

ORDINANCE NUMBER 2016-10

8-23-2016

AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE TO AMEND TITLE 104 (ZONES), CHAPTER 21 (COMMERCIAL VALLEY ZONES CV-1 AND CV-2) TO ALLOW DWELLING UNITS IN THE ZONE IF THEY WERE PREVIOUSLY APPROVED AS PART OF A DEVELOPMENT AGREEMENT, AND TO PROVIDE SPECIFIC STANDARDS GOVERNING THEM.

WHEREAS, the Weber County Land Use Code heretofore contained regulations governing the uses of land in the CV-1 and CV-2 zones; and

WHEREAS, the CV-1 and CV-2 zones prohibited single family dwelling units; and

WHEREAS, the County entered into a development agreement with the Developers of the Wolf Creek Resort, which was recently amended in 2015 as provided in Entry 2768159 in the Office of the Weber County Recorder; and

WHEREAS, the amended development agreement distributed certain development rights for dwelling units to parcels currently in the CV-2 zone; and

WHEREAS, a conflict exists between the zone and the development agreement that the Weber County Board of Commissioners is desirous to correct; and

WHEREAS, after appropriate notice and necessary public hearings, on July 26, 2016, the Ogden Valley Planning Commission recommended approval of the ordinance amendment presented in Exhibit A herein; and

WHEREAS, The Weber County Board of Commissioners finds that the ordinance amendment presented in Exhibit A herein complies with the goals and objectives of the General Plan and provides corrections and clarifications necessary to facilitate efficient administration of the Weber County Land Use Code;

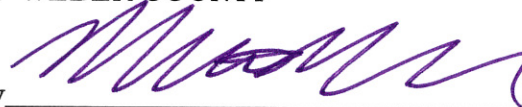
NOW THEREFORE, the Weber County Board of Commissioners ordains an amendment to the Weber County Land Use Code as follows:

See Exhibit A

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this 23rd day of August, 2016, by the Weber County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By 
Matthew G Bell, Chair

Commissioner Bell voted aye
Commissioner Ebert voted aye
Commissioner Gibson voted excused

ATTEST:



Ricky Hatch, CPA
Weber County Clerk/Auditor

Exhibit A

1 CHAPTER 21. - COMMERCIAL VALLEY ZONES CV-1 and CV-2

2

3 Sec. 104-21-1. - Purpose and intent.

4 (a) The purpose of the CV-1 and CV-2 zones is to provide suitable areas for the location of the
 5 various types of commercial activity needed to serve the people and commerce of the
 6 Ogden Valley in unincorporated Weber County. It is also to separate, into two commercial
 7 zones, uses based upon the type of activity which are compatible and complementary, as
 8 well as the intensity of land utilization and accessory use needs.

9 (b) The CV-1 Zone (Neighborhood Commercial) has been established for the purpose of
 10 providing shopping facilities and services within neighborhoods in the Ogden Valley,
 11 primarily for the convenience of people living in a neighborhood. The types of goods and
 12 services which may be offered for sale have been limited to "convenience goods" such as
 13 groceries, drugs, and personal services such as a barber and beauty shop, distinguished by
 14 the fact that the principal patronage of the establishments originates within the surrounding
 15 neighborhood. Consequently, other uses such as automobile sales, furniture, and other
 16 stores, in which the principal patronage originates outside the surrounding neighborhood,
 17 have been excluded from the CV-1 zone. The maximum size of a CV-1 zone node shall be
 18 approximately five (5) acres exclusive of minimum lot widths and areas.

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

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29 Sec. 104-21-2. - Site development standards.

30 The following site development standards shall apply in the Commercial Valley Zones CV-1
 31 and CV-2:

	CV-1	CV-2
Minimum lot area	none	none
Minimum lot width	none	none
Minimum yard setbacks		
Front	20 ft. unless the requirements listed in (B-4) Section 104-21-4(c) Special regulations number 3 are met.	

Side	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Side facing street on corner lot	20 feet unless the requirements listed in section 104-21-4(c) Special regulations number 3 are met.	
Rear	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Building height		
Minimum	1 story	1 story
Maximum	35 feet	
Maximum lot coverage	60% of lot area by buildings or accessory buildings	

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34 Sec. 104-21-3. - Sign regulations.

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

37 Sec. 104-21-4. - Special regulations.

38 (a) Hereinafter specified permitted and conditional uses shall be allowed only when the
 39 following conditions are complied with: All manufacturing uses shall be done within a
 40 completely enclosed building in an effort to mitigate objectionable nuisances such as odor,
 41 dust, smoke, noise, heat, or vibration.

42 (b) A car wash shall be permitted subject to the following restrictions:

43 (1) Operation or use shall limited to the hours between 6:00 a.m. and 10:00 p.m. in CV-1
 44 Zone.

45 (2) There shall not be more than four washing bays for a manual spray car wash in CV-1
 46 Zone.

47 (3) In both the CV-1 and CV-2 zones the off-street vehicle spaces or queues required shall
 48 be as follows:

49 a. One bay car wash, four spaces in the approach lane;

50 b. Two bay car wash, three spaces in the approach lane for each wash bay;

51 c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

52 (c) Complete street.

53 (1) A complete street is a transportation facility that is planned, designed, operated, and
 54 maintained to provide safe mobility for all users including bicyclists, pedestrians, transit
 55 vehicles, and motorists, appropriate to the function and context of the facility.

56 (2) A complete street design is required when the front setback is less than 20 feet, and
 57 ~~may~~ shall include a ten foot pedestrian pathway or sidewalk, pedestrian lightings,
 58 shade trees, clear view of intersection, and, when applicable, may also include safe
 59 street crossings for pedestrians. The complete street design ~~is to~~ shall be approved by
 60 the planning commission.

61 (d) Dwelling unit. A dwelling unit is allowed, as part of a mixed use building, only if allowed in
 62 Section 104-21-5, and only when specifically assigned to the property as part of a
 63 development agreement approved prior to July 1, 2016. When fronting on a public or
 64 private street, buildings that contain dwelling units shall comply with the following:

65 (1) The building shall provide street-facing commercial space, at the street level, that is
 66 accessible from the street, for the entire length of the building's street frontage;

67 (2) The building shall not be setback any greater than 20 feet at any point from the
 68 property line that runs parallel to the public or private street;

69 (3) The building shall be subject to the requirements of Chapter 108-1 and Chapter 108-
 70 2; and

71 (4) The lot's street frontage shall be developed as a complete street, as specified in
 72 Section 104-21-4(c).

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74 Sec. 104-21-5. - Uses.

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

	CV-1	CV-2
Academies/studios for dance, art, sports, etc.	C	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
Animal hospital	N	C
Antique, import or souvenir shop	N	P
Archery shop and range, provided it is conducted within an enclosed building	N	P

Art and artists gallery or supply store	P	P
Assisted living facility including convalescent or rest home	P	P
Athletic, recreational equipment, and sporting goods sales/ rentals, excluding sale or repair of motor vehicles, motor boats or motors	N	P
Auction establishment	N	C
Automobile repair including paint, body and fender, brake, muffler, upholstery, or transmission work provided it is conducted within an enclosed building	N	C
Automobile, new or used sales/service	N	C
Awning sales and service	N	P
Bakery	C	P
Bank or financial institution not including payday loan services	P	P
Barbershop	P	P
Beauty shop	P	P
Bed and breakfast dwelling	P	P
Bed and breakfast inn	N	P
Bed and breakfast hotel	N	C
Brewery, micro in conjunction with a restaurant	N	P
Bicycle sales and service	P	P
Billiard parlor	N	C
Boarding house	N	C
Boat sales and service	N	C
Boat and personal water craft rentals as an accessory use to boat sales and service	N	C

Book store, retail	P	P
Bowling alley	N	C
Business office	P	P
Butcher shop, excluding slaughtering	C	P
Cafe	P	P
Camera store	P	P
Candy store, confectionery	P	P
Car rental agency	N	P
Car wash, automatic	N	C
Car wash, manual spray	C	P
Catering establishment	C	P
Church	P	P
Clinics, medical or dental	P	P
Clothing and accessory store	N	P
Communication equipment building	N	P
Convenience store	C	P
Costume rental	N	P
Data processing service and supplies	N	P
Day care center	C	P
Delicatessen	P	P
Diaper service, including cleaning	N	P

Drapery and curtain store	N	P
Drug store	P	P
Dry cleaning	P	P
Dwelling unit, if in compliance with Section 104-21-4(d).	N	P
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.	P	P
Educational institution	N	P
Electrical and heating appliances and fixtures sales and service	N	P
Electronic equipment sales and service	N	P
Employment agency	N	P
Fabric and textile store	C	P
Farm implement sales	N	C
Feed and seed store, retail	N	P
Flooring sales and service, carpet, rug and linoleum	N	P
Florist shop	C	P
Fitness, athletic, health, recreation center, or gymnasium	N	P
Fruit and vegetable store or stand	P	P
Furniture sales and repair	N	P
Fur apparel sales, storage or repair	N	P
Garden supplies and plant materials sales	C	P

Gift store	P	P
Glass sales and service	N	P
Government office buildings	N	P
Greenhouse and nursery	N	P
Grocery store	C	P
Grooming for small animals	P	P
Gunsmith	P	P
Hardware store	N	P
Health food store	P	P
Hobby and crafts store	P	P
Hotel	N	C
House cleaning and repair	N	P
Household appliance sales and incidental service	N	C
Ice cream parlor	P	P
Insulation sales	N	P
Interior decorator and designing establishment	P	P
Jewelry store sales and service	P	P
Laboratory, dental or medical	N	P
Laundromat	P	P
Lawn mower sales and service	N	P
Library	P	P

Linen store	N	P
Liquor store	N	C
Locksmith	P	P
Lodge or social hall	N	P
Meat, custom exempt cutting, wrapping, and processing of livestock and game, excluding slaughtering	N	C
Medical supplies	N	P
Miniature golf	N	C
Monument works and sales	N	P
Mortuary	N	C
Motel	N	C
Motorcycle and motor scooters sales and service	N	C
Museum	C	P
Music store	C	P
Office supply	N	P
Ornamental iron sales or repair	N	C
Paint or wallpaper store	N	P
Park and playground	P	P
Parking lot or garage as a main use	N	C
Pest control and extermination	N	P
Pet and pet supply store	N	P

Pharmacy	P	P
Photo studio	P	P
Plumbing shop	N	P
Post office	C	P
Pottery, sales and manufacture of crafts and tile	N	P
Printing, copy sales and services	N	P
Private liquor club	N	C
Professional office	N	P
Public utilities substation	C	C
Radio and television sales and service	C	P
Radio or television broadcasting station	N	P
Real estate agency	C	P
Reception center or wedding chapel	N	C
Recreational vehicle storage	N	C
Rental, equipment	N	P
Restaurant	C	P
Restaurant, drive-in	N	C
Restaurant, drive-through	N	C
Second-hand store	N	P
Self storage, indoor units for personal and household items	N	C

Service station, automobile excluding body, fender, and upholstery work	P	P
Service station, automobile with 1 bay automatic car wash as an accessory use	C	P
Sewing machine sales and service	N	P
Shoe repair	P	P
Shoe store	N	P
Snow plow and removal service	N	C
Snowmobile, ATV sales and repair	N	C
Soil and lawn service	N	P
Spa	N	P
Tailor shop	P	P
Tavern, beer pub	N	C
Taxidermist	N	P
Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.	P	P
Theater, indoor	N	P
Tobacco shop	N	P
Toy store, retail	N	P
Trade or industrial school	N	C
Travel agency	C	P
Upholstery shop	C	P
Vendor, short-term	P	P

Ventilating equipment sales and service	N	C
Video sales and rental	P	P
Window washing establishment	N	P

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