards, including breaks in architecture that avoid monotonous horizontal lines. The revised building elevations will also need to show textured and properly colored CMU, or other approved exterior building materials.

Considerations relating to utility easements, drainage, and other engineering questions. The applicant will need to adhere to all conditions of the Engineering Division including but not limited to recommendations regarding retention ponds and a SWPP.

Considerations relating to prior development concept plan approval associated with any rezoning agreement, planned commercial or manufacturing rezoning, or planned residential unit development approval. The proposed site have any type of development agreement associated with the property; therefore considerations pertaining to this portion of the code are not applicable at this time.

Review Agencies: To date, the conditional use permit has been approved by the Weber Fire District. Weber County Engineering has reviewed, but not yet approved this project. All review agency requirements must be addressed and completed prior to the conditional use permit being issued.

Additional Design Standards: Additional standards and requirements from reviewing agencies, including the Weber County Engineering Division must be fulfilled before the recording of the final plat.

Tax Clearance: 2019 property taxes have been paid in full. 2020 property taxes are due in full November 30, 2020.

Staff Recommendation

Staff recommends approval of Eden Storage conditional use permit subject to the applicant meeting the conditions of approval in this staff report and any other conditions required by the Planning Commission. This recommendation is subject to all review agencies and is based on the following conditions:

1. Two dedicated parking spaces be located on the site.
2. Landscaping will be located along street-facing property lines, per required as a complete street requirement. See §104-21-4. The landscaping plan must show a minimum of 80% living plants. Landscaping must either be installed or escrowed for, prior to issuance of a conditional use permit.
3. All proposed signage will adhere to sign regulation as outlined in LUC §110-2.
4. A lighting plan, as part of the complete street design, must be reviewed and approved by Planning prior to issuance of a conditional use permit, per regulations as set forth in LUC §108-16.
5. All street sides of the buildings along Valley Junction Drive and 2550 North Street East may not have CMU's unless colored and textured.
6. A 10' pathway/sidewalk along Valley Junction Drive and 2550 North Street is required per LUC §104-21-4.
7. The complete street design shall include pedestrian crossings on Valley Junction Drive and 2550 North Street.
8. A perpetual building maintenance agreement is required per §104-21-4, for all shared property boundaries where buildings are located closer than 10' to the property boundary.
9. The applicant will need to submit revised building elevations, showing architectural detail at focal points on all building facades, such that monotonous horizontal lines greater than 50 feet do not occur.

This recommendation is based on the following findings:

- The proposed use is allowed in the CV-2 Zone and meets the appropriate site development standards.
- The criteria for issuance of a conditional use permit have been met because mitigation of potential detrimental effects can be accomplished.

Exhibits

- A. Application & Narrative
B. Site Plan, Landscaping Plans, Elevations

Map 1



Exhibit A – Application & Narrative

| Weber County Conditional Use Permit Application | | | |
|---|-------------------|--|-----------------------------------|
| Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401 | | | |
| Date Submitted / Completed | Fees (Office Use) | Receipt Number (Office Use) | File Number (Office Use) |
| Property Owner Contact Information | | | |
| Name of Property Owner(s) Jeff Allan | | Mailing Address of Property Owner(s) 6895 E 200 S Huntsville, UT 84317 | |
| Phone 858-204-2131 | Fax | Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail | |
| Email Address jeff.sds@gmail.com | | | |
| Authorized Representative Contact Information | | | |
| Name of Person Authorized to Represent the Property Owner(s) Lance Anderson | | Mailing Address of Authorized Person 95 Golf Course Rd Logan, UT 84321 | |
| Phone 435-713-0099 | Fax | Preferred Method of Written Correspondence <input checked="" type="checkbox"/> Email <input type="checkbox"/> Fax <input type="checkbox"/> Mail | |
| Email Address lance@cachelandmark.com | | | |
| Property Information | | | |
| Project Name Eden Storage | | Total Acreage 2.19 | Current Zoning Commercial CV-2 |
| Approximate Address 2550 x Valley Junction Dr Lot #10 Valley Junction Sub Division | | Land Serial Number(s) APN-22-15B-0010 | |
| Proposed Use RV, Boat x Self Storage | | | |
| Project Narrative attached | | | |

Property Owner Affidavit

I (We), Jeff Allan, depose and say that I (we) am (are) the owner(s) of the property identified in this application and that the statements herein contained, the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

Jeff Allan
(Property Owner)

(Property Owner)

Subscribed and sworn to before me this 21st day of August, 2020.



[Signature]
(Notary)

August 21, 2020

Eden Storage Units
Owner: Jeff Allan
5956 East Big Horn Parkway
Eden, Utah 84310

Design/Civil: Lance Anderson
Cache Landmark Engineering
95 Golf Course Road
Logan, Utah 84321

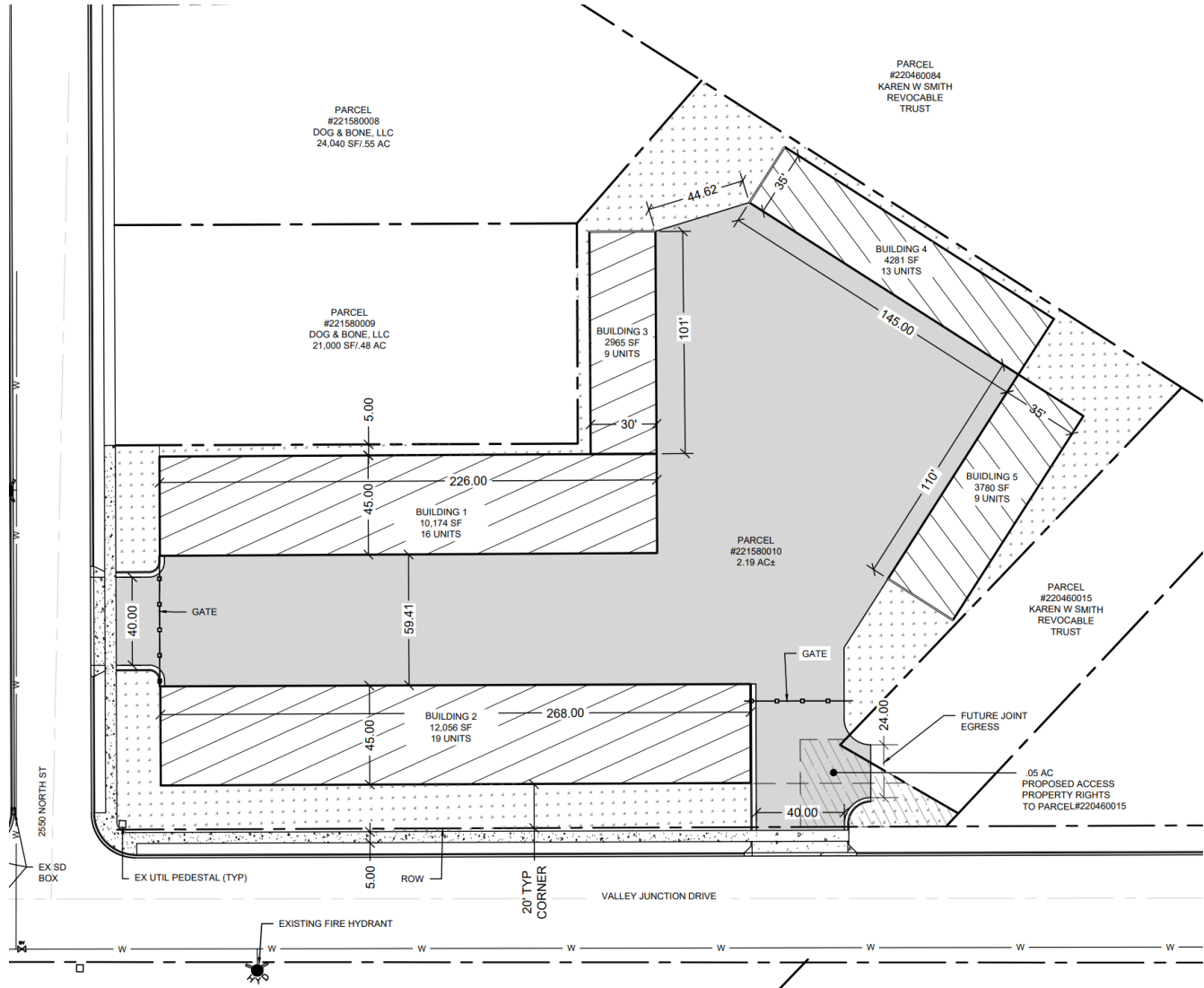
Project Narrative:

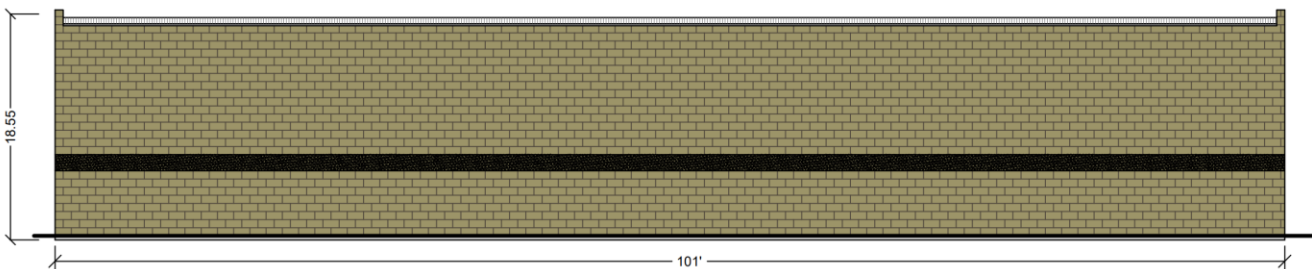
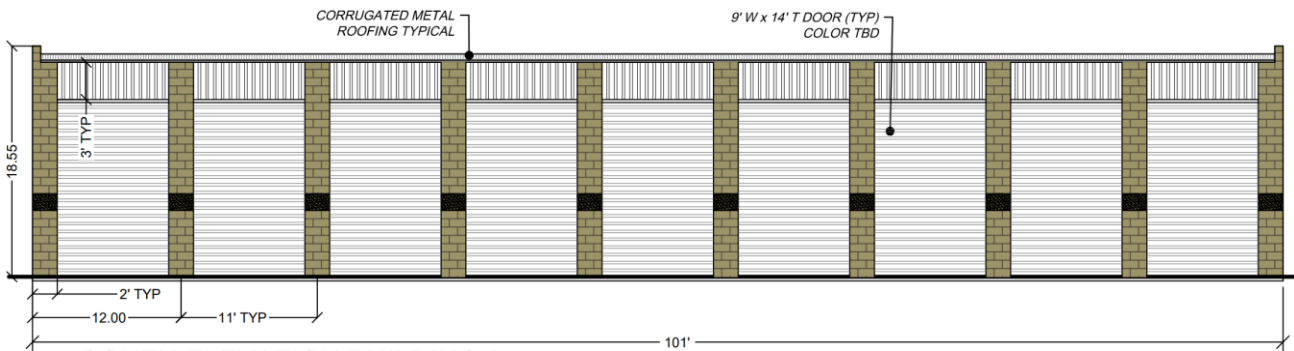
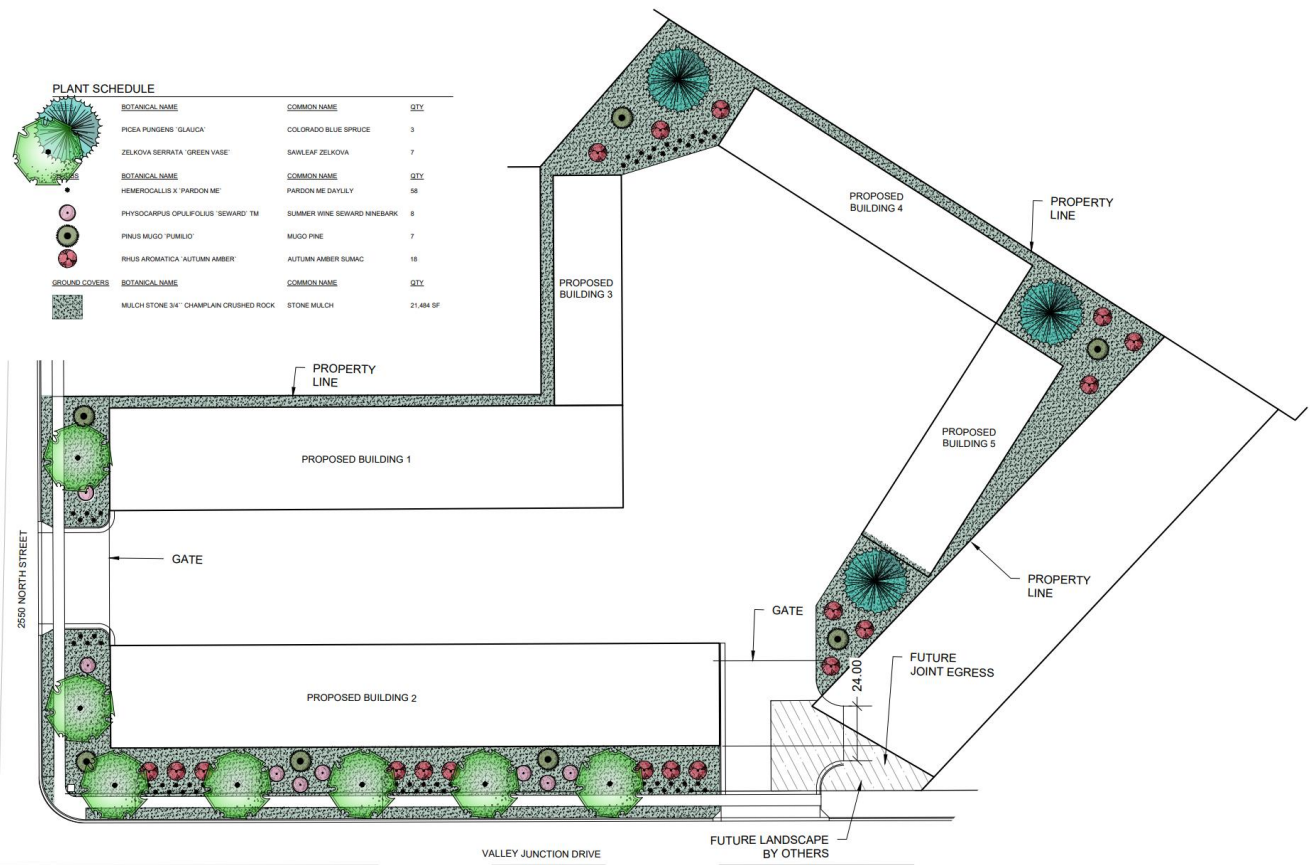
5 Buildings/53 units
Total Building SF = 40, 664
Total Acreage = 2.19 AC

Boat and RV storage is in high demand in Ogden Valley. Eden storage plan is intended to meet needs as outlined in Sec. 104-21-1-c. The Eden Storage project consists of 5 buildings of CMU construction. The buildings consist of units ranging from a minimum of 14' x 30' to a maximum of 15' x 45'.

Eden Storage will not be detrimental to the health, safety, and general welfare of persons nor injurious to property or improvements in the community, but is compatible with and complimentary to the existing surrounding uses, buildings, and structures.

Exhibit B – Site Plan, Landscaping Plan, Elevations





1 Sec 108-23 Short-Term Rentals^[PS1]

2 Sec 108-23-X Purpose And Intent

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

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

1.1 Sec 108-23-X Applicability^[PS2]

2 **Open/Limited Scenario:**

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

7 **Business as Usual:**

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

2 **Open:**

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

7 **Sec 108-23-X Prohibitions**

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

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

- (c) *Private 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.

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

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

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

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

(d) *Licensing Procedure*

- (1) The owner or authorized representative shall submit a notarized short-term rental license application on a form provided by the Planning Division, and shall pay the application fee set by County Commission resolution.
- (2) Applications shall be accompanied by the following materials:
 - a. Detailed floor plan and site plan of rental property indicating all areas allowed to be occupied by short-term occupants
 - b. Parking plan demonstrating compliance with the parking standards established in Sec XXX-XX-X
 - c. Trash disposal and collection plan demonstrating compliance with the trash disposal and collection standards established in Sec XXX-XX-X
 - d. Proof of homeowners' and liability insurance
 - e. Preliminary title report dated within 30 calendar days prior to the submittal of an application.
 - f. For properties located within an HOA, applicants must submit a letter from the HOA board, or a copy of the community's Covenants, Conditions, & Restrictions (CC&Rs) that verify the community does not have a regulation to prohibit the short-term rental of dwellings.
 - g. Outdoor lighting plan showing compliance with Section 108-16.

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

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

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

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

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

Sec 108-23-X Property Inspection

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

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

Sec 108-23-X Applicable Taxes And Remittance

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

Sec 108-23-X Responsible Agent

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

Sec 108-23-X Operational Standards

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

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

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

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

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

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

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

(c) Occupancy

- (1) *Occupancy Limits.* The maximum occupancy for a short-term rental property shall be no more than **two** people per bedroom, plus **four** people up to a maximum of **10** people.
 - a. A property’s maximum occupancy may be reduced due to a property’s unique characteristics, including but not limited to, limited parking, septic/sewer system capacity, culinary water rights, etc.
 - b. A greater maximum occupancy may be approved following additional review and approval of applicable reviewing agencies and the provision of additional components that would otherwise limit capacity including, but not limited to, fire suppression systems, parking, septic/sewer capacity, culinary water rights, sleeping rooms, etc.
- (2) *Single Contract*^{PS8}. Owners shall not concurrently rent individual rooms or areas to unrelated parties for the same night or nights.
- (3) *External sleeping accommodations prohibited.* All sleeping accommodations must be maintained internal to the licensed dwelling unit as indicated by the floorplan that was submitted and approved during the licensing process. External accommodations such as yurts, teepees, tents, or other temporary structures may not be used for sleeping accommodations or as a means to increase the maximum permitted occupancy.
- (4) *Duration.* , No licensed short-term rental unit may be rented for less than **three** consecutive days, with exception to the following areas:
 - a. Licensed properties within the DRR-1 zone
 - b. Properties located within PRUD developments with short-term rental approval.
 - c. Properties located within the FR-3 zone that have obtained a valid conditional use permit and short-term rental license prior to **XX-XX-XXXX**.

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

- (1) All vehicles of occupants and visitors of a short-term rental property shall be parked only within the property’s boundary lines. Additionally, no more than **25%** of the property’s front or side yard setbacks shall be dedicated to parking.
- (2) No parking is allowed within the property’s adjacent rights-of-way.
- (3) No more than one parking space per sleeping room may be provided.
- (4) No vehicles shall be parked on the lawn or landscaped areas of the property.
- (5) No person shall be permitted to stay overnight in any vehicle which is parked at the property.
- (6) No vehicles with a passenger capacity of greater than sixteen **(16) persons** may be parked at the property.

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

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

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

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

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

- a. Owners will be given one warning following their first minor violation within each calendar year. If this warning is subject to a static and prevailing concern, owners shall be given three calendar days to correct the issue or the warning will become a documented minor violation.
- b. After three minor violations within 12 consecutive months, the owner shall be issued a major violation on the fourth and subsequent occurrences.
- c. Each minor violation shall be subject to an administrative penalty as provided in **Sec 108-23-XX.**

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

- a. Owners will be given one warning in the event of a responsible agent failing to perform their responsibilities within each calendar year.
- b. Each major violation shall be subject to administrative penalties as provided in **Sec XXX-XX-X.**

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

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

Sec 108-23-X Administrative Penalty

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

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

Sec 108-23-X License Revocation

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

(1) If a short-term rental license is revoked due to an accumulation of minor violations, for a minimum of **one** year following the revocation, the County shall not accept an application for a new license for the same short-term vacation rental property; with the

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

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

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

Sec 108-23-X License Revocation Appeal Procedure

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

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

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

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

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

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

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

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

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

1 THIS DOCUMENT HAS BEEN SIGNIFICANTLY CONDENSED TO FACILITATE DISCUSSION DURING
2 PUBLIC HEARING. A FULL VERSION OF THIS DOCUMENT CAN BE FOUND ON FRONTIER THROUGH THE
3 FOLLOWING LINK:

4 <https://frontier.co.weber.ut.us/p/Project/ViewFile?ProjectDocumentId=47928>

5
6
7 **Sec 108-23 Short-Term Rentals**^[PS1]

8 **Sec 108-23-X Purpose And Intent...**

9 **Sec 108-23-X Applicability**^[PS2]

10 **Open/Limited Scenario:**

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

15 **Business as Usual:**

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

20 **Open:**

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

24 **(All three scenarios listed above will utilize a 3rd party enforcement company to support and augment
25 staff's ability to enforce the licensing and operational standards listed below)**

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

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

28 (a) *Accessory Buildings and Accessory Dwelling Units...*

29 (b) *Deed Restricted Housing...*

30 (c) *Private Covenants...*

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

(a) *Licensing.* It is unlawful for an owner to rent any property for a time period of less than 30 days within the unincorporated area of Weber County without a valid short-term rental license pursuant to this Chapter.

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

(c) *Initial Licensing Period.* ^[PS5] Following the adoption of this chapter, County staff will process short-term rental license applications by the order in which they are received.... First come , first served.

(d) *Licensing Procedure...*

Sec 108-23-X Property Inspection

(a) *Initial property inspection...*

(b) *License renewal property inspection...*

Sec 108-23-X Applicable Taxes And Remittance

Owners of short-term rentals are responsible to collect and remit all applicable state and local taxes...

Sec 108-23-X Responsible Agent

The owner of a short-term rental shall appoint a Responsible Agent for the rental property. The appointed responsible agent shall be on-call to manage the property during any period in which the property is occupied. This agent must be able to respond, in person if needed, within 60 minutes to address any complaints...

Sec 108-23-X Operational Standards

(a) *Information Dissemination Requirements...*

(b) *Advertising Requirements...*

(c) *Occupancy...*

(d) *Parking...*

(e) *Noise...*

(f) *Trash disposal and collection...*

(g) *Outdoor lighting...*

(h) *Signage...*

(i) *Fire safety...*

Sec 108-23-X Complaints And Violations

(a) *Complaints.* The Planning Division requires all complaints regarding the operation of any short-term rental unit to be made through the County's short-term rental **hotline or website**^[PS6]. The Responsible Agent is then required to address the complaint within 60 minutes...

71 (b) *Violations.*

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

74 (2) *Major violation.* A major violation shall consist of the failure of the responsible agent to
75 perform their responsibilities as provided in Sec. XXX-XX-X...

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

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

79 Any person found in violation of any provision(s) of this Chapter is liable for an administrative penalty in
80 the form of a monetary fine based on the property's average nightly rate:

81 (a) *Minor violations.* Monetary fines shall be 50% of the advertised nightly rental rate

82 (b) *Major violations.* Monetary fines shall be 100% of the advertised nightly rental rate

83 (c) *Unlicensed violations.* Monetary fines shall be 200% of the advertised nightly rental rate

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

85 (a) *Revocation due to minor violations:*

86 (1) Four minor violations within three consecutive months; or

87 (2) Six minor violations within twelve consecutive months

88 (b) *Revocation due to major violations.*

89 (1) Two major violations within three consecutive months; or

90 (2) Four major violations within twelve consecutive months

91 **Sec 108-23-X License Revocation Appeal Procedure...**



Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

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

Agenda Date: Tuesday, October 27, 2020

Staff Report Date: Tuesday, October 20, 2020

Applicant: Weber County

File Number: ZTA 2019-06

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

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

Legislative Decisions

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

Summary and Background

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

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

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

Policy Analysis

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

existing general plan and existing ordinances.

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

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

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.²

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.

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

² 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:

AMENDMENT

Sec 101-2-16 O Definitions

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

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

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

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

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

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

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

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

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

AMENDMENT

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

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

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

AMENDMENT

Sec 104-20-1 Purpose And Intent

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

The changes presented in this section are a result of consolidating chapter 104-20 and 104-21, and clarifying how the zones are intended to work in relation to each other.

(Ord. of 1956, § 18-1)

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

AMENDMENT

Sec 104-20-2 Site Development Standards

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

(a) Lot area:

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

(b) Lot width:

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

(c) Yard Setbacks:

(1) Front yard setbacks:

| | C-1 <u>AND CV-1</u> ZONE | C-2 <u>AND CV-2</u> ZONE | C-3 ZONE |
|----------------------------|--|-------------------------------------|-----------------|
| 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> 20 ft. on streets of less than 80 ft. in width; 50 ft. on streets and highways of 80 ft. or more in width | | |

(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.

| | C-1 <u>AND CV-1</u> ZONE | C-2 <u>AND CV-2</u> ZONE | C-3 ZONE |
|---|---|---------------------------------|-----------------|
| 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> None, except 10 feet adjacent to residential zone boundary | | |
| Minimum side yard facing street on corner lot | 20 feet <u>20 feet</u> 20 feet <u>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.</u> | | |
| (3) 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> None, except 10 feet where building rears on a residential zone | | |

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

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

(d) Building height:

| | C-1 <u>AND CV-1</u> ZONE | C-2 ZONE | <u>CV-2 ZONE</u> | C-3 ZONE |
|-------------------------|---------------------------------|-----------------|-------------------------|-----------------|
| 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:

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

(Ord. of 1956, § 18-2; Ord. No. 2-89)

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

AMENDMENT

Sec 104-20-3 Sign Regulations

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

(Ord. of 1956, § 18-3)

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

AMENDMENT

Sec 104-20-4 Special Regulations

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:

AMENDMENT

Sec 104-20-5 Uses

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

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

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

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

Already exists as "tailor" below

See "fitness center"

| | | | | | |
|---|--------------|--------------|--------------|----------|----------|
| Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided it is conducted within completely enclosed building | N | <u>N</u> | N | <u>C</u> | P |
| Automobile, new or used; sales and service | N | <u>N</u> | N | <u>C</u> | P |
| Awning sales and service | N | <u>N</u> | P | <u>C</u> | P |
| Baby formula service | P | <u>N</u> | P | <u>N</u> | P |
| Bakery, manufacture -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 |
| Blue printing or photostatting | N | P | P | | |
| 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 |

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

See "printing" below.

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.

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

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.

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.

Regulating a church differently than other churches is not advisable.

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.

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

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.

Perhaps this can be governed by "dry cleaning" 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.

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.

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

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

Reduntant

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</u> for passenger automobiles | C | <u>N</u> | C | <u>C</u> | C |
| Pawnshop | N | <u>N</u> | N | <u>N</u> | P |
| Penny arcade | N | <u>N</u> | N | <u>N</u> | C |
| Pest control and extermination | N | <u>N</u> | P | <u>P</u> | P |
| Pet and pet supply store | N | <u>N</u> | P | <u>P</u> | P |
| Pharmacy | P | <u>P</u> | P | <u>P</u> | P |
| Photographic supplies | P | <u>P</u> | P | <u>P</u> | P |
| Photo studio | P | <u>P</u> | P | <u>P</u> | P |
| Physician or surgeon | P | <u>P</u> | P | <u>P</u> | P |

New use listed.

Clarification.

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

Updating

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

Clarifying

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.

Primary subject of this amendment

Updating

| | | | | | |
|--|----------------|----------|----------|----------|----------|
| 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 |
| *only time and temperature animated sign in C-1 Zone | | | | | |
| Tailor shop | P N | <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 | <u>P</u> | P |
| Telegraph office | 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 |
| Theater, indoor | N | <u>N</u> | P | <u>P</u> | P |
| Theater, outdoor | N | <u>N</u> | N | <u>N</u> | C |
| Tire recapping or retreading sales and service | N | <u>N</u> | N | <u>N</u> | C |
| Tobacco shop | P | <u>N</u> | P | <u>P</u> | P |
| Tool design (precision) repair and manufacture | N | <u>N</u> | N | <u>N</u> | C |
| Toy store, retail | P | <u>N</u> | P | <u>P</u> | P |
| Trade or industrial school | N | <u>N</u> | C | <u>C</u> | P |
| Trailer sales and service | N | <u>N</u> | N | <u>N</u> | P |
| Travel agency | P | <u>C</u> | P | <u>P</u> | P |
| Truck terminal | N | <u>N</u> | N | <u>N</u> | P |
| Upholstery shop | C | <u>C</u> | P | <u>P</u> | P |
| Used car lot | N | <u>N</u> | N | <u>N</u> | C |
| Variety store | P | <u>N</u> | P | <u>N</u> | P |
| Vegetable store or stand | P | P | P | | |
| Vendor, short term, in compliance with the requirements of Section 108-13-3 (see definition under 1-6) | P | <u>P</u> | P | <u>P</u> | P |
| Ventilating equipment sales and service | N | <u>N</u> | C | <u>C</u> | P |
| <u>Video sales and rental</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>P</u> |
| Warehouse storage | N | <u>N</u> | N | <u>N</u> | P |
| Weather stripping shop | N | <u>N</u> | P | <u>N</u> | P |
| Welding shop | N | <u>N</u> | N | <u>N</u> | C |
| Wholesale business | N | <u>N</u> | N | <u>N</u> | P |
| Window washing establishment | N | <u>N</u> | P | <u>P</u> | P |

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

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

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

AMENDMENT

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

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

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

AMENDMENT

Sec 104-21-1 Purpose And Intent

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

Reserved.

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

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

AMENDMENT

Sec 104-21-2 Site Development Standards

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

Reserved.

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

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

AMENDMENT

Sec 104-21-3 Sign Regulations

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

Reserved.

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

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

AMENDMENT

Sec 104-21-4 Special Regulations

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

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

Reserved.

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

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

AMENDMENT

Sec 104-21-5 Uses

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. ~~CP~~ 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 ~~PP~~ Animal hospital ~~NC~~ Antique, import or souvenir shop ~~NP~~ Archery shop and range, provided it is conducted within an enclosed building ~~NP~~ Art and artists gallery or supply store ~~PP~~ Assisted living facility including convalescent or rest home ~~PP~~ Athletic, recreational equipment, and sporting goods sales/rentals, excluding sale or repair of motor vehicles, motor boats or motors ~~NP~~ Auction establishment ~~NC~~ Automobile repair including paint, body and fender, brake, muffler, upholstery, or transmission work provided it is conducted within an enclosed building ~~NC~~ Automobile, new or used sales/service ~~NC~~ Awning sales and service ~~NP~~ Bakery ~~CP~~ Bank or financial institution not including payday loan services ~~PP~~ Barbershop ~~PP~~ Beauty shop ~~PP~~ Bed and breakfast dwelling ~~PP~~ Bed and breakfast inn ~~NP~~ Bed and breakfast hotel ~~NC~~ Brewery, micro in conjunction with a restaurant ~~NP~~ Bicycle sales and service ~~PP~~ Billiard parlor ~~NC~~ Boarding house ~~NC~~ Boat sales and service ~~NC~~ Boat and personal water craft rentals as an accessory use to boat sales and service ~~NC~~ Book store, retail ~~PP~~ Bowling alley ~~NC~~ Butcher shop, excluding slaughtering ~~CP~~ Cafe ~~PP~~ Camera store ~~PP~~ Candy store, confectionery ~~PP~~ Car rental agency ~~NP~~ Car wash, automatic ~~NC~~ Car wash, manual spray ~~CP~~ Catering establishment ~~CP~~ Church ~~PP~~ Clinics, medical or dental ~~PP~~ Clothing and accessory store ~~NP~~ Communication equipment building ~~NP~~ Convenience store ~~CP~~ Costume rental ~~NP~~ Data processing service and supplies ~~NP~~ Day care center ~~CP~~ Delicatessen ~~PP~~ Diaper service, including cleaning ~~NP~~ Drapery and curtain store ~~NP~~ Drug store ~~PP~~ Dry cleaning ~~PP~~ Dwelling unit, if in compliance with section 104-21-4(d) ~~NP~~ Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use. The provisions of section 104-21-4(d) are not applicable. ~~PP~~ Educational institution ~~NP~~ Electrical and heating appliances and fixtures sales and service ~~NP~~ Electronic equipment sales and service ~~NP~~ Employment agency ~~NP~~ Fabric and textile store ~~CP~~ Farm implement sales ~~NC~~ Feed and seed store, retail ~~NP~~ Flooring sales and service, carpet, rug and linoleum ~~NP~~ Florist shop ~~CP~~ Fitness, athletic, health, recreation center, or gymnasium ~~NP~~ Fruit and vegetable store or stand ~~PP~~ Furniture sales and repair ~~NP~~ Fur apparel sales, storage or repair ~~NP~~ Garden supplies and plant materials sales ~~CP~~ Gift store ~~PP~~ Glass sales and service ~~NP~~ Government office buildings ~~NP~~ Greenhouse and nursery ~~NP~~ Grocery store ~~CP~~ Grooming for small animals ~~PP~~ Gunsmith ~~PP~~ Hardware store ~~NP~~ Health food store ~~PP~~ Hobby and crafts store ~~PP~~ Hotel ~~NC~~ House cleaning and repair ~~NP~~ Household appliance sales and incidental service ~~NC~~ Ice cream parlor ~~PP~~ Insulation sales ~~NP~~ Interior decorator and designing establishment ~~PP~~ Jewelry store sales and service ~~PP~~ Laboratory, dental or medical ~~NP~~ Laundromat ~~PP~~ Lawn mower sales and service ~~NP~~ Library ~~PP~~ Linen store ~~NP~~ Liquor store ~~NC~~ Locksmith ~~PP~~ Lodge or social hall ~~NP~~ Meat, custom exempt cutting, wrapping, and processing of livestock and game, excluding slaughtering ~~NC~~ Medical supplies ~~NP~~ Miniature

~~golfNCMonument works and salesNPMortuaryNCMotelNCMotorecycle and motor scooters sales and serviceNCMuseumCPMusic storeCPOffice supplyNPOrnamental iron sales or repairNCPaint or wallpaper storeNPPark and playgroundPPParking lot or garage as a main useNCPest control and exterminationNPPet and pet supply storeNPPharmacyPPPhoto studioPPPlumbing shopNPPost officeCPPottery, sales and manufacture of crafts and tileNPPrinting, copy sales and servicesNPPrivate liquor clubNCProfessional officeNPPublic utilities substationCCRadio and television sales and serviceCPRadio or television broadcasting stationNPRReal estate agencyCPReception center or wedding 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:

AMENDMENT

Sec 104-22-2 Permitted Uses

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

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

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

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

Subject use
being added
here.

SECTION 15: **AMENDMENT** “Sec 104-23-2 Permitted Uses” of the Weber County 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.
- (ac) Small-batch artisan food processing limited to food for human consumption, e.g., baked goods, confectioneries, and craft cheese.

Subject use
being added
here.

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

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

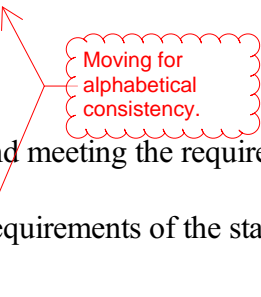
SECTION 16: **AMENDMENT** “Sec 104-23-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

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

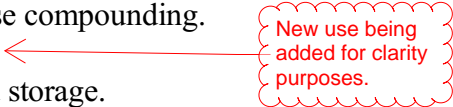
SECTION 17: AMENDMENT “Sec 104-24-3 Conditional Uses” of the Weber County County Code is hereby *amended* as follows:

AMENDMENT

Sec 104-24-3 Conditional Uses

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

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

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

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

(8) Ore beneficiation.

(9) Smelting or refining of materials.

(10) Steel or iron mill mines.

(11) Stockyards, slaughterhouse.

(q) Manufactured housing, to serve as quarters for guard or night watchman and family so long as it is permanently affixed on approved concrete or concrete block foundation.

(r) Dwelling unit for proprietor or employee, who also serves as night watchman, and their immediate family, provided that an additional 3,000 square feet of landscaped area is provided for the residential use. As a conditional use, the planning commission, for the planning area in which the application is made, shall have the discretion to approve either an attached or a detached dwelling, based upon the primary manufacturing use and architectural design to protect the noise levels and privacy of the residents.

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



Staff Report to the Western Weber and Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: A public hearing to consider and take action on ZTA 2020-07, a request to amend the Weber County Land Use Code to create standards for storage units in the commercial zones.

Agenda Date: Tuesday, October 27, 2020

Staff Report Date: Tuesday, October 22, 2020

Applicant: Weber County

File Number: ZTA 2020-07

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

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

Legislative Decisions

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

Summary and Background

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

Policy Analysis

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

Noticing Compliance

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

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

Staff Recommendation

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

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

Exhibits

A. Proposed Ordinance Changes

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

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)

| | |
|---------------------------|--|
| Ogden Valley Zones | Conference/Education Center |
| | Permitted Use |
| | Destination & Recreation Resort (DRR-1) |
| | Conditional Use |
| | 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) |
| | Not Permitted |
| | 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) |

Chapter 104-14 Forest Valley Zone FV-3

Sec 104-14-1 Zone Character And Objectives

Sec 104-14-2 Permitted Uses

Sec 104-14-3 Conditional Uses

Sec 104-14-4 Permitted Signs And Regulations

Sec 104-14-5 Site Development Standards

Sec 104-14-1 Zone Character And Objectives

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.

(Ord. of 1956, § 12B-1)

Sec 104-14-2 Permitted Uses

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

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

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

Sec 104-14-3 Conditional Uses

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

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

(6) Allowed only in existing dwellings with no exterior additions nor change in residential character;

(7) Business license shall be obtained.

(c) Bed and breakfast inn subject to the following standards and criteria:

(1) Proprietor or owner shall occupy the premises;

(2) Not more than seven sleeping rooms per inn;

(3) The lot shall be at least three acres in area with frontage on a public street of at least 250 feet in width;

(4) The lot shall have frontage on a major street as shown on the county master plan (state highway or county major street);

(5) The inn shall be at least 300 feet from the nearest existing dwelling;

(6) Two parking spaces shall be provided for the host family plus one space for each guest sleeping room;

(7) The guest parking shall be in the rear of the Inn;

(8) Meals shall be served to registered overnight guests only;

(9) Signs are limited to one name plate or one identification sign of not more than eight square feet in area;

(10) The site shall be landscaped to provide a visual and noise buffer to adjoining property; a landscape plan shall be submitted with site plan.

(11) 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;

(12) A business license shall be obtained;

(13) All units to be in one building together with owner's residence.

(d) Small events, such as weddings, family reunions, business retreats and art/cooking classes, not to exceed 75 participants and not more than four events held per calendar month, and only when conducted as an accessory use to an approved bed and breakfast inn.

(e) Church, synagogue or similar permanent building used for regular religious worship.

(f) ~~Conference/~~Education center.

(g) Educational institution.

(h) Educational/institutional identification sign.

(i) Golf course, except miniature golf.

(j) Parking lot accessory to uses permitted in this zone.

(k) Planned residential unit development in accordance with title 108, chapter 5 of the Land Use Code.

(l) Private park, playground or recreation area, but not including privately owned commercial amusement business.

(m) Public building, public park, recreation grounds and associated buildings.

(n) Public utility substations.

(o) Recreation lodge.

(p) Ski resorts, including summer skateboard activities as an accessory use.

(q) Water pumping plants and reservoirs.

(r) Recreation lodge.

(s) Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations, but not including individual water disposal systems.

(Ord. of 1956, § 12B-3; Ord. No. 2003-2; Ord. No. 2004-9; Ord. No. 2007-7; Ord. No. 2010-20; Ord. No. 2012-19, pt.

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:

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|---------------------------|--|
| 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)

PROJECT NARRATIVE: “Harvest Moon Ranch” Conference/Education Center
REVISED 9/25/20

Kasey Plourde, Property Owner and Business Owner
435-901-3625; kasey@harvestmoonevents.com
10027 E 325 S Huntsville, UT 84317
Parcel #21-046-0005

Adjacent property also discussed in this application:
394 S 10000 E (Parcel # 21-046-0006) currently owned by Kimbal and Debbra Wheatley. Under contract to be owned by Kasey Plourde by mid-January 2021.

10027 E 325 S = 5.36 acres

394 S 10000 E = 7.4 acres

Grand total = 12.76 acres

Imagine you’re attending a corporate conference. Rather than sitting in a hotel ballroom the entire day, you begin your meeting in a meadow under shade umbrellas, then enjoy a quiet catered lunch by a river, followed by a fly-fishing demo experience and group yoga. Your day concludes with dinner in a barn accompanied by a live bluegrass band. These are the types of meetings and events we look forward to offering patrons at our Conference/Education Center: *The Harvest Moon Ranch*.

Our Background

We have recently purchased this property with an existing home and barn as a place for our family to live and work. My husband and I have owned/operated an event planning business, Harvest Moon Events, based in our home in Park City since 2012. Harvest Moon Events has moved with us to this new location. This CUP is for our request to run a Conference/Education Center in our FV-3 zone.

We will live in the existing 2,581 square foot home on property along with our 2-year-old son. With your approval of this CUP, we will host corporate and leisure events on the grounds and in the existing ancillary barn.

Our proposed building changes:

- A designated parking lot with 14 spaces plus an ADA stall
- One new restroom and storage space
- Temporary restroom trailer screening façade

The definition of “conference/education center” per the Code:

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

We think the term “conference center” sounds much more intrusive than what we’ll actually be doing. This is primarily our home and private residence, and we will be renting out our barn and land for occasional event use.

Variety of Conference Uses

A “conference” has a wide-range of events associated with it: meetings, recreational activities, retreat style activities, late afternoon cocktail hours, and/or dinner receptions with entertainment.

We envision private events such as corporate meetings, retreats (i.e. yoga, photography, cooking, fly-fishing, astronomy, team building), birthday celebrations, anniversary parties, small weddings, and educational workshops. We will focus our meeting space offerings in the many beautiful outdoor settings our property offers—a session by the river, in the garden, in the meadow, poolside...all with an awesome inclement weather backup space in the beautiful existing barn. We think the flexibility in our offerings will attract a diverse clientele.

As a licensed and insured event planner with 15+ years of experience, I will not only be managing the venue rental, but also will be managing the event planning process. We will be more “hands on” than most venue rental facilities, who often book their space and then turn it over to an event planner. We are the event planners. We’ll be handling the arrangements from start to finish.

I know of many facilities in Utah who market themselves as “conference centers” while offering a variety of corporate and social/leisure events. Some of these are: The Ogden Eccles Conference Center, The Grand Summit Conference Center, St. Regis Deer Valley, River Bottoms Ranch, Deer Valley Resort, Snowbird Resort, Church and State, and Blue Sky Ranch, to name a few.

Harvest Moon Events & Tax Benefits

In addition to hosting events on our property, we will run Harvest Moon Events on property and will travel to various other event sites to host the events that we plan. We will naturally do more business in the Ogden Valley, offering our services at existing venues such as but not limited to Snowbasin and Powder Mountain, and bringing more tax revenue to the county. By moving our business location to this new address—and now having our own venue to offer clients—we look forward to bringing tax revenue to Weber County.

Socially Distanced Meetings

In the midst of a pandemic, we’re finding that more and more people want to meet in a setting where they have room to spread out, and in fresh air. With our acreage and unique meeting spots on property, we can offer plenty of room for our guests. Our business specializes in providing fun, memorable experiences for attendees—and we believe that an untraditional conference/event venue will be attractive to many clients. Our venue would be a great partner for an Ogden hotel/conference center who has a group looking to do something offsite for a day or evening reception. Or for a Snowbasin wedding couple who is staying in the area and wants to host a rehearsal dinner or Sunday brunch at a unique venue in the Ogden Valley.

Existing Barn Venue

For those groups that want to use the existing barn space, you’ll see from the attached diagrams that the barn can have many uses—from theater style seating to classroom style tables to reception style dining tables. We intend to keep the barn empty and ready to setup flexibly for each event and its unique needs.

Open Space

We do not currently plan to build anything on the 7.4 acre plot at this time (Parcel # 21-046-0006). We intend to maintain that area and use it primarily as open event space. The well-preserved open space by the river is important to us both personally and professionally.

Being Good Neighbors

Our neighbors' well-being is a top priority to us, and our hours of operation and venue policies have been developed accordingly. We've reached out to the neighbors on our property line and beyond, and have listened to their feedback, finding a solution to accommodate each and every concern that has been brought our way.

Our hope is that on event days, our neighbors won't even notice that there is a group visiting—and if they do notice, they won't be bothered by their presence.

We welcome the challenge to minimize our impact on the neighbors and the property, while being good stewards of the land. We plan to continue the work started by the former property owners in planting more flowers, fruits, and vegetables (all of which can be used and consumed at our events for a true "farm to table" experience). We hope to have beehives, tending to the honey and beeswax (using the beeswax to make candles for our events as well). We hope that the love that we'll be putting into our land will increase property value in our neighborhood.

Furthermore, we want to add to the community that we will be joining, and to give back we will occasionally host social gatherings on our property that will be open to the public (applying for Special Event permits as applicable for events such as those defined by section 38-1-3.). We envision educational workshops, movie nights, and the like.

Since there is very minimal room for lodging on our property, most of our guests will be seeking local lodging options. We look forward to sending that business throughout the community.

Having conferences on our property will require help from several vendors, such as entertainers, caterers, photographers, and local event staff that we'll be looking to hire. This will be a fine way to increase jobs and income for the great people working in the Weber county area.

BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT

Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.

Hours of Operation – office days

- We will operate our standard event planning business 10am-5pm
- Staff: besides my husband (Myke) and I, we currently have one other full time year round employee. When she is not working from her own home, she may be on site during these hours prepping our rental products for events and maintaining the facility.

Hours of Operation – event days

- On event days Sunday-Thursday, we will operate our facility based on the needs of the client, but limiting to the hours of operation between 9am and 10pm.
- On event days Friday and Saturday, we will operate our facility based on the needs of the client, but limiting to the hours of operation between 9am and 10pm (outdoors) and 11:00pm (indoors).
- On event days, our part time facility/events staff and vendors may need to be on site up to an hour prior and later than the event to prep and clean.
- A Harvest Moon Employee (Kasey or Myke Plourde) will be on site for every event, from start to finish. We will have zero tolerance for guests who do not abide by our venue policies; they will be asked to leave the premises.

Barn Specs:

- 3250 square feet inside
 - 2400 downstairs
 - 900 upstairs
- 450 square feet under awning outside

Anticipated Business Volume

- We anticipate around 50 events per year.
- Peak summer season may see more volume, while fall/winter/spring will be much less (maybe not even one per month)
- This is primarily our home. We anticipate to be hosting events on this property no more than 15% of the time.
- Most groups will be on site for 3-6 hours at a time.
- Unlike some conference centers that house multiple groups at a time, we will only ever have one group with us at one time. Once one group has reserved, our space is no longer available for other groups.
- We anticipate an average group size of 50 guests on property

Anticipated Clientele

- We believe we'll attract folks who enjoy the beauty of this property. They will respect nature and the venue.
- They are visiting for solace, peace & quiet. We anticipate they will (for those few who may spend the night) turn in early.
- Types of events we may see: meetings, team-building, social gatherings, workshops, receptions, small weddings, retreats.

Fire Department // Capacities

- Per the Fire Marshal, barn capacity is 99 guests
 - This mitigates the need for a suppression system since building square footage is less than 5,000
 - Capacity of loft space will be determined based on Fire Marshal / Building Inspector findings
- Should we have an occasional event over 100 guests, we will not exceed barn capacity as overflow will take place outdoors.
- We will make any improvements deemed necessary by Building Inspector and Fire Marshal for building to be up to code for this use.
- There will be one designated smoking area with ashtrays and fire extinguishers on the concrete patio by the pool.
- Any open fires will be contained in metal fire pits, appropriate distance from fire hazards, and will be manned at all times. We may also use propane contained fire pits. All fires will be put out by 10pm.
- All candles/flames will be contained within glass containers.
- We will not store anything combustible in the barn. All kerosene, sternos, propane, etc will be stored in our existing garage.

Light:

- A dark sky is very important to us.
- Outdoor event lighting will be turned off at 10:30pm (event will conclude or move indoors at 10pm and we'll give guests time to safely exit, while giving staff 30 extra minutes to cleanup).
- Per Section 108-16-4, our "occasional event lighting" (temporary string lighting or decorative lights for occasional events) will be turned off by 10:30pm.
- Per Section 108-16-4, we won't have outdoor event lights more than 2 times per month.
- We do not have any plans to install any new permanent outdoor lighting on the property.
- To illuminate the pathway to parking lot and the parking lot itself, we'll provide lanterns or similar low-level lights and illuminated lanterns on the ground, only used when needed.

Noise & Vibration:

- See above under Hours of Operations.
- We anticipate daytime events will consist of quiet meetings and activities. Evening receptions with music will likely occur in the barn.
- Volume is never to exceed 60-70 decibel levels when measured at the edges of our property line (standard conversation volume). We anticipate that noise will barely be detectable by neighbors when in their homes.
- It will be our policy that all vendors and employees cleanup post-event in a quiet manner.
- Events outdoors will be allowed small amplification for musical accompaniments and announcements, however all amplification outdoors to end at 10pm.

Visibility:

- The property is already private. With dense trees to the north of the property (blocking from 325 S and plans to plant approximately 40 new trees (12-18' tall) to the east and west, there are minimal spots on property where neighbors or roads can see into the event spaces.

Engineering // Parking & Traffic:

- The new parking lot will be paved asphalt.
- The new driveway will be gravel. Per Engineering review, this is approved so long as we maintain it properly and it doesn't cause a lot of dust. We will place mag-chloride or something similar to combat dust.
- The lot will have storm water retention plan (see site plan).
- To mitigate traffic concerns: if a group has more than 10-15 anticipated vehicles, we will require them to hire shuttles (vans, small buses) which will transport the guests from/to their lodging facility.
- There will never be parking allowed on the roads adjacent to the facility (10000 E or 325 S).
- The new driveway/parking lot is large enough for shuttles and emergency vehicles to pass through without needing to back up (avoiding beeping sounds).
- There will occasionally be a need for deliveries and rentals from event vendors. They will use our private driveway located off of 10,000 E and can unload/load there, off the street.
- We anticipate UPS/FedEx deliveries to the house, but not more than the average resident.

Signage:

- Venue sign will comply with code 110-2-12.
- We have not yet designed a permanent sign for our business, but it will match the aesthetic of our barn—a mix of barn wood and steel. We plan to have:
 - One entrance ground sign by the new driveway. It will not be greater than 12' tall and 8' wide, and will follow all lighting codes.
 - One fence sign on 325 S.
- We may occasionally display temporary signage around the grounds to direct groups around property.

Health Department // Septic & Restrooms:

- There are two existing septic tanks—one for our home and one for the barn.
- The home system will not be impacted by this operation.
- Our plans show an addition of one restroom to the barn septic system. This will be utilized by our one full time employee and groups of fewer than 25 attendees.
- For groups larger than 25 attendees, we will bring in temporary VIP style portable restroom (such as Royal Restrooms or Simply Privy) with air-conditioned luxurious trailers and optional restroom attendants on site ensuring cleanliness between each use). We will require the right size trailer be brought in for the group size. Below are photos of these trailers.
- The trailer will be parked out of street and neighbor view. We have designed an attractive enclosure or façade for this trailer parking with a sign on it that says “restrooms.” It will look like a permanent facility, but the trailer will be removed after each event.
- The restroom trailer would be hauled in and out as needed for events, which is standard practice for events of this type at venues like ours around the state. We have gone the extra step to provide an attractive screening façade, which will remain up permanently.
- These numbers are subject to change once we receive the septic plans from the Health Department and conduct some further research with a septic specialist.



Health Department // Water Services

- Per the Health Department, the maximum number of people that a well can accommodate before being required to be a public system is 25. We have mitigated this by not providing any drinking water services to any guests.
- We **will not** be providing any water from our well to any of our attendees.
- We **will not** be running a catering operation on site.
- Any catering and culinary services will be provided by licensed and professional caterers that our clients hire, based on our approved vendor list. As is standard with this type of operation, they will bring in their outside food, beverages, ice, etc. which will be prepared offsite.
- With our current flow rate of 10 gallons per minute, we have ample water available for our private residence needs, the new drip irrigation plans, and the limit of attendees using toilet services on our system (see “septic” section).
- We’ve researched some other businesses similar to ours, and they have not been required to go onto a public water system. Example: 4U Ranch located in Summit County. 4U Ranch also handles their septic system in a similar fashion—for any events beyond 50 guests, they bring in restroom trailers.

Dust:

- We don't anticipate creating dust. There will be minimal driving on the property, only as required for guests who need additional assistance traveling on the grounds. Guests will primarily be congregating in a barn with existing concrete flooring.
- See above under “Traffic” for driveway dust mitigation.

Trash:

- Caterers will be required to take any F&B garbage & recycling away with them at the end of the event.
- Any remaining trash/recycling will be disposed of in our bins for standard weekly pickup of garbage and every-other-week pickup of recycling.

Safety:

- Covid-19 safety. We are up to speed with the State and County ordinances, and will facilitate our events accordingly. We pride ourselves in understanding protocols to facilitate the necessary precautions to keep people distanced at events, wearing masks when necessary, using vendors who are safe, symptom checking guests and vendors, providing educational signage, limiting the guest list and keeping a current guest list for contact tracing if needed. As long as it's legal to host events, we believe they can be handled in a responsible and safe manner.
- General safety for our patrons. We will work with professional caterers and bartending companies to serve all F&B, who will monitor guest alcohol consumption levels. We trust in our professional partners to not overserve. Guests may only consume alcohol if served by the Tips/Sips licensed professional.
- General safety for our neighbors. We don't anticipate any safety issues in the neighborhood. We will have a Harvest Moon Events representative at every event. Event flow will be controlled and monitored. Security will be hired if we deem necessary for certain groups.

Licensing:

- We will not be selling drinks or tickets to our events, so we won't need to apply for any liquor permitting—but should any of our events go this route, we'll be sure to apply for the required Single Event Use permit.
- We will apply for our business license once the CUP is finalized.

Minimal Overnight Lodging:

- Since overnight lodging is permitted under the Conference/Education Center definition, we would like to offer accommodations for one couple (or a family of up to 4) in our existing private guest suite, located on the back side of the barn. It has its own restroom, kitchenette, and outdoor pool.
- We will also seasonally construct up to three glamping tents, as an option for some additional lodging. These tents are intended for one couple (or family of up to 4 guests).
 - Tents will be made of flame resistant canvas.
 - The platforms will be wood/gravel construction without any poured concrete—they are temporary structures and everything we intend to do with these will be returnable to nature.
- **All of these lodging options are only available with full facility buy-out. We will not be renting this to patrons without facility buy-out until nightly rentals are approved in our zone. We believe this outdoor upscale overnight experience is simply a way to make our venue more appealing to attendees.**
- These guests will be well aware of our policies since they will be signing a contract to use our facility for their event. The venue rental policies outlined in this document will apply to overnight rentals as well.

- The strict noise and light ordinance of 10pm will apply for overnight guests as well. Since we live on property, we will be present after hours as well; guests who are unruly after curfew will be asked to move indoors or leave the premises.
- We will have a cleaning crew come through the lodging suite and tents after guests depart.
- All of the overnight lodging offerings are not visible from neighbor houses and are screened from our private residence as well. They have been intentionally placed at the heart of the property.

APPLICANT/DESIGNER:



architecture • sustainability • design services

255 Crossroad Square
Salt Lake City, UT 84115
P:(801) 961-7070
F:(801) 961-7373

EXISTING ZONING: FV-3
DISCLOSURES:
1- ALL WATER
SOURCES AND SEPTIC
SYSTEMS ARE
EXISTING
2- LOCATION AND TYPE
OF NEW LANDSCAPING
AND VEGETATION BY
LANDSCAPER

THE HARVEST MOON RANCH

325 S.

335'-6"

10000 E ST

PROPERTY LINE

10027 E 325 S = 5.36 ACRES
LOT 21-046-0005
5.36 ACRES

TREE SCREENING

GRAVEL
DRIVEWAY

DRIVEWAY AND PARKING CROWNED FOR DRAINAGE
TO SIDES 60"x12" SHALLOW DRAINAGE SWALE

PARKING LOT (14 + 1
ADA STALL)

CONCRETE ADA STALL
AND ACCESIBLE
ROUTE

TREE SCREENING

10' WIDE GRAVEL
RESTROOM TRAILER
ACCESS AISLE

EXISTING BARN

SHRUB
SCREENING

EXISTING SEPTIC TANK

NEW ADA RESTROOM

TREE SCREENING

POLE
STRUCTURE
GLAMPING PAD
PLATFORMS

30'-0"
SETBACK

EXISTING
VEGETABLE
GARDEN

TREE SCREENING

PROJECT NARRATIVE:

"Harvest Moon Ranch"
Conference/Education Center

Kasey Plourde, Property Owner and
Business Owner
435-901-3625;
kasey@harvestmoonevents.com
10027 E 325 S Huntsville, UT 84317
Parcel #21-046-0005

Additional property discussed in this
application:
394 S 10000 E (Parcel #
21-046-0006) currently owned by
Kimbal and Debra Wheatley. Under
contract to be owned by Kasey
Plourde by mid-January 2021.

10027 E 325 S = 5.36 acres
394 S 10000 E = 7.4 acres
Grand Total = 12.76 acres

60'-0"

24'-0"

82'-0"

30'-0"
SETBACK

DROP
OFF

EXISTING
GRAVEL
DRIVEWAY

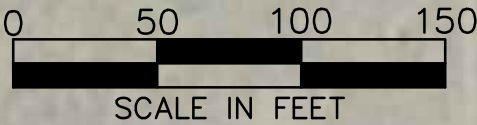
EXISTING SEPTIC TANK

EXISTING HOME

GRAVEL PATH

10000 E 394 S = 7.4 ACRES
LOT 21-046-0006
5.36 ACRES

OCTOBER 12,
2020



THE HARVEST MOON RANCH ENLARGED



