



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: To hold a public hearing, and consider and take action on ZMA 2019-03 and GP 2019-02, a request to amend the zone map to rezone approximately 87 acres from the A-2 (medium agriculture) zone to the C-2 (medium commercial) zone at approximately 2650 West 1200 South, and a request to amend the general plan's future land use map to enable the rezone.

Agenda Date: Tuesday, June 11, 2019

Applicant: Bay Entertainment Group, LLC. Agent: Matthew Bartlett

File Number: ZMA 2019-03

Property Information

Approximate Address: 2650 West 1200 South

Zoning: The area is currently Agricultural (A-2)

Existing Land Use: Agricultural

Proposed Land Use: Commercial

Township, Range, Section: T6N, R2W, Sections 14 and 23

Adjacent Land Use

North: Agricultural	South: Railroad
East: Agricultural	West: Residential/Agricultural

Staff Information

Report Presenter: Charles Ewert
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801-399-8767

Report Reviewer: RG

Applicable Ordinances

§102-5: Rezoning Procedures

Proposal History

This proposal was introduced to the Planning Commission in their May 14, 2019 work session, and generally discussed.

Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Legislative actions require that the Planning Commission give a recommendation to the County Commission. For this circumstance, criteria for recommendations in a legislative matter require compatibility with the general plan and existing ordinances.

Summary

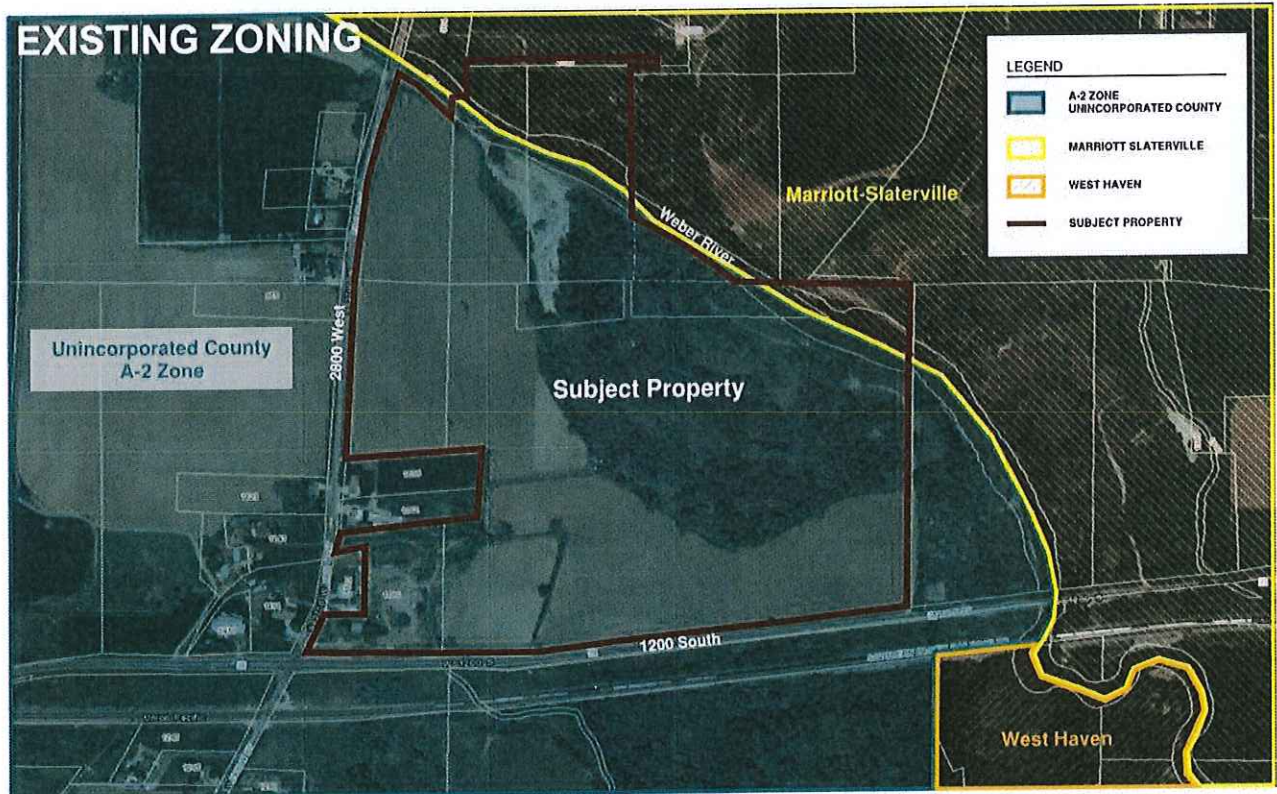
This application is for a rezone and associated general plan amendment to change approximately 87 acres from the A-2 zone to the C-2 zone. The purpose of the rezone is to develop the site for a film studio and film school. As part of this, the applicant desires to offer mixed-use commercial on the site, parks, trails, agricultural open spaces, and other community services, as well as a mixed-use residential component. These other uses are intended to support the film studio, but also be open for general use and experience of others.

Policy Analysis

A change to zoning has the potential to change the character of an area. Careful analysis of the change should be considered in order to assure the protection of the overall health, safety, and general welfare of the community. Rezones may not always be optimally beneficial to everyone affected. The rezone process is a time in which the county should try to anticipate whether the detriments to some are appropriately and reasonably mitigated and balanced with the overall desired community outcomes.

Zoning. The current zone of the subject parcel is A-2. The A-2 zone is typically reserved for moderately intense agricultural operations, but there are some uses allowed in this zone that are less intense. **Figure 1¹** displays current zoning and the parcels affected by the potential rezone.

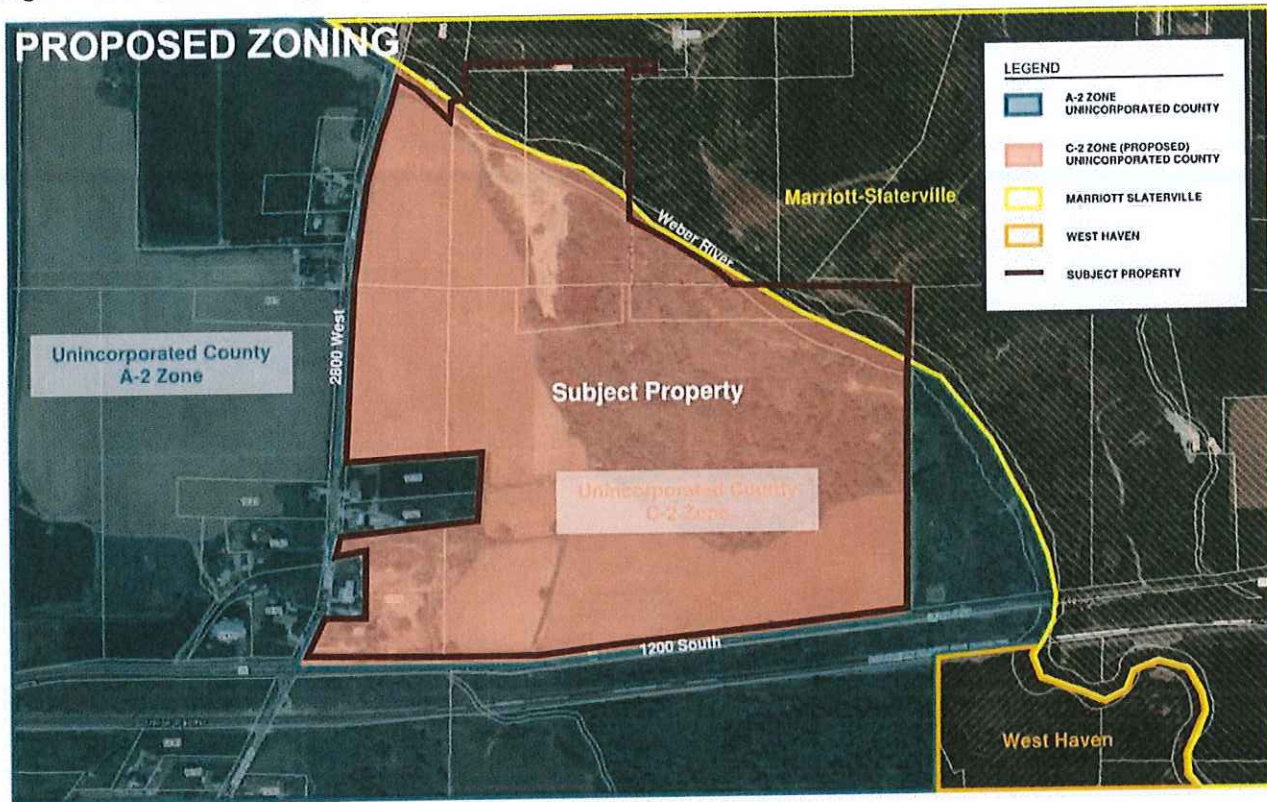
Figure 1: Current Zoning Map and the Subject Parcel(s).



¹ See also Exhibit D.

The requested zone for the subject parcel is the C-2 zone. As can be seen in **Figure 2²**, this will create new commercial property in an area without any current commercial zoning.

Figure 2: Proposed Zoning Map and the Subject Parcel(s).



Changing a zone from A-2 to C-2 comes with a few things to consider. The Planning Commission should review the uses that are different in each zone and the differences in lot development standards³. As can be expected, the differences between the zones are substantial.

Changing zoning. The Weber County Land Use Code has a chapter that governs application-driven rezones. The following are excerpts and/or staff's commentary on how it applies to this application.

§ 102-5-2: Specifies that rezoning should comply with the general plan. At current, the request does not. The current general plan does not anticipate commercial uses in this area. For that reason, the applicant is also requesting an amendment to the general plan to designate it for future commercial. If favorable, **Figures 4⁴ and 5** show a proposed amendment to the West Central Weber County's "Future Land Use Map" that would enable this rezone. Specific plan amendment outcomes should be considered before offering the rezone, as detailed later in this report.

§ 102-5-3 sets forth approval criteria when considering a rezone. Because a rezone is legislative, this criterion allows broad deference to the County Commission's legislative decision-make authority. The criterion is twofold:

- (a) *To promote compatibility and stability in zoning and appropriate development of property within the county, no application for rezoning shall be approved unless it is demonstrated that the proposed rezoning promotes the health, safety and welfare of the county and the purposes of this chapter.*
- (b) *The planning commission and the county commission will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the general plan, surrounding land uses, and impacts on the surrounding area. The commissions will consider whether the proposed development, and in turn the application for rezoning, is needed to provide a service or convenience brought about by changing conditions and which therefore promotes the public welfare. The*

² See also Exhibit E.

³ See Attachment F and G.

⁴ See also Attachment B and C.

county commission may require changes in the concept plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts.

§ 102-5-4 and § 102-5-5 sets forth application submittal criteria. In these chapters the Commission will find that Weber County has adopted very strict requirements for rezones. These application requirements expect engineered drawings for concept plans, water and wastewater provisions, and stormwater runoff provisions. This is a challenging burden to meet when a landowner is considering a rezone, and each of these are required prior to actual development of the land, so it is redundant to require them now.

Concept development plan. A concept development plan has been provided for the property⁵. The plan is a general bubble diagram for where uses may generally be located on the property. Each bubble has specific development standards and restrictions. The plan is also accompanied by several specific site development plans that illustrate the development's scale at maximum build-out.

A benefit of a bubble-diagram concept plan is that the developer is afforded flexibility in the implementation of the project, allowing general ebbs and flows of design based on unknown site characteristics, varying market trends, etc., without continually engaging the governmental process to amend the plan. A possible detriment of this method is that it, alone, might not create the anticipated outcomes that were the basis of the rezone decision. To combat this potential detriment, the applicant and staff have negotiated development standards and expectations for each "bubble," and will pursue memorializing these details in a development agreement. Using this method, the county can regulate and minimize the foreseeable detrimental effects regardless of the actual final site layout. This is not unlike regular zoning elsewhere, just on a smaller scale.

In addition to the bubble diagram and possible site layouts, the applicant has submitted an architectural design guide⁶. The county and the applicant will use the written development agreement to apply and enforce the architectural expectations for the development.

Under § 102-5-6(1) the commission may:

- (1) *The county commission may approve the proposed rezoning and concurrently approve a concept plan for the development, in whole or in part, with or without changes or conditions and adopt an ordinance rezoning the property;*

The applicant is requesting that the code-required engineering-level specificity be waived by the County Commission in favor of the proposed bubble diagram and written development standards.

Locations of buildings and structures and their architectural designs. The ordinance requires that the concept plan show the location of buildings and structures and their architectural designs. Exhibit H offers the proposed "bubble diagram" which displays the potential locations for the various uses and buildings on the site. The bubbles should not be considered as the size of the proposed buildings, but rather an area in which the proposed buildings may be constructed. Included with Exhibit H is the first draft of the master plan, and alternatives. This is intended to show the scale of proposed buildings, but not necessarily demonstrate the final location on the ground. The bubble diagram will control the allowed locations of the proposed buildings.

The applicant has proposed a design theme for the sides of buildings within view of 1200 South and 2800 West. The theme will focus on historic or rustic agrarian architecture. Images of the proposed architectural elements are displayed in Exhibit I.

The applicant is prepared to commit to keeping all buildings 200 feet away from existing residences in the area. Taller studio buildings will be setback from streets a considerable distance, buffered from the road by berms, trees, and parking areas, with lower-rise buildings between parking and the taller studio buildings.

Buildings along 1200 South will be closer to the street. The applicant is prepared to commit to buildings no greater than 45 feet tall within 100 feet of 1200 South. By comparison, this is 10 feet taller than what is allowed in the adjacent A-2 zone. No buildings are expected across 1200 South, as the railroad track is immediately adjacent, and creates a buffer from land uses southward. The tallest building onsite is expected to be no greater than 60 feet tall.

Water, wastewater, fire, and other utilities. The applicant has indicated it is currently in positive negotiations with Bona Vista Water and Central Weber Sewer for service. Despite any rezone approvals, no development can occur onsite without completed agreement with these entities. The applicant has proposed power to come from Rocky Mountain Power. There is currently power lines that run across the property. The applicant is currently in negotiation with Rocky Mountain Power to underground existing lines onsite.

⁵ See Exhibit H

⁶ See Exhibit I

Access and traffic circulation. The applicant has proposed two accesses from 2800 West and two from 1200 South. The accesses from 1200 South will require approval from UDOT.

It is likely that traffic to and from the property will merit improvements to 2800 West for turning lanes. A formal traffic study has not been conducted to verify this. Based on nearby plats/ surveys, it appears that the right-of-way of 2800 West is 66 feet. If that is true for the entire street frontage, then no additional right-of-way width is expected to be necessary. It is expected that 2800 West will be improved on the development side for storm water runoff. Formal street design is premature at this time.

Buffering adjacent uses. As mentioned, the buildings will be located greater than 200 feet away from existing residences. Along 2800 West, a six-foot tall berm will be installed with trees lining the top and a pathway running atop or parallel. The trees will be of a species and separation such that the tree canopy will cover 75% of the linear frontage. On the other side of the berm will be surface-lot studio parking. The actual studio buildings will be beyond the parking lot.

The six-foot berm, trees, and pathway will also line the three existing residences on the east side of 2800 West. The applicant has proposed agricultural open-area uses along at least the east and south sides of these residences.

Landscaping. Other than lining the exterior boundary with shade trees, it is expected that internal landscaping will comply with the adopted architecture, landscape, and screening standards of existing ordinances.

Trails and pathways. The circumference of the property will be lined with a pathway. Pathways onsite are expected to have an equestrian element.

Parking. It is premature to attempt to calculate the required parking spaces for the project. It is anticipated that the secure studio parking will be a surface-lot. The applicant is proposing one or possibly two parking structures as the project is created and more parking is needed. It is expected that parking requirements will comply with the currently adopted parking ordinances.

Lighting. The applicant is proposing that the permanent lighting fixtures across the project will be dark-sky compliant. This means lighting will be downward directed and fully shielded in a manner that there will be no direct light source visible from off-property. The surface parking lots will have an additional level of light reduction by limiting the light level to dark-sky standards.

Phasing. While the applicant is not anticipating the need for a specific phasing plan, it is likely the project will be built in phases. It is expected that the film studio and film school will be built first, followed by the arena then other uses. The applicant is prepared to commit to the berms, trails, trees, and other open spaces in the first phase.

Wetlands and floodplain. There is known floodplain on the property. Currently, the flood zone is designated AE along the Weber River, which means that the base-flood-elevation is known for this area, and there is one percent per year chance of flooding. Also onsite are areas designated by the Army Corps of Engineers as wetlands. The applicant is proposing wetland mitigation when needed for acreage, and wetland preservation where possible. Wetland mitigation typically means that wetlands will be built elsewhere in the area in exchange for eliminating wetlands onsite. **Figure 3⁷** displays the flood zones and wetland areas.

⁷ See Exhibit J

Figure 3, Floodplain and Wetlands.



Modifying C-2 zone. In order to enable the limited residential uses proposed onsite, the C-2 zone will need to be modified. There are a number of other modifications to the C-1, C-2, and C-3 zoning chapter that would not only benefit the proposal, but also benefit other commercial areas.⁸ In addition to these proposed modifications, staff suggest the following allowed C-2 uses be withheld from the development, as they will not foster the long-term outcome expected:

- Amusement Enterprises
- Car wash, laundry type and car wash manual spray
- Drive it yourself business
- Motorboat sales and service
- Restaurant, drive-in
- Service station, automobile excluding painting, body and fender and upholstery work
- Service station automobile with rotating brush car wash as accessory use

General plan. In order to recommend approval of the rezone, the West Central Weber County General Plan should be amended to enable the new zone in the area. **Figures 4 and 5**⁹ show the proposed amendment to the "Future Land Use Map" of that plan.

⁸ See Exhibit G

⁹ See Exhibits B and C for the complete maps

Figure 4: 2018 Future Land Use Map and the Subject Property.

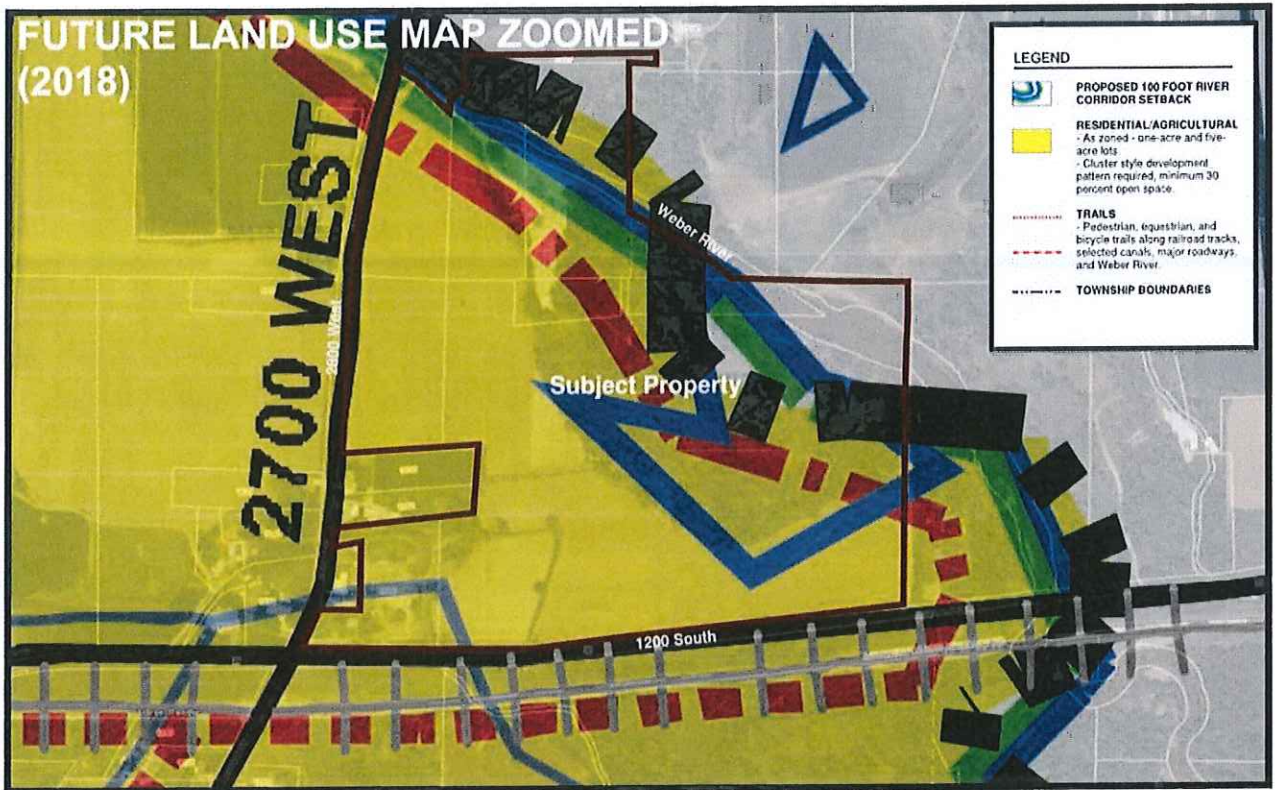
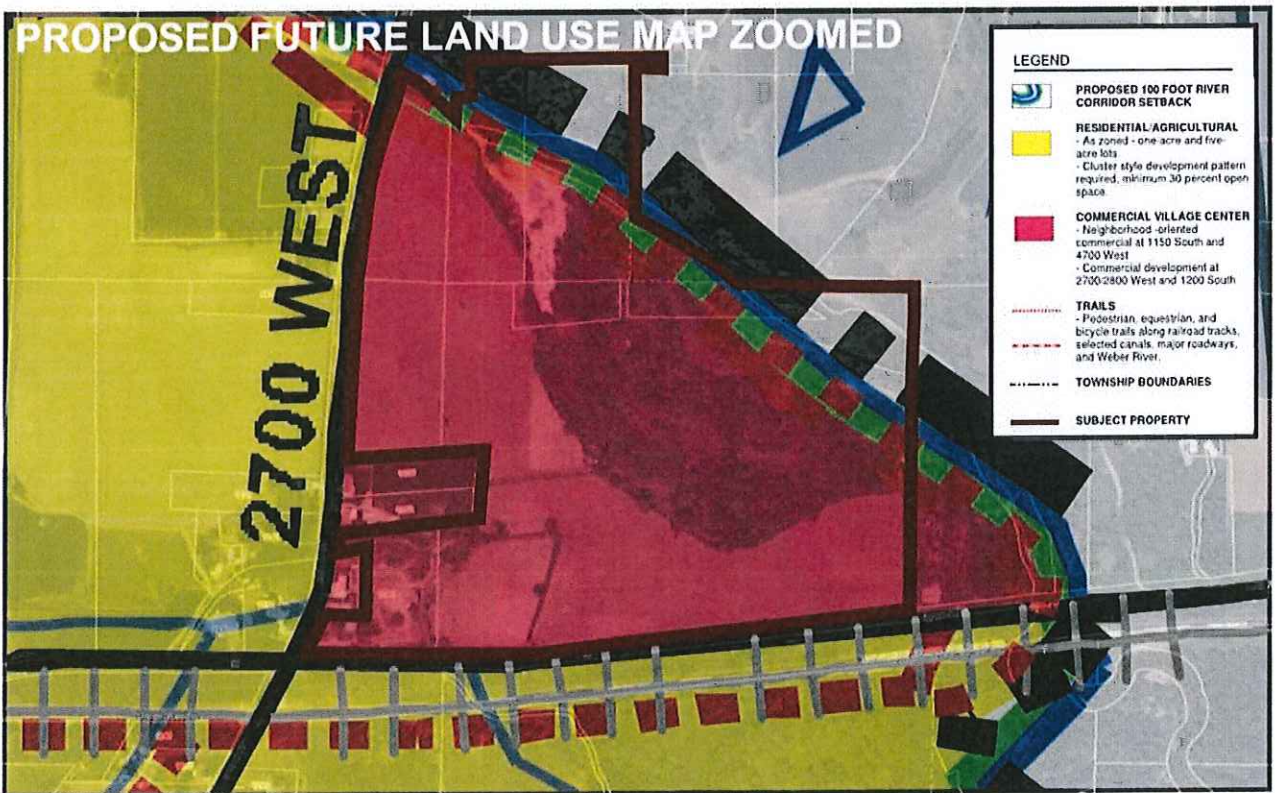


Figure 5: Proposed Future Land Use Map and the Subject Property.



Further, the written text of the general plan should probably be rewritten to reflect this new allowance and eliminate potential conflicts. If enabling the rezone is favorable, staff recommend the following amendment to the commercial land use section¹⁰ of the West Central Weber County General Plan:

Commercial Land Use

~~The~~As the community grows, the area can will be able to support about 45 acres of retail~~;~~additional commercial neighborhood services ~~opportunities.~~ A community village center formed at the intersection of 1150 South and 4700 West should be created that includes mixed-use retail, small offices, and community services such as a first response medical unit. Residential uses, such as condominiums, apartments, or senior living units, ~~Zoning for this area should not be included in neighborhood-services oriented, without the area.~~potential for large commercial operations, like big-box stores.

A master planned mixed-use commercial development should be considered for land northeast of 2800 West and 1200 South. The development should be planned with retail, offices, community services, educational opportunities, entertainment, and publicly-accessible trails and parks, and other open spaces. Limited residential development may occur provided the vast majority is above planned first story commercial. Impacts of this development should be appropriately mitigated and buffered to minimize the effect on the existing residences in the area.

~~Zoning for this community village center should be C-1, which excludes most large uses, large box retail concerns, and intense uses such as auto sales. Alternatively, create a new mixed use zone designed to support small community center uses.~~

Policy: Commercial Development

Enable new neighborhood-oriented commercial development on ~~Direct new commercial development to~~ contiguous parcels at the intersection of 1200 South and 4700 West. ~~Approximately 45 acres of commercial development is recommended.~~ and 1200 South. Enable new mixed use development on contiguous parcels northeast of the intersection of 2800 West and 1200 South.

~~Implementation Action: As new commercial development is proposed, properties should be rezoned to C-1~~ When existing commercial zones are close to build-out at the intersection of 4700 West and 1200 South, additional acreage on the northwest corner of the intersection should be considered for C-1 zone, for a total of about 45 acres of C-1 in that area.

~~Implementation Action: Rezone~~ Enable a master planned mixed-use community on the northeast corner of 2800 West and 1200 South.

Implementation Action: Unless a master planned community with a development agreement, rezone the existing C-2 properties to C-1 zone.

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

A review of the existing general plan text offers the general dialogue and interests regarding a number of aspects of this proposal.

Commercial uses

"Limited commercial uses currently exist, and many people are very comfortable with the status quo. Others would like to see more commercial, particularly if it is concentrated with other services such as fire stations and schools, and if it is well-located and well-planned. Major intersections and corridors might be appropriate locations. Commercial uses can have a positive effect on tax base and services provided."¹¹

"Develop commercial design standards to help commercial development better fit with the character of the area."¹²

This master planned development will host an education facility. It will be located along the 1200 South transportation corridor, one of the major corridors in the area. It will create jobs, retail tax-base, and increase taxable value of the subject property, giving the area a positive tax effect.

Parks and trails

¹⁰ See Page 2-15 of the West Central Weber County General Plan.

¹¹ See Page 1-5 of the West Central Weber County General Plan.

¹² See Page 2-15 of the West Central Weber County General Plan.

"Many people expressed a desire for developed public parks (with playing fields, pavilions, playgrounds, tennis courts), a variety of trails including pedestrian, bicycle and equestrian trails, recreation facilities such as a recreation center and other developed facilities, and a library. Some suggested that utility easements are good locations for trails and bike paths; others felt that canals are too dangerous for use as trails. The concept of a "river walk" was mentioned, but those with property directly on the river were opposed to trails development along the river. It was suggested that the river flood plain should be purchased and held in public ownership."¹³

This development will create landowner volunteered park area and trails. The applicant has proposed a public multi-use asphalt trail along the Weber River, and a loop trail that encircles the development. An emphasis on equestrian trails has also been proposed.

Night sky

"Some felt that ... new ordinances need to be developed to protect the night sky..."¹⁴

The applicant has proposed that this development be night sky friendly. They have volunteered all permanent light fixtures to be downward directed and fully shielded so as not to create light trespass on adjacent landowners. It cannot be guaranteed that outdoor filming will always be able to follow this standard; however, the applicant has committed to providing vegetation and/or building buffers that will block this temporary lighting from existing adjacent properties. The applicant has also volunteered all surface parking areas to be low-light levels.

Staff Recommendation

If the Planning Commission supports the proposed general plan amendment, then staff recommends that the Planning Commission forward a positive recommendation to the County Commission for the general plan amendment, File #GP 2019-02, and the rezone, File #ZMA 2019-03 with the following requirements to be executed by means of a development agreement:

1. The uses allowed in the C-2 zone that are automobile dependent and open for the public to use should be prohibited, such as car sales, car wash, mechanic services, drive-through restaurants, etc.
2. Six foot berms should be created along 2800 West to shield the development/parking lots from view of adjacent residences.
3. Six foot berms should be created around the north and west sides of existing residential parcels on the east side of 2800 West. The same berms will be provided on the south side in the event of the parcels in the event non-agrarian uses are established in view of the residences.
4. A pathway should encircle the outer perimeter of the project, lined on the project's south and west boundaries with shade trees of a species and spacing that are expected to create 75 percent linear canopy coverage within 15 years of planting.
5. All onsite permanent lighting fixtures should be designed to provide the minimum lighting necessary to ensure adequate vision, comfort and safety and should be downward directed and fully shielded to not cause glare or direct illumination onto adjacent properties or streets. Additionally, the lighting of surface parking lots should not exceed 0.4-foot-candles and have a light distribution uniformity ratio no greater than 4:1.
6. The tall studio buildings should be setback from 2800 West and be buffered by parking areas and lower-height buildings.
7. The height of buildings along 1200 South and, if applicable, 2800 West, should be no greater than 45 feet for a distance from the street right-of-way of 100 feet. Maximum building height otherwise should be 65 feet.
8. 80 percent or greater residential units, excluding lodging rooms, should be located above first story commercial.
9. The buildings with fronts visible from 1200 South or 2800 West should be treated with agrarian architectural features as found in the proposed architectural theme document.
10. That all berms, trees, pathways, and associated vegetation should be installed prior to certificate of occupancy for the first building.
11. That all other agency concerns should be accounted for as may be necessary in the development agreement.

¹³ See Page 1-5 of the West Central Weber County General Plan.

¹⁴ See Page 1-6 of the West Central Weber County General Plan.

This recommendation may come with the following findings:

1. With the proposed amendment to the West Central Weber County General Plan, the proposed rezone complies with the general plan.
2. The proposal will offer an economic benefit to the community in a well-planned manner that offers relatively minimal community impacts in comparison to other economic development possibilities.
3. The proposal offers public recreation, shopping, jobs, and has the potential to offer moderate-income housing, all cornerstones of sustainable community planning principles.
4. The impacts of the development on adjacent landowners is proposed to be appropriately minimized by use of natural and built buffers.
5. The development will enhance the overall health, safety, and welfare of the community.

Exhibits

Exhibit A: Application.

Exhibit B: Existing "Future Land Use Map" of West Central Weber County General Plan.

Exhibit C: Proposed Amendment to the "Future Land Use Map" of West Central Weber County General Plan.

Exhibit D: Existing Zoning and Generally Existing Conditions of Subject Area (with aerial photo).

Exhibit E: Proposed Amendment to the Zoning of Subject Area.

Exhibit F: A review of uses allowed and site development standards in the A-2 zone.

Exhibit G: A review of uses allowed and proposed, and site development standards in the C-2 zone.

Exhibit H: Concept Development Plan and Alternatives.

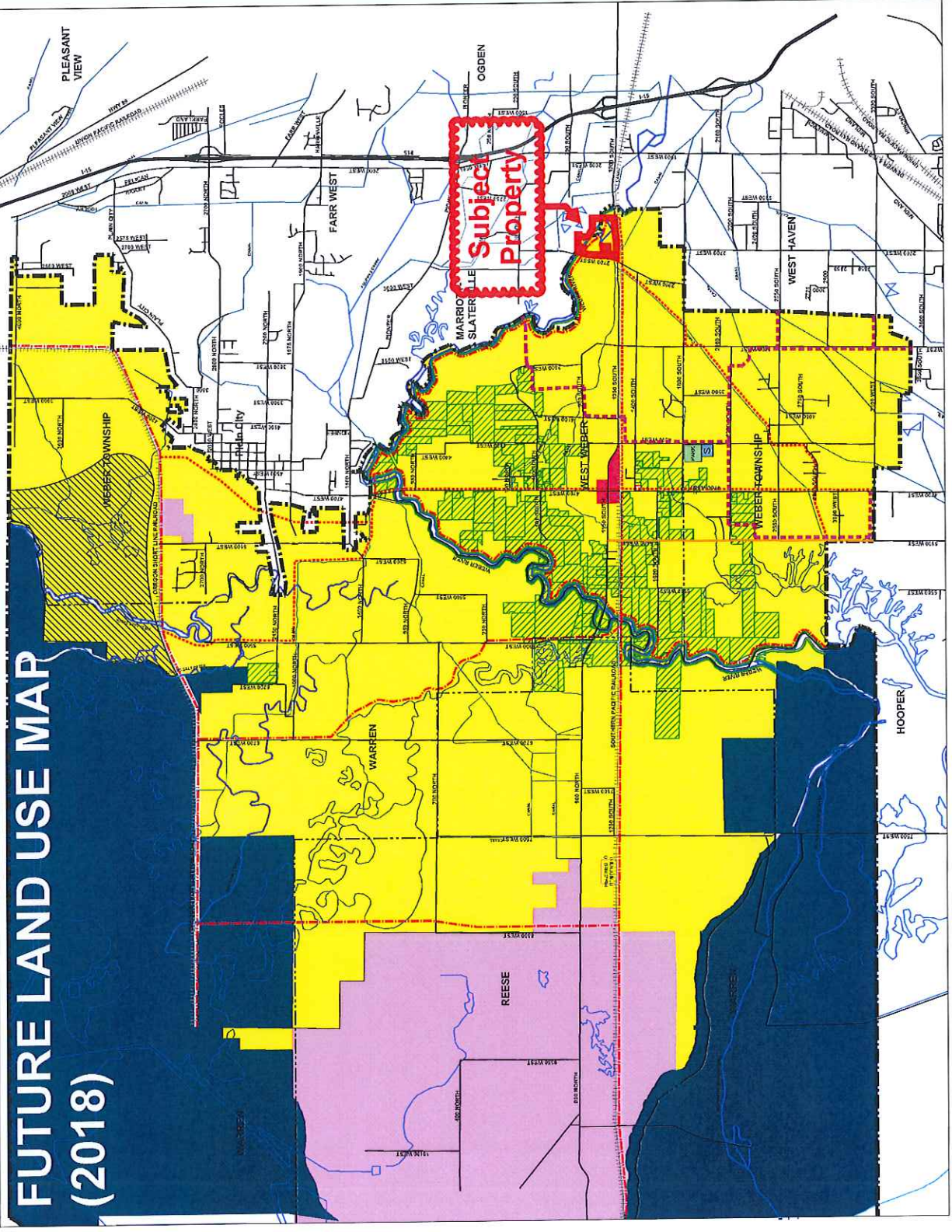
Exhibit I: Architectural Design Guide.

Exhibit J: Floodplain and Wetlands.

WEST CEM **Exhibit B**

WEBER COUNTY GENERAL PLAN

PROPOSED LAND USE MAP 2-4













LEGEND

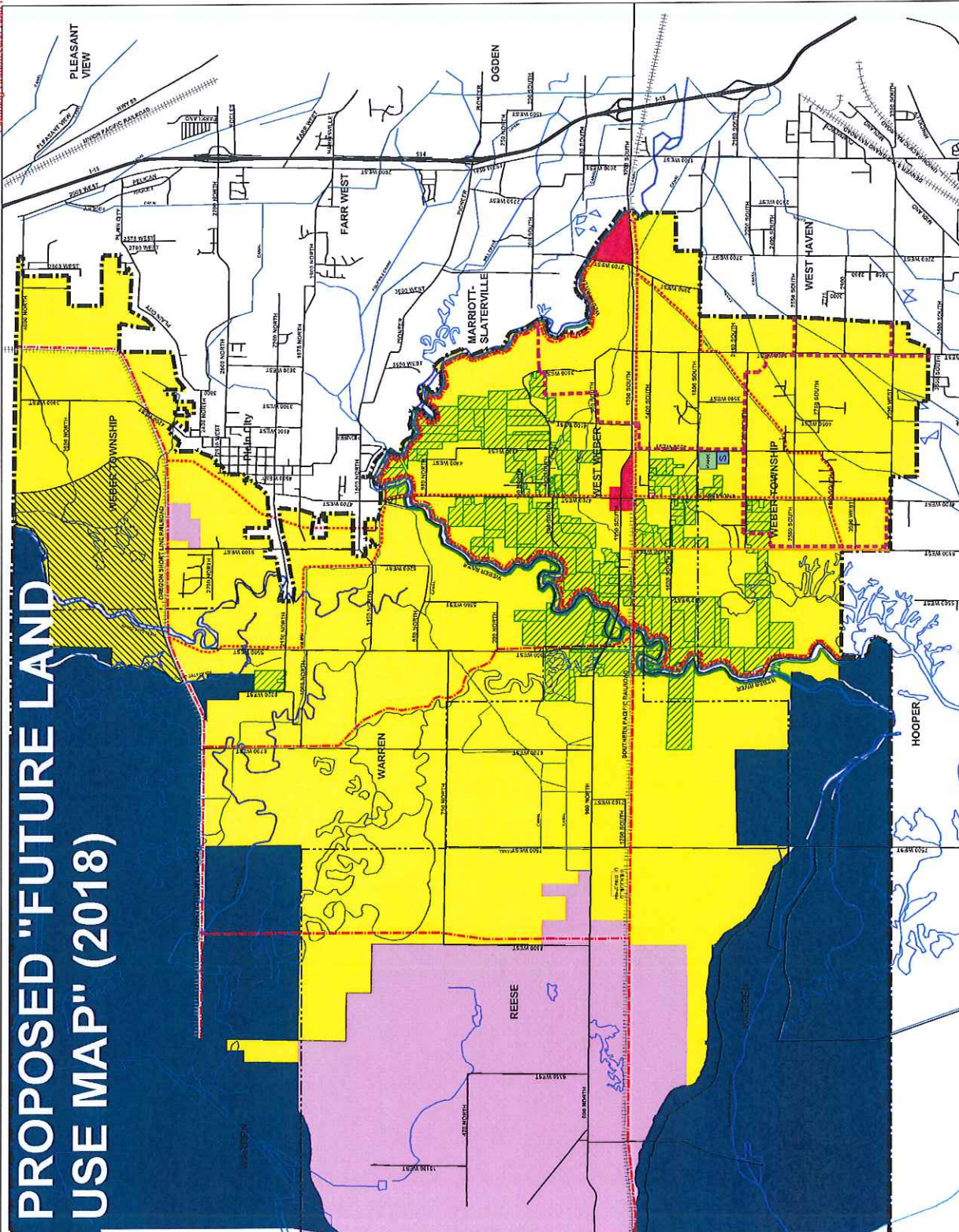
- INDUSTRIAL PARK**
 - Rezone approximately 20-acre parcel to match adjacent zoning.
 - Eliminate residential as a conditional use in industrial zones.
- RESIDENTIAL/AGRICULTURAL**
 - As zoned - one-acre and five-acre lots.
 - Cluster-style development pattern required, minimum 30 percent open space.
- EXISTING STATE / FEDERAL LAND WATERFOWL MANAGEMENT AREA**
- COMMUNITY VILLAGE CENTER**
 - Commercial node of 45 acres of supportable neighborhood services.
 - First response emergency services.
- EXISTING AGRICULTURE PROTECTION AREAS**
 - Unchanged
- EXISTING SEWER**
- PROPOSED 100' WIDE SETBACK ALONG RIVER**
- SCHOOLS AND PARKS**
 - New High School as planned by Weber School District.
 - Adjacent 20-acre park.
- TRAILS**
 - Pedestrian and bicycle trails along railroad tracks, selected canals, major roadways, and Weber River.
 - Equestrian trails.
- TOWNSHIP BOUNDARY**



WEST CEI Exhibit C WEBER COUNTY GENERAL PLAN PROPOSED LAND USE MAP 2-4

PROPOSED "FUTURE LAND USE MAP" (2018)

- LEGEND**
-  **INDUSTRIAL PARK**
 - Rezone approximately 20-acre parcel to match adjacent zoning.
 - Eliminate residential as a conditional use in Industrial zones.
 -  **RESIDENTIAL/AGRICULTURAL**
 - As zoned - one-acre and five-acre lots
 - Cluster style development pattern required, minimum 30 percent open space.
 -  **EXISTING STATE / FEDERAL LAND WATERFOWL MANAGEMENT AREA**
 -  **COMMERCIAL VILLAGE CENTER**
 - Neighborhood-oriented commercial at 1150 South and 4700 West
 - Master-planned development at 2700/2800 West and 1200 South
 -  **EXISTING AGRICULTURE PROTECTION AREAS**
 - Unchanged
 -  **EXISTING SEWER**
 -  **PROPOSED 100' WIDE SETBACK ALONG RIVER**
 -  **SCHOOLS AND PARKS**
 - New High School as planned by Weber School District.
 - Adjacent 20-acre park.
 -  **TRAILS**
 - Pedestrian and bicycle trails along railroad tracks, selected canals, major roadways, and Weber River.
 - Equestrian trails.
 -  **TOWNSHIP BOUNDARY**



Adopted September 23, 2003
Page Amended September 11, 2018
Page Amended October 2, 2018
Page Amended December 4, 2015

Exhibit D

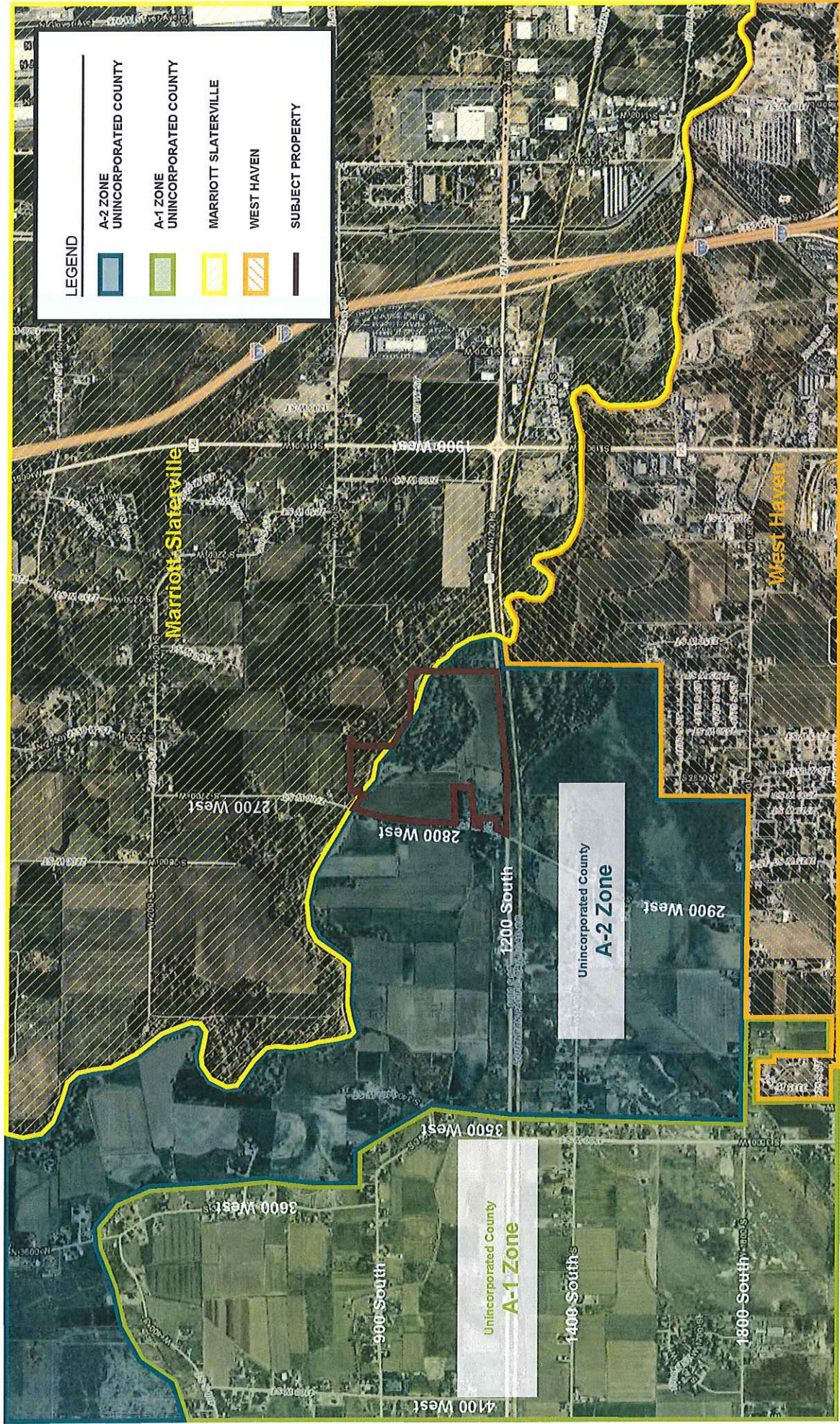


Exhibit D

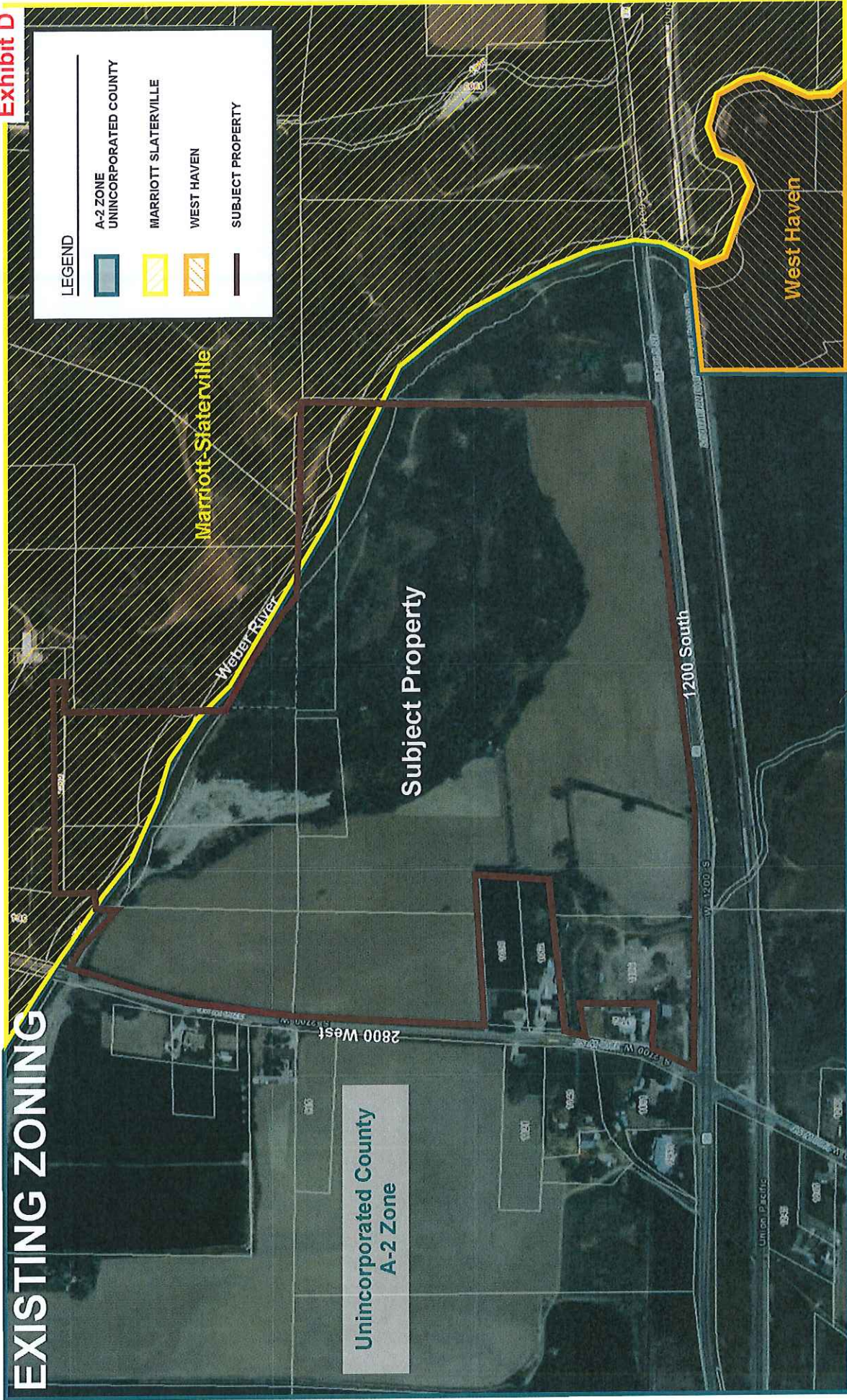
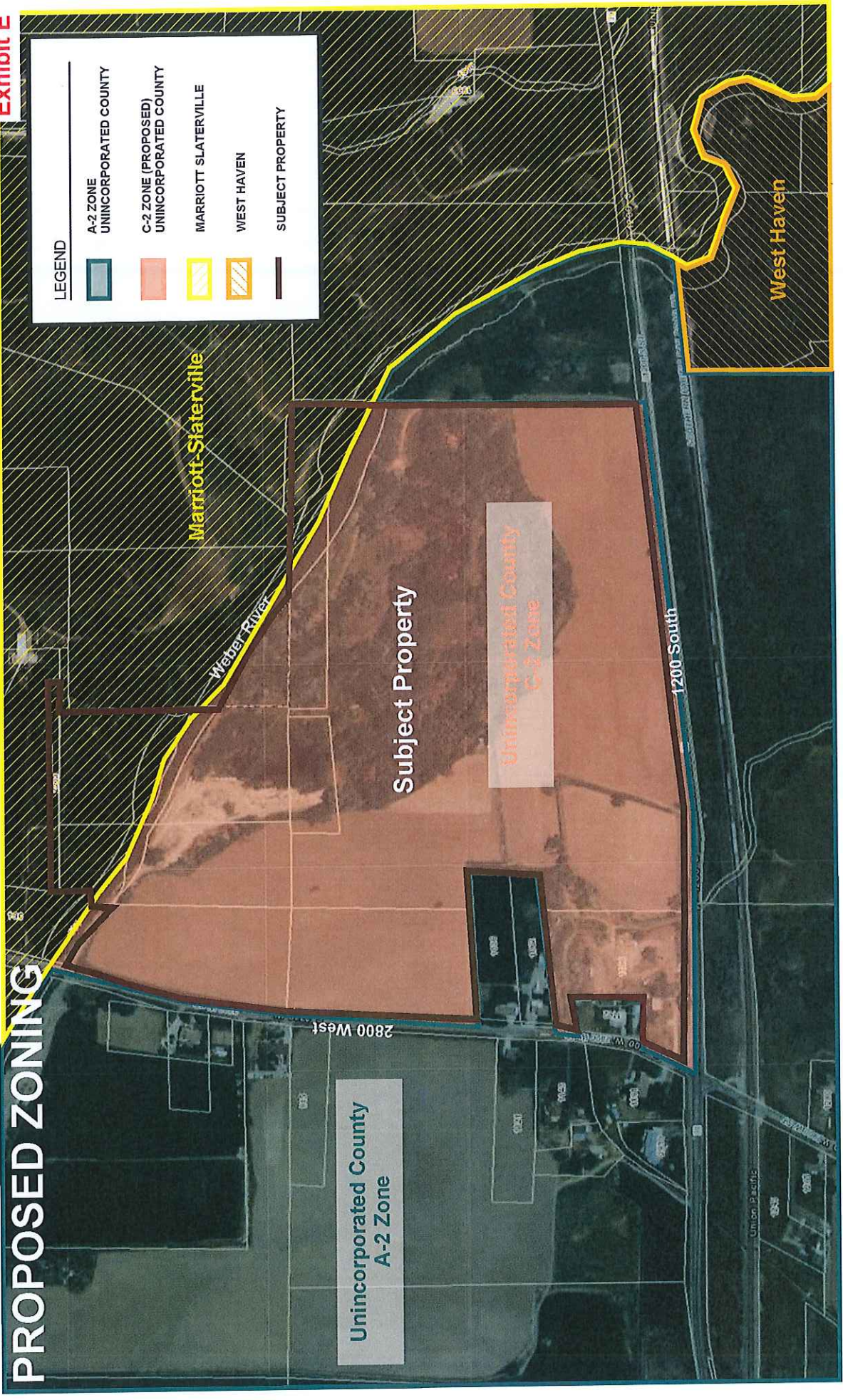


Exhibit E



CHAPTER 7. - AGRICULTURAL A-2 ZONE

Sec. 104-7-1. - Purpose and intent.

The purpose of the A-2 Zone is to designate farming areas where agricultural pursuits and the rural environment should be promoted and preserved.

(Ord. of 1956, § 6-1; Ord. No. 7-76)

Sec. 104-7-2. - Agriculture preferred use.

Agriculture is the preferred use in Agriculture Zone A-2. All agricultural operations shall be permitted at any time, including the operation of farm machinery and no agricultural use shall be subject to restriction because it interferes with other uses permitted in the zone.

(Ord. of 1956, § 6-1a; Ord. No. 7-76)

Sec. 104-7-3. - Permitted uses.

The following uses are permitted in the Agriculture Zone A-2:

- (1) 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.
- (2) Agriculture, agricultural experiment station; apiary; aviary; aquarium.
- (3) Animals or fowl kept for family food production as an accessory use.
- (4) Cemetery; chinchilla raising, convalescent or rest home.
- (5) Church, synagogue or similar building used for regular religious worship.
- (6) Cluster subdivision in accordance with title 108, chapter 3 of this Land Use Code.
- (7) Corral, stable or building for keeping animals or fowl, provided such structure shall be located not less than 100 feet from a public street and not less than 25 feet from any rear or side lot line.
- (8) Fruit or vegetable stand for produce grown on the premises only.
- (9) Golf course, except miniature golf course.
- (10) Greenhouse and nursery limited to sale of materials produced on premises and with no retail shop operation.
- (11) Home occupations—with no visiting clientele.
- (12) Household pets.
- (13) Parking lot accessory to uses allowed in this zone.
- (14) Private park, playground or recreation area, but not including privately owned commercial amusement business.
- (15) Private stables, horses for private use only and provided that not more than two horses may be kept for each one-half acre within any lot.
- (16) Public building; public park, recreation grounds and associated buildings; public school; private education institution having a curriculum similar to that ordinarily given in public schools.
- (17) Single-family dwelling.

- (18) Sugar beet loading or collection station and dump sites.
- (19) Temporary buildings for use incidental to construction work. Such building shall be removed upon completion or abandonment of the construction work.

(Ord. of 1956, § 6-2; Ord. No. 7-76; Ord. No. 96-35; Ord. No. 2015-7, Exh. A, 5-5-2015)

Sec. 104-7-4. - Permitted uses requiring five acres minimum lot area.

The following uses requiring five acres minimum lot area are permitted in the Agriculture Zone A-2:

- (1) Dairy farm and milk processing and sale provided at least 50 percent of milk processed and sold is produced on the premises.
- (2) Farms devoted to the hatching, raising (including fattening as an incident to raising) of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.
- (3) Fur farm.
- (4) Golf driving range.
- (5) Grain storage elevators.
- (6) The keeping and raising of not more than ten hogs more than 16 weeks old, provided that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises.
- (7) Public stables.
- (8) The raising and grazing of horses, cattle, sheep or goats as part of a farming operation including the supplementary or full feeding of such animals provided that such raising and grazing when conducted by a farmer in conjunction with any livestock feed yard, livestock sales or slaughterhouse shall:
 - a. Not exceed a density of 40 head per acre of used land;
 - b. Be carried on during the period of September 15 through April 15 only;
 - c. Be not closer than 200 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and,
 - d. Not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.

(Ord. of 1956, § 6-3; Ord. No. 9-65; Ord. No. 7-76; Ord. No. 8-84; Ord. No. 2008-31)

Sec. 104-7-5. - 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.

- (1) Agri-tourism; meeting the requirements of title 108, chapter 21 (agri-tourism).
- (2) Airports, private and commercial.
- (3) Animal hospital or clinic; dog breeding, dog kennels, or dog training school, on a minimum of two acres and not exceeding ten dogs of more than ten weeks old, per acre, at any time; provided any building or enclosure for animals shall be located not less than 100 feet from a public street and not less than 50 feet from any side or rear property line.
- (4) Child day care.
- (5) Circus or transient amusement.

- (6) Commercial campgrounds and picnic areas meeting the requirements of title 108, chapter 20 (forest campgrounds).
- (7) Correctional institution.
- (8) Educational/institutional identification sign.
- (9) Gun club; greenhouse and nursery limited to the sale of plants, landscaping materials, fertilizer, pesticide, and insecticide products, tools for garden and lawn care and the growing and sale of sod.
- (10) Horse racing and training track, cutter racing track, including indoor concessions as an accessory use.
- (11) Mines, quarries, gravel pits in accordance with Weber County Excavation and Clean Fill Ordinance.
- (12) Outdoor recreation club activities for horse riding, bow and arrow shooting, snowmobiling, etc.
- (13) Planned residential unit development in accordance with title 108, chapter 4 of this Land Use Code.
- (14) Private park, playground or recreation area not open to the general public and to which no admission charge is made, but not including privately owned commercial business.
- (15) Private equestrian training and stable facilities on a minimum of five acres of land and at a density of not more than ten horses per acre.
- (16) Public storage facilities developed by a public agency and meeting requirements of title 108, chapter 10.
- (17) Public utility substations.
- (18) Radio or television station or tower.
- (19) Raising and slaughtering of rabbits limited to a maximum of 500 rabbits at any one time.
- (20) Residential facilities for handicapped persons meeting the requirements of section 108-7-13.
- (21) Residential facility for elderly persons meeting the requirements of section 108-7-15.
- (22) Rodeo grounds.
- (23) School bus parking, provided the vehicle is parked at least 30 feet from a public street.
- (24) Skeet shooting range; sanitariums.
- (25) Slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl, rabbits, fish, frogs or beaver in conjunction with the hatching and raising of such animals on farms having a minimum area of five acres.
- (26) The overnight parking of not more than one vehicle other than an automobile, light truck or recreation vehicle, of not more than 24,000 pounds net weight, on property of not less than two acres in area and upon which the operator has his permanent residence provided that the vehicle is parked at least 50 feet from a public street.
- (27) 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.
- (28) Turf horse jumping course.
- (29) Waste water treatment or disposal facilities meeting the requirements of the Utah State Division of Health Code of Waste Disposal Regulations.
- (30) Residential facility for troubled youth subject to the requirements listed in section 108-7-14.

Exhibit F

- (31) Commercial soil composting, manufacture, and sales on a minimum of ten acres.
- (32) Laboratory facility for agricultural products and soils testing.
- (33) Small wind energy system.

(Ord. of 1956, § 6-1; Ord. No. 3-72; Ord. No. 7-76; Ord. No. 11-77; Ord. No. 7-81; Ord. No. 18-84; Ord. No. 30-85; Ord. No. 16 86; Ord. No. 12-91; Ord. No. 20-94; Ord. No. 30-94; Ord. No. 96-35; Ord. No. 96-42; Ord. No. 97-8; Ord. No. 2008-31; Ord. No. 2009-14; Ord. No. 2009-14; Ord. No. 2012-19, pt. 5(§ 6-4), 12-18-2012)

Sec. 104-7-6. - Site development standards.

The following site development standards apply to the Agriculture Zone A-2:

	Permitted and Conditional Uses	Permitted Uses Requiring 5 Acres
Minimum lot area		
Single-family dwelling, unless developed under the provisions of section 106-2-4	40,000 sq. ft.	
Other	2 acres	5 acres
Minimum lot width, unless developed under the provisions of section 106-2-4	150 feet	300 feet
Minimum yard setbacks		
Front	30 feet	30 feet
Side		
Dwelling	10 feet with total width of 2 side yards not less than 24 feet	
Other main building	20 feet each side	20 feet each side
Accessory building	10 feet except 1 foot if located at least 6 feet in rear of main building	

Exhibit F

Accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials	See section 108-7-16.	
Side; facing street	20 feet	20 feet
Rear		
Main building	30 feet	30 feet
Accessory building	One ft. except 10 ft. where accessory building on a corner lot rears on side yard of an adjacent lot	
Main building height		
Minimum	One story	One story
Maximum	35 feet	35 feet
Accessory building height	25 feet unless meeting requirements of section 108-7-16, Large accessory buildings	

(Ord. of 1956, § 6-5; Ord. No. 7-76; Ord. No. 14-91; Ord. No. 8-2002; Ord. No. 2009-14; Ord. No. 2018-11, Exh. A, 8-21-2018)

Sec. 104-7-7. - Permitted signs.

The height, size and location of the following permitted signs shall be in accordance with the regulations set forth in this Land Use Code.

- (1) Business signs for legal nonconforming commercial or industrial use including flat, freestanding, projecting, temporary or wall type signs.
- (2) Nameplates, flat or wall type.
- (3) Identification and information signs, directional, flat, freestanding, projecting, temporary or wall type signs.
- (4) Property sign, directional, flat, freestanding, projecting, temporary or wall type signs.
- (5) Service signs, directional, flat, freestanding or projecting type signs.
- (6) Off-premises sign, advertising directional flat, freestanding, projecting, roof or wall type signs.

Title 104 - ZONES

CHAPTER 20. - COMMERCIAL ZONES C-1, C-2, C-3

Sec. 104-20-1. - Purpose and intent.

The purpose of the C-1 Neighborhood Commercial, C-2 Community Commercial, and C-3 Regional 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.

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:

	C-1	C-2	C-3
Minimum lot area	none	none	none
Minimum lot width	none	none	none
Minimum yard setbacks			
Front	20 ft. on streets of less than 80 ft. in width; <u>except zero feet if the street frontage meets the complete street requirements of Section 104-21-4(c), incorporated herein by reference.</u> 50 ft. on streets and highways of 80 ft. or more in width		
Side	None, except 10 feet adjacent to residential <u>or agricultural</u> zone boundary.		
Side facing street on corner lot	20 feet; <u>except zero feet if the street frontage meets the complete street requirements of Section 104-21-4(c), incorporated herein by reference.</u>		
Rear	None, except 10 feet where building rears on a residential <u>or agricultural</u> zone.		
Building height			

Exhibit G

Minimum	1 story		
Maximum	35 ft.	none	none
Maximum lot coverage	Not over 60 percent of lot area by buildings or accessory buildings		none

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.

Sec. 104-20-4. - Special regulations.

(a) Hereinafter specified permitted and conditional uses shall be permitted only when the following conditions are complied with:

- (1) All manufacturing shall be done within a completely enclosed building.
- (2) All uses shall be free from objection because of odor, dust, smoke, or noise.
- (3) In the C-1 Neighborhood Commercial Zone, no entertainment, except recorded music shall be permitted in cafes, cafeterias, ice cream parlors, or restaurants.

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

- (1) 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.
- (2) There shall not be more than four washing bays for a manual spray car wash in C-1 Zones only.
- (3) Off-street vehicle storage required 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.

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.

Exhibit G

	C-1	C-2	C-3
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
Air conditioning, sales and service	N	N	P
Altering, pressing and repairing of wearing apparel	P	P	P
Ambulance base stations	N	C	P
Amusement enterprises	N	N	C
Animal hospital, small animals only and provided it is conducted within completely enclosed building	N	N	C
Antique, import or souvenir shop	N	P	P
Archery shop and range, provided it is conducted within completely enclosed building.	N	P	P
Art and artists supply store	N	P	P
Athletic and sporting goods store, excluding sale or repair of motor vehicles, motor boats or motors	N	P	P
Athletic and sporting goods store including sale or repair of motor vehicles, motor boats or motors	N	N	P
Athletic club	N	P	P
Auction establishment	N	N	C
Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided it is conducted within completely enclosed building	N	N	P

Exhibit G

Automobile, new or used, sales and service	N	N	P
Awning sales and service	N	P	P
Baby formula service	P	P	P
Bakery manufacture limited to goods retailed on premises	P	P	P
Bakery goods manufacturing	N	N	P
Bank or financial institution	P	P	P
Barbershop	P	P	P
Bath and massage establishment	N	P	P
Beauty culture school	N	N	P
Beauty parlor for cats and dogs	N	P	P
Beauty shop	P	P	P
Bed and breakfast inn	N	P	P
Bed and breakfast hotel	N	C	P
Beer parlor, sale of draft beer	N	N	C
Bicycle sales and service	P	P	P
Billiard parlor	N	N _P	P
Blue printing or photostatting	N	P	P
Boardinghouse	N	C	P
Boat sales and service, <u>non-motorized</u>	N	C	P

Exhibit G

Bookbinding	N	N	P
Bookstore, retail	P	P	P
Bottling and distribution plant	N	N	P
Bowling alley	N	C	P
Boxing arena	N	N	P
Building materials sales or yard	N	N	P
Bus terminal	N	P	P
Cabaret	N	N	C
Cafe or cafeteria	P	P	P
Camera store	P	P	P
Candy manufacture	N	N	P
Candy store, confectionery	P	P	P
Carbonated water sales	N	P	P
Carpenter and cabinet shop	N	N	P
Carpet and rug cleaning	N	N	P
Carpet, rug and linoleum service	N	P	P
Car wash, laundry type	N	C	P
Car wash, manual spray	C	P	P
Cash register sales and service	N	P	P

Exhibit G

Catering establishment	N	P	P
China, crystal and silver shop	C	P	P
Christmas tree sales	P	P	P
Church	N <u>P</u>	C <u>P</u>	P
Church, temporary revival	N	C	C
Circus, carnival or other transient amusement	N	N	C
Cleaning and dyeing establishment	N	P	P
Clinics, medical or dental	P	P	P
Clothing and accessory store	N	P	P
Coal and fuel sales office	N	N	P
Communication equipment building	N	P	P
Contractor shop, provided work is conducted within a completely enclosed building	N	N	P
Costume rental	N	P	P
Dairy products store	P	P	P
Dance hall	N	N	C
Data processing service and supplies	N	P	P
Delicatessen	P	P	P
Department store	N	P	P
Detective agency	P	P	P

Exhibit G

Diaper service, including cleaning	N	P	P
Drapery and curtain store	N	P	P
Drive it yourself agency or business	N	P	P
Drugstore	P	P	P
Dry cleaning establishment	N	N	P
Dry cleaning pickup station	P	P	P
<u>Dwelling, multifamily; only when legislatively approved as a part of rezone for a master planned commercial development, and memorialized in a development agreement. At least 80 percent of the residences shall be above ground-level commercial development.</u>	<u>P</u>	<u>P</u>	<u>P</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	C	N
Educational institution	N	P	P
Educational/institutional identification sign	C	C	C
Egg and poultry store, providing no live bird slaughtering or eviscerating permitted	P	P	P
Electrical and heating appliances and fixtures sales and service	N	P	P
Electronic equipment sales and service	N	P	P
Employment agency	N	P	P
Express and transfer service	N	N	C
Fabric and textile store	P	P	P
Farm implement sales	N	N	P

Exhibit G

Film exchange establishment	P	P	P
Five and ten cent store	P	P	P
Florist shop	P	P	P
Frozen food lockers, incidental to a grocery store or food business	P	P	P
Fruit store or stand	P	P	P
Furniture sales and repair	N	P	P
Fur apparel sales, storage or repair	N	P	P
Garden supplies and plant materials sales	P	P	P
Gift store	P	P	P
Glass sales and service	N	P	P
Government buildings or uses, nonindustrial	C	P	P
Greenhouse and nursery; soil and lawn service	N	P	P
Grocery store	P	P	P
Gunsmith	N	P	P
Gymnasium	N	P	P
Hardware stores	N	P	P
Health club	N	P	P
Health food store	P	P	P
Heliport	N	C	C

Exhibit G

Hobby and crafts store	P	P	P
Hospital supplies	N	P	P
Hotel	N	C	P
House cleaning and repair	N	P	P
House equipment display	N	P	P
Household appliance sales and incidental service	N	C	P
Household pets, dwelling units only	P	P	P
Ice cream manufacture	N	N	P
Ice cream parlor	P	P	P
Ice manufacture and storage	N	N	P
Ice store or vending station	P	P	P
Insulation sales	N	P	P
Insurance agency	N	P	P
Interior decorator and designing establishment	N	P	P
Janitor service and supply	N	P	P
Jewelry store sales and service	P	P	P
Knitting mills	N	N	C
Laboratory, dental or medical	N	P	P
Laundry or dry cleaners, laundromat type	P	P	P

Exhibit G

Laundry or dry cleaning establishment	N	N	P
Launderette or laundromat	P	P	P
Lawn mower sales and service	N	P	P
Leather goods, sales and service	N	P	P
Legal office	N	P	P
Library	P	P	P
Linen store	N	P	P
Linen supply service	N	N	P
Liquor store	N	C	C
Locksmith	P	P	P
Lodge or social hall	N	P	P
Lodginghouse	N	C	P
Lounge	N	N	C
Luggage store	N	P	P
Lumber yard	N	N	C
Machine shop operations incidental to any use permitted in C 3 district	N	N	P
Manufacture of goods retailed on premises	N	C	C
Meat custom cutting and wrapping excluding slaughtering	N	C	C
Meat, fish and seafood store	P	P	P

Exhibit G

Medical office	P	P	P
Millinery	N	P	P
Miniature golf	N	N C	C
Mobile home sales	N	C N	P
Mobile home service	N	N	P
Monument works and sales	N	P	P
Mortuary	N	C	P
Motel	N	C	P
Motorboat sales and service	N	C	P
Motorcycle and motor scooters sales and service	N	C	P
Museum	C	P	P
Music store	N	P	P
Needlework, embroidery or knitting store	P	P	P
Newsstand	P	P	P
Nightclub or social club	N	N	C
Notion store	P	P	P
Novelty store	N	P	P
Nursery school	C	P	P
Office in which goods or merchandise are not commercially created, exchanged or sold	N	P	P

Exhibit G

Office supply	N	P	P
Office machines sales and service	N	P	P
Oil burner shop	N	N	C
Optometrist, optician or oculist	P	P	P
Ornamental iron sales or repair	N	C	P
Paint or wallpaper store	N	P	P
Paperhanger shop	N	P	P
Park and playground	P	P	P
Parking lot or garage for passenger automobiles	C	C	C
Pawnshop	N	N	P
Penny arcade, <u>or similar</u>	N	N <u>P</u>	C <u>P</u>
Pest control and extermination	N	P	P
Pet and pet supply store	N	P	P
Pharmacy	P	P	P
Photographic supplies	P	P	P
Photo studio	P	P	P
Physician or surgeon	P	P	P
Pie manufacture	N	P	P
Plumbing shop	N	C	P

Exhibit G

Pony ring, without stables	N	N	C
Pool hall	N	N P	P
Popcorn or nut shop	P	P	P
Post office	C	P	P
Printing, lithographing publishing or reproductions sales and services	N	C	P
Private liquor club	N	N	C
Professional office	N	P	P
Public utilities substation	C	C	C
Public building	P	P	P
Radio and television sales and service	C	P	P
Radio, television of FM broadcasting station	N	P	P
Real estate agency	N	P	P
Reception center or wedding chapel	N	C	P
Recreation center	N	C	P
Recreational vehicle storage	C	C	P
Rental agency for home and garden equipment	N	P	P
Restaurant	P	P	P
Restaurant, drive in	N	P	P
Roller skating rink	N	C	P

Exhibit G

Roofing sales or shop	N	P	P
Secondhand store	N	P	P
Seed and feed store, retail	N	P	P
Service station, automobile excluding painting, body and fender and upholstery work	P	P	P
Service station automobile with rotating brush car wash as accessory use	P	P	P
Sewing machine sale and service	N	P	P
Sheet metal shop and retinning, provided all operations are conducted within completely enclosed bldg.	N	N	C
Shoe repair or shoe shine shop	P	P	P
Shoe store	N	P	P
Shooting gallery	N	N	P
Sign manufacture or sign painting	N	N	P
Sign, animated; <u>in C-1 zone, only for time and temperature.</u>	*P	P	P
Sign, business	P	P	P
Sign, flat	P	P	P
Sign, construction project	P	P	P
Sign, directional	P	P	P
Sign, freestanding	P	P	P
Sign, identification and information	P	P	P

Exhibit G

Sign, marquee	P	P	P
Sign, nameplate	P	P	P
Sign, off premises	N	P N	P N
Sign, projecting	P	P	P
Sign, roof	N	P	P
Sign, temporary	P	P	P
Sign, wall	P	P	P
Supermarket	P	P	P
*only time and temperature animated sign in C-1 Zone			
Tailor shop	N	P	P
Tavern	N	N	C
Taxicab stand	P	P	P
Taxidermist	N	P	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	P	P
Theatre, indoor	N	P	P
Theatre, outdoor	N	N	C
Tire recapping or retreading sales and service	N	N	C

Exhibit G

Tobacco shop	P	P	P
Tool design (precision) repair and manufacture	N	N	C
Toy store, retail	P	P	P
Trade or industrial school	N	C	P
Trailer sales and service	N	N	P
Travel agency	P	P	P
Truck terminal	N	N	C
Upholstery shop	C	P	P
Used car lot	N	N	C
Variety store	P	P	P
Vegetable store or stand	P	P	P
Vendor, short term (see definition under 4-6 Section 101-1-7)	P	P	P
Ventilating equipment sales and service	N	C	P
Warehouse storage	N	N	P
Weather stripping shop	N	P	P
Welding shop	N	N	C
Wholesale business	N	N	P
Window washing establishment	N	P	P

Exhibit H

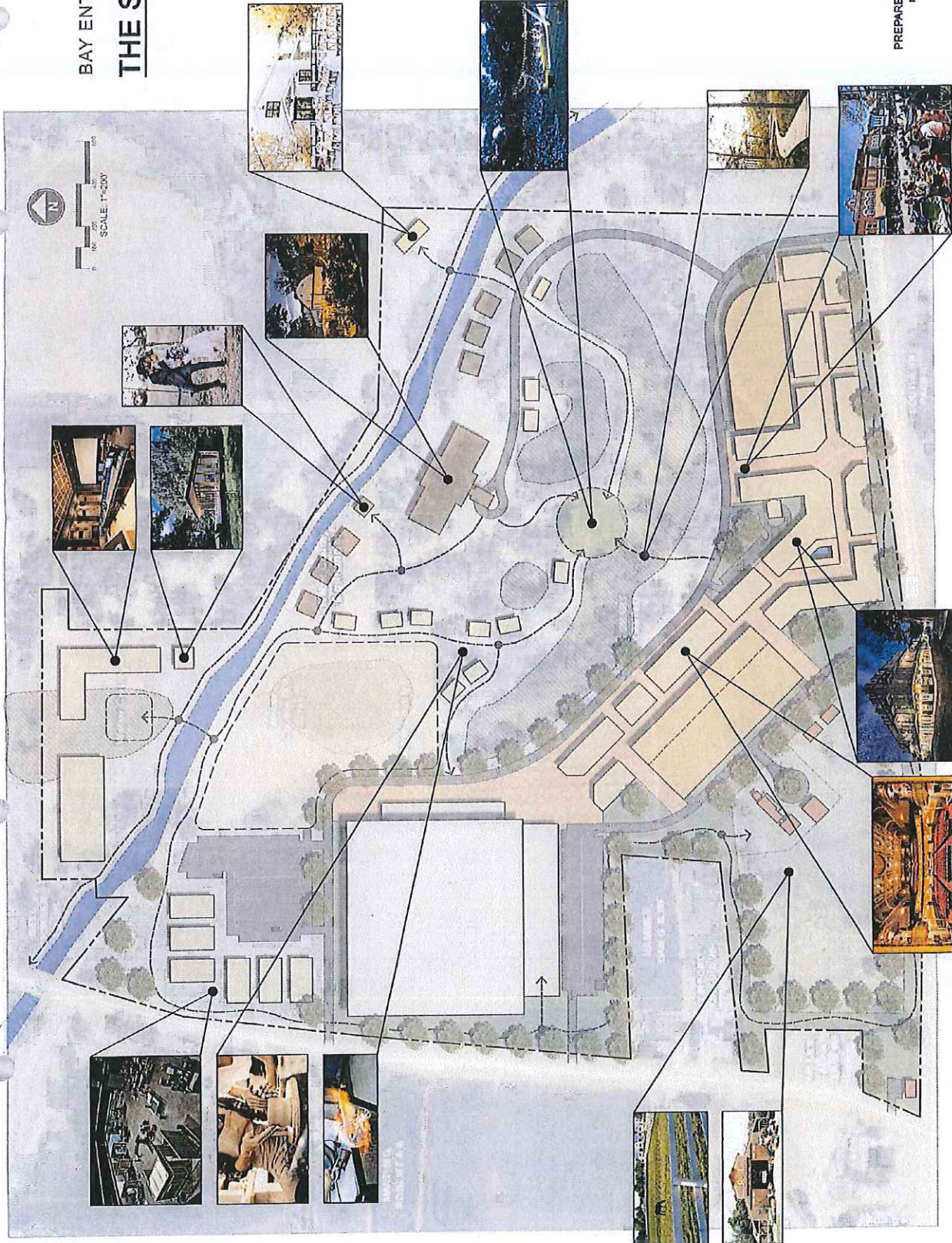


Concept Development Plan -- Bubble Diagram (DRAFT)

Exhibit H



BAY ENTERTAINMENT GROUP THE STUDIO RANCH



PREPARED BY: RIVERSTONE DESIGN GROUP
riverstoneconnect@gmail.com
APRIL 30, 2019

Exhibit H

BAY ENTERTAINMENT GROUP THE STUDIO RANCH

CONCEPTUAL SITE PLAN KEYNOTES:

1. FILM SCHOOL
2. RECORDING STUDIO
3. POST PRODUCTION FACILITY
4. FOLEY STAGE
5. ARTIST RETREAT
6. ARTIST PLAZA
7. SOUNDSTAGE STUDIOS: PRODUCTION OFFICES
8. MILL BUILDING AND GRIP STORAGE
9. LOGISTICS AND HVAC
10. 7,500 SQ.FT. EACH
11. ART BARN / SCREENING ROOMS
12. MAIN STREET THEATER
13. MAIN STREET RECORDING STUDIO
14. MAIN STREET HOTEL WITH POOL DECK
15. PARKING STRUCTURE (3 LEVELS)
16. PARKING STRUCTURE OVER RETAIL (3 LEVELS)
17. PEDESTRIAN-THEMED, MIXED USE MAIN STREET
18. PEDESTRIAN PLAZA
19. PRIVATE RIVER VILLAS
20. BRIDAL SUITE VILLA
21. BOUTIQUE HOTEL / SPA / RESTAURANT
22. WEDDING BARN / EVENT VENUE
23. CHAPEL
24. PUBLIC PARK / OUTDOOR THEATER STAGE
25. EQUESTRIAN BARN / SECOND LEVEL ARTIST'S STUDIOS
26. EQUESTRIAN INN
27. OFFICE BARN AND PARKING
28. MULTI-PURPOSE PEDESTRIAN TRAIL
29. VEHICLE ACCESS POINT



PREPARED BY: RIVERSTONE DESIGN GROUP
riverstoneconnect@gmail.com
APRIL 30, 2019

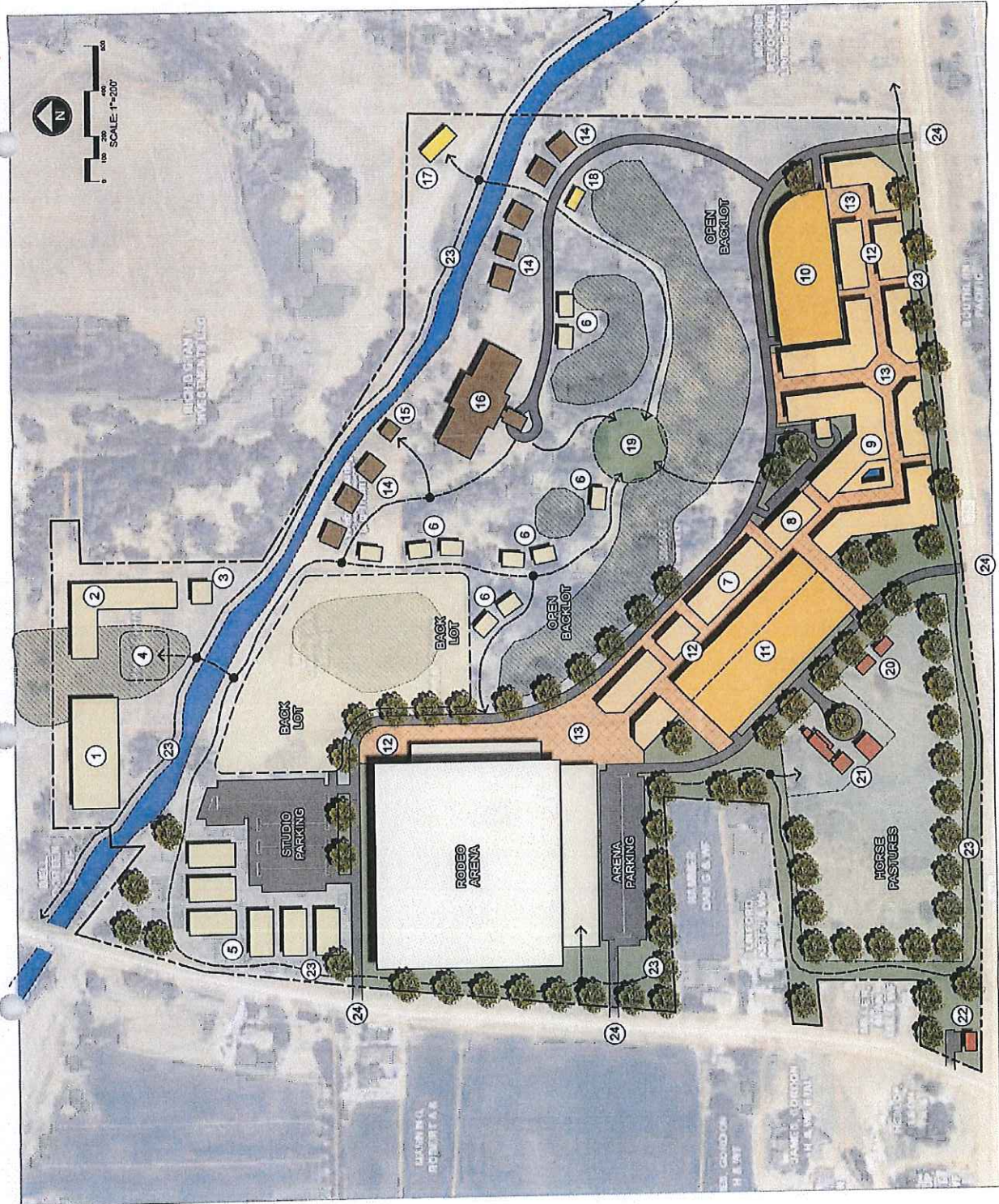


Exhibit H



BAY ENTERTAINMENT STUDIOS

Film & Television Studio



- "Transportation" refers to Production Transportation Dept. and includes 45 truck parking stalls & 16 star wagon stalls
- 7' Fire Lane around stage exterior walls
- Estimated employee parking requirement; 600 stalls in addition to VIP Parking

Exhibit H



BAY ENTERTAINMENT STUDIOS

Film School



- "Transportation" refers to Production Transportation
- 7' Fire Lane around stage exterior walls
- Student parking requirements TBD

Exhibit H

BAY ENTERTAINMENT STUDIOS

Film School

► Description: Independent educational facility providing University affiliated Associates and Bachelors Degrees and Vocational Certifications for skilled trades in entertainment related fields of study.

► Design Criteria: Campus environment consistent with professional settings, situations and equipment.

► Area: ~4 Acres (170,630 SF)

► Development Program:

- 1; 3-Story Administration Building; classroom and office environment for Production Departments
- 1 Divisible Workshop Building; for skilled trades (set design and construction, wardrobe, etc.)
- 3 Soundstages; Consistent with current state-of-the-art, professional interior filming locations
- Backlot; Consistent with professional exterior, on-lot filming

► Shared Components: Heavy Equipment, Lighting Equipment, Internship Program, Guest Lecturers, Marketing

► BEG Components: Construction Financing, Design, Construction, Administration, Security, Facility Maintenance

► Deal Structure Intent: Construction and administration financed via lease commitments from participating Universities and non-profit job training grants.



- "Transportation" refers to Production Transportation
- 7' Fire Lane around stage exterior walls
- Student parking requirements TBD

Exhibit I

Weber County's The Studio Ranch

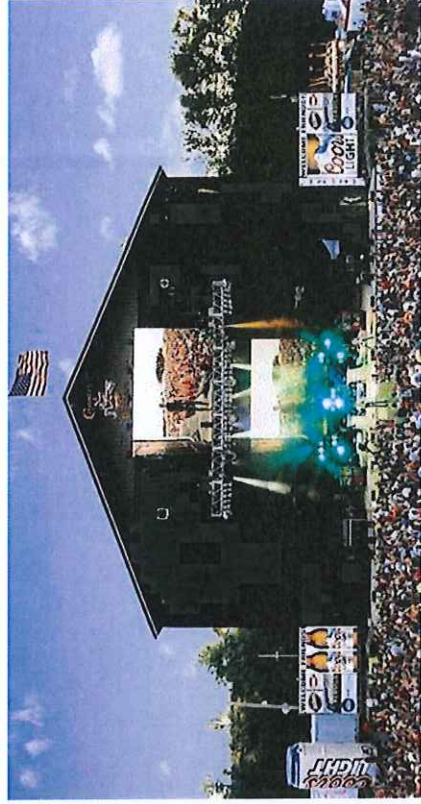
Architectural Theme

The Studio Ranch

Exhibit I

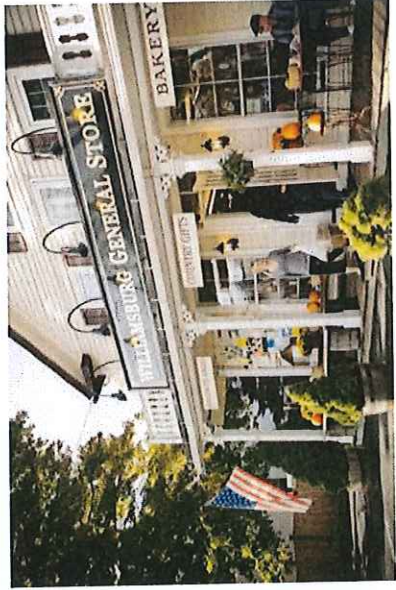
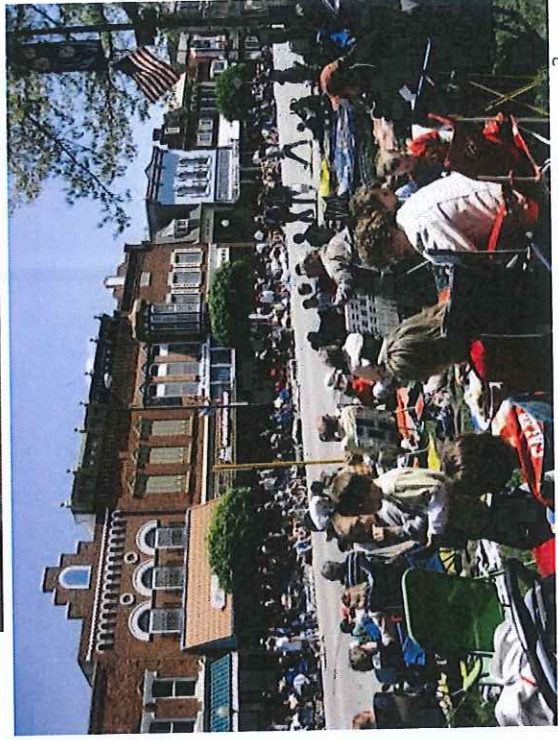
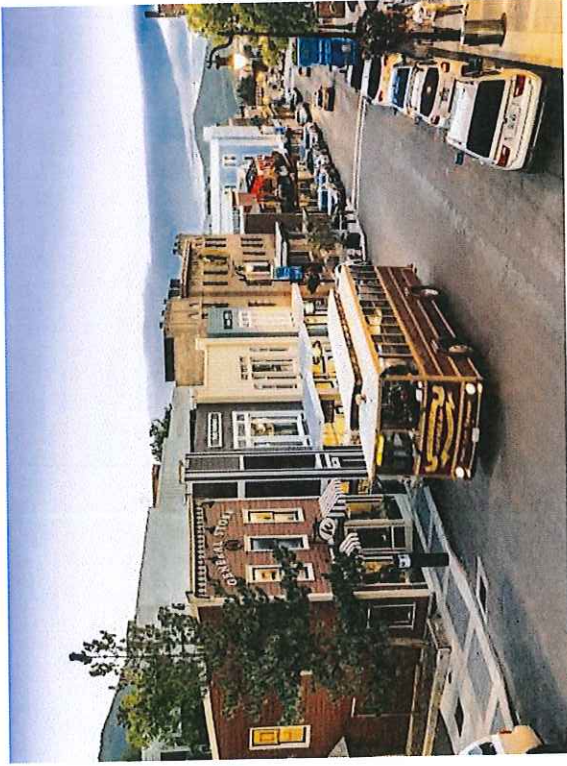
Arena

Equestrian barn with country store retail wrap on south elevation



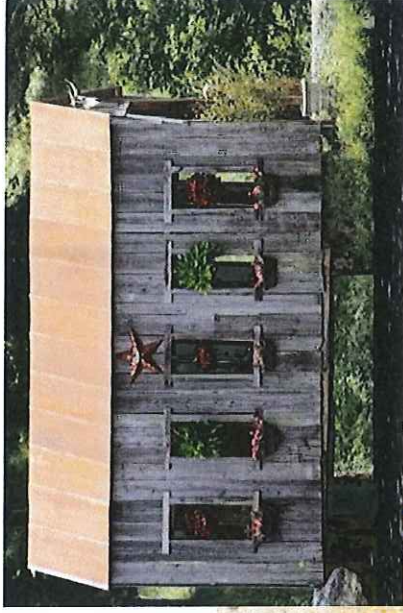
Main Street

Eclectic mix of Victorian and rural American Main Street using local materials and details



The Wedding Barn

High end wooden barn with rural themed bridge and chapel

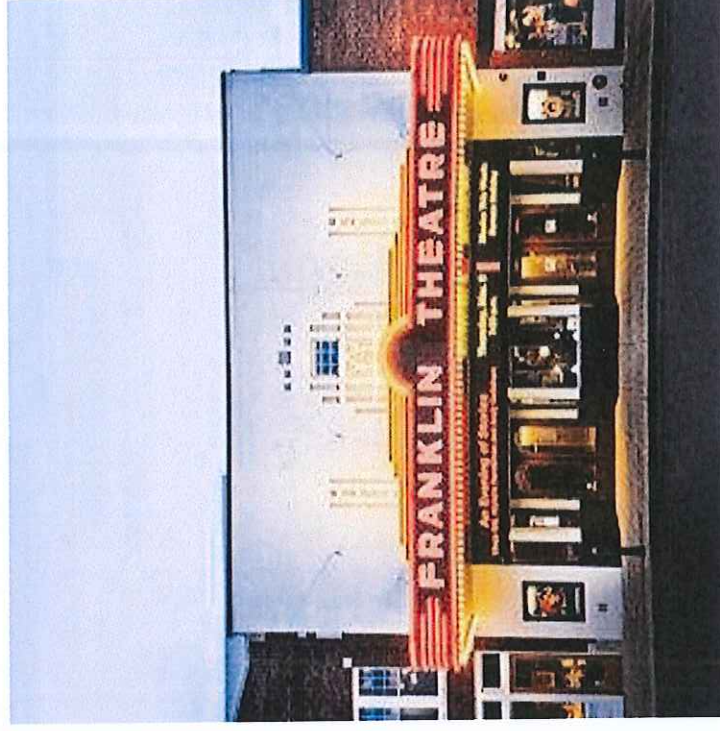
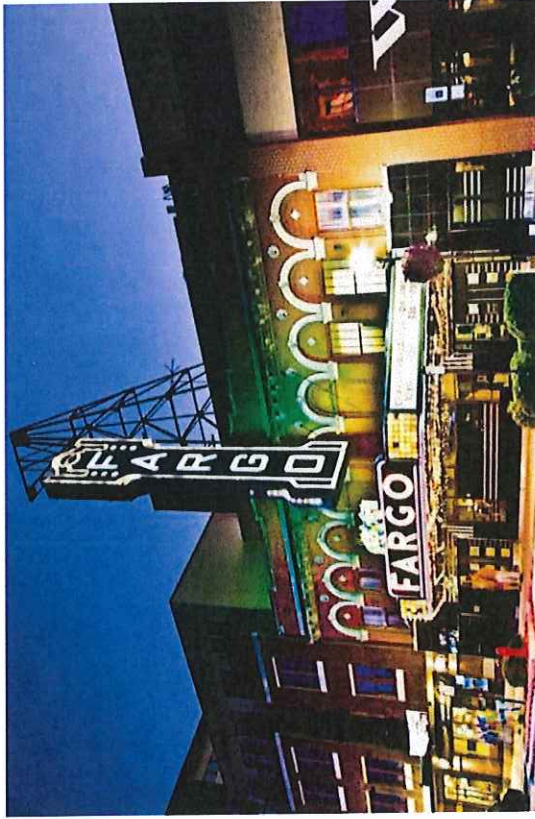


The Studio Ranch

Exhibit I

Theaters

Classic rural Main St. Americana with retro marquees and finishes



The Studio Ranch

Artist Barns

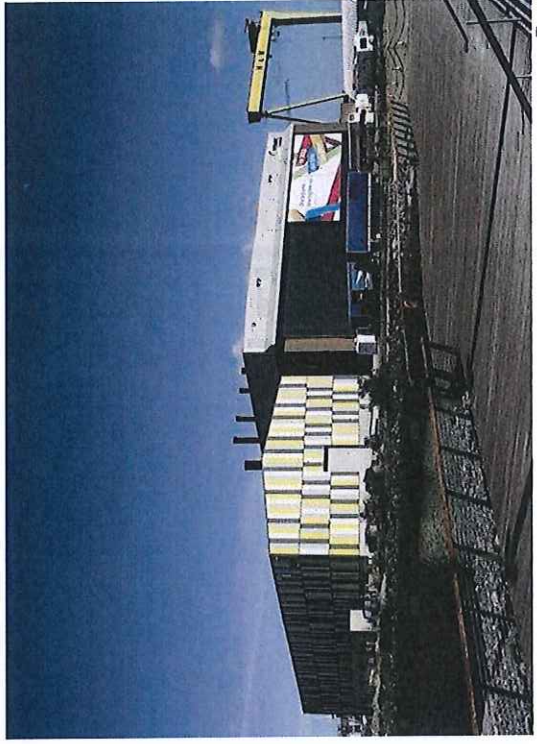
Wood barns from across America



The Studio Ranch

Exhibit I

The Studios



The Studio Ranch

Exhibit I

Alternative Studios (Enhanced)

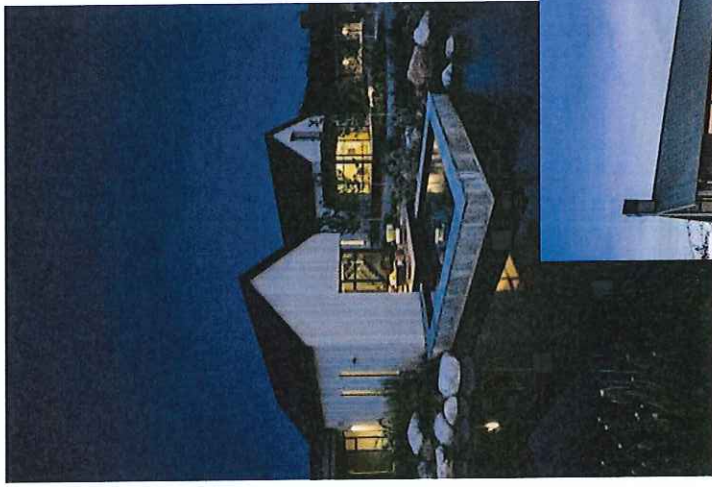
Softened with locally sourced, natural materials, vertical elements and agricultural roof pitches



The Studio Ranch

The Film School and Artist Retreat

Modern functionality with local, natural materials and simple lines



The Studio Ranch

Exhibit I

Parking Structures

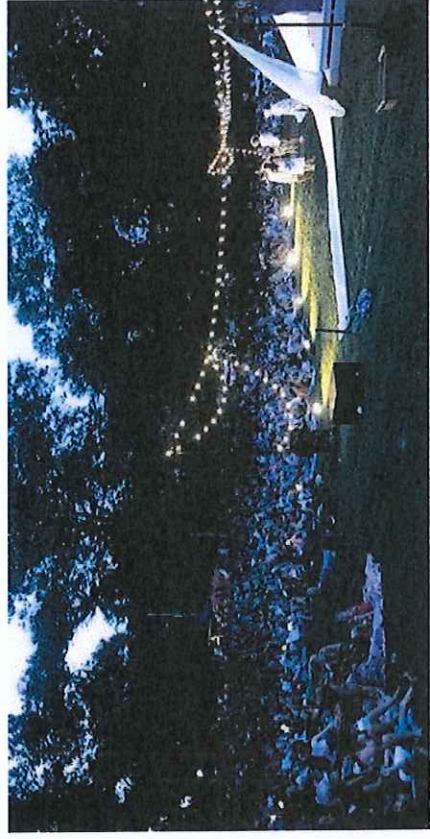
Wood slats, vegetation, painted screens will soften exposed sections of parking structures



Exhibit I

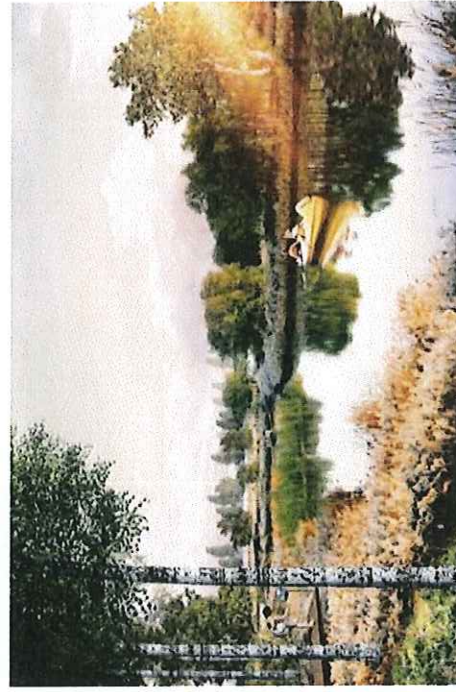
Boardwalks and cultural parks

Simple, wood planking and natural materials



Wetland mitigation and green storm-water management

Exhibit I



The Studio Ranch





Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Public hearing to discuss and take comment on a proposal to amend the following sections of Weber County Code: §101-1-7 and §108-7 to add a definition of agricultural building, amend the definition of agricultural parcel, and include provisions for agricultural building exemptions.
Agenda Date:	Tuesday, June 11, 2019
Applicant:	Weber County Planning Division
File Number:	ZTA 2019-01

Staff Information

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

Applicable Ordinances

- Weber County Land Use Code, Title 101, Chapter 1 (Definitions).
- Weber County Land Use Code, Title 108, Chapter 7 (Supplementary and Qualifying Regulations).

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 current Uniform Land Use Code of Weber County, Utah (LUC) defines the term “Agricultural Parcel” as follows:

Agricultural parcel. The term "agricultural parcel" means a single parcel of land, at least five acres in area if vacant, or five and one-quarter acres with a residential dwelling unit. This definition needs to be fulfilled in order to qualify for the agricultural building exemption.

In order to remove regulation from the definition, the county is proposing to eliminate the last sentence of the existing definition. A definition for the term “agricultural building” is also being proposed so that a new section (see exhibit A) can regulate exemptions for agricultural buildings. The proposed amendments to the land use code will ensure that the county’s regulations conform to the state regulations regarding agricultural building exemptions.

Conformance to the General Plan

This proposal conforms to the goals of the West Central Weber County General Plan, including the protection of rural character, lifestyle, and atmosphere (West Central Weber County General Plan Vision Statement, pg 1-6).

Past Action on this Item

No action has occurred on this item.

Noticing Compliance

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

Posted on the County’s Official Website

Posted on the Utah Public Notice Website

Published in a local newspaper

Staff Recommendation

Staff recommends that the Ogden Valley Planning Commission recommend approval of the text included as Exhibit A of this staff report based on the following findings:

1. The changes cause no adverse effect on the intent of the general plans.
2. The clarifications will provide for a more efficient administration of the Land Use Code.
3. The changes will enhance the general welfare of County residents.

Exhibits

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

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Part II - Land Use Code

Title 101 - General Provisions

• **Sec. 101-1-7. - Definitions**

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

Agricultural building. The term "agricultural building" means a structure used solely in conjunction with on-site agricultural use.

...

Title 108 - Standards

Chapter 7.- Supplementary and Qualifying Regulations

...

• **Sec. 108-7-34 - Agricultural Building Exemption**

Agricultural buildings are exempt from the permit requirements of the state construction codes, except plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

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Part II - Land Use Code

Title 101 - General Provisions

- **Sec. 101-1-7. - Definitions**

Agricultural parcel. The term "agricultural parcel" means a single parcel of land, at least five acres in area if vacant, or five and one-quarter acres with a residential dwelling unit. ~~This definition needs to be fulfilled in order to qualify for the agricultural building exemption.~~

Agricultural building. The term "agricultural building" means a structure used solely in conjunction with on-site agricultural use.

...

Title 108 - Standards

Chapter 7.- Supplementary and Qualifying Regulations

...

- [Sec. 108-7-34 - Agricultural Building Exemption](#)

Agricultural buildings are exempt from the permit requirements of the state construction codes, except plumbing, electrical, and mechanical permits may be required when that work is included in the structure.



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 2019-07, a proposal to amend Titles 101, 102, and 108 of the Land Use Code to clarify and update provisions related to enforcement of the land use code, and to add junk and refuse standards.

Agenda Date: Tuesday, May 28, 2019

Staff Report Date: Tuesday, May 22, 2019

Applicant: Weber County

File Number: ZTA 2019-07

Staff Information

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

Report Reviewer: RG

Applicable Ordinances

Part 1

§ 30-5: Offenses involving refuse or garbage.

Part 2

§ 101-1-7: Definitions

§ 101-1-13: General penalty; continuing violations

§ 102-4: Permits required and enforcement

§ 108-7-6: [New] Garbage, junk, and weeds unlawful

Legislative Decisions

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

Summary and Background

The County Commission has requested that land use code enforcement ordinances be updated to provide the county with better administrative tools to pursue code compliance. Currently, the land use code is not clear on a code enforcement process for most types of enforcement. Additionally, the county has adopted a junk ordinance prohibiting junk from being placed on private property when not in compliance with the zone, but has it located outside of the land use code.

The proposed ordinance, attached as Exhibits A and B, will give the code enforcement official additional administrative tools, including fines for violations, to attain compliance before any land use violation is turned over to district court.

Policy Analysis

Policy Considerations:

General Plan: Neither general plans offer specific directives on code enforcement, but it stands to reason that if the plan is intended to be effectively implemented by the adoption of ordinance, then those ordinance need an effective mechanism for enforcement. Updating and clarifying enforcement provisions is keeping with the intent of the general plan.

Ordinance: The proposed ordinance adds clear procedures for code enforcement, including what notice is due to a violator and the time a violator has to cure the violation. It also allows the county to impose administrative fines for ongoing violations, which will help motivate compliance without the immediate threat of criminal charges. For those offenders unresponsive to the administrative fines, the proposal clarifies additional judicial procedures, including prosecution for a class C misdemeanor.

The proposal also adds a new section regarding the prohibition of garbage, junk, and weeds, including a provision for landowners to keep adjacent public pathways clear of refuse, debris, and snow.

The proposal removes refuse and garbage standards from its current section in “public offenses” and places it into the land use code. It deletes in part and moves in other part existing unclear provisions for enforcement, and combines it with a more appropriate section of ordinance within Title 102, which is the administration title of the land use code.

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

If the planning commission is satisfied with the attached ordinance amendments, staff recommends the Planning Commission offer a favorable recommendation for them to the County Commission. This recommendation is based on the following findings:

1. The changes provide clearer procedures for code enforcement.
2. The changes provide better motivation to remedy code violations
3. The changes reduce conflicting and redundant language in the ordinance.
4. The changes will strengthen the administration of the ordinance.
5. The changes are keeping with the intent of the general plan and beneficial to the health, safety, and general welfare of the public.

Exhibits

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

1 **Part I**

2 **Title 30 - PUBLIC OFFENSES**

3 **CHAPTER 5. - RESERVED**

4 **Part II**

5 **TITLE 101 – GENERAL PROVISIONS**

6 ...

7 **Sec. 101-1-7. - Definitions.**

8 When used in this Code, the following words and phrases have the meaning ascribed to
9 them in this section, unless the context indicates a different meaning:

10 ...

11 *Full-time equivalent employee (FTEE).* The term "full-time equivalent employee (FTEE)"
12 means the minimum number of employees required to provide a particular service based on the
13 type and intensity of the service. Where employee generation values or FTEEs are not provided
14 by ordinance and a workforce consists of a combination of full- and part-time employees, the
15 FTEE shall be calculated by adding up the total number of employee hours worked during a
16 weekly pay period and then dividing that number by 32 hours to get the full-time equivalent
17 employee number.

18 *Garbage.* The term "garbage" means household waste, food waste, and any other manner
19 of refuse, rubbish, or trash. *Garage, private.* The term "private garage" means a garage shall be
20 considered part of a dwelling if the garage and dwelling have a roof and/or wall in common.
21 Areas such as garages are not considered livable space. The term "private garage" means an
22 accessory building designed or used for the storage of:

23 (1) Single-family: Not more than four automobiles owned and used by the occupants of the
24 building to which it is accessory and in which no business, commercial service or industry
25 is carried on;

26 (2) Multiple-family: Provided that on a lot occupied by a multiple-family dwelling, the private
27 garage may be designed and used for the storage of 1½ times as many automobiles as
28 there are dwelling units in the multiple-family dwelling.

29 ...

30 *Independent living facility.* The term "independent living facility" means specially planned,
31 designed and managed multi-unit housing with self-contained living units. A retirement
32 community for senior citizens, age 55 or older, designed to provide supportive environments,
33 but also to accommodate an independent lifestyle. A limited number of support services, such
34 as meals, laundry, housekeeping, transportation and social/recreational activities, may be
35 provided; however, no medical services are provided.

36 *Inoperable or abandoned vehicle.* The term "inoperable or abandoned vehicle" means any
37 motor vehicle or trailer not currently registered and licensed in this state or another state; or any
38 motor vehicle or trailer that cannot be operated in its existing condition because the parts

39 necessary for safe and lawful operation, such as tires, windshield, engine, drive train, driver's
40 seat, steering wheel or column, or gas or brake pedals are removed, destroyed, damaged,
41 deteriorated, or nonconforming.

42 *Junk.* The term "junk" means all discarded metals, scrap metals, iron, glass, paper, wood,
43 building materials, plastics, or fiberglass which may have value secondhand but not in their
44 present condition; unused or discarded bicycles, tricycles, or other similar items or parts thereof;
45 waste paper products; unused or discarded building materials, machinery, machinery parts, or
46 lumber; accumulations of dirt, gravel, ashes, or fire remains; inoperable or abandoned vehicles
47 or vehicle parts; or any other waste materials.

48 *Junkyard.* The term "junkyard" means the use of any lot, portion of lot, or tract of land for
49 the storage of salvage materials, keeping or abandonment of junk, including but not limited to,
50 scrap metals or other scrap material, debris, or for the dismantling, demolition or abandonment
51 of automobiles, or other vehicles, or machinery or parts thereof; providing that this definition
52 shall not be deemed to include such uses which are clearly accessory and incidental to any
53 agricultural use permitted in the zone.

54 ...

55 *Variance.* The term "variance" means a relaxation, by the board of adjustment, of the
56 dimensional regulations of the Land Use Code where such action will not be contrary to the
57 public interest and where, owing to conditions peculiar to the property and not the result of
58 actions or the situation of the applicant or previous owners, a literal enforcement of the Code
59 would result in unnecessary and undue hardship, other than an economic nature or self-
60 imposed hardship. A self-imposed hardship created by a previous owner is considered to run
61 with the land.

62 *Weeds* The term "weed" means any undesirable plant that the Utah Commissioner of
63 Agriculture designates as noxious; and also including all green debris, such as, but not limited
64 to, poison ivy, thistles, sticker plants, dyers woad, medusahead rye, leafy spurge, purple
65 loosestrife and other vegetation commonly considered weeds. It also includes ungrouted
66 grasses, but does not include crops grown as a source of food, income, or feed for livestock.

67 *Yard.* The term "yard" means an open space on a lot, other than a court, unoccupied and
68 unobstructed from the ground upward by permanently parked vehicles, buildings or structures
69 except as otherwise provided herein.

70 ...

71 **Sec. 101-1-13. – Reserved.**

72 ...

73 **TITLE 102 – ADMINISTRATION**

74 ...

75 **CHAPTER 4. - PERMITS REQUIRED AND ENFORCEMENT**

76 **Sec. 102-4-1. - Purpose and intent.**

77 The purpose of this chapter is to establish the requirements for land use permits from the
78 planning division and building permits from the building division. This chapter identifies the
79 responsibilities for enforcing the requirements of this Land Use Code and the penalties for
80 violating this Land Use Code.

81 **Sec. 102-4-2. - Land use permit required.**

82 (a) In order to verify compliance with applicable regulations, all land uses that require a land
83 use permit or conditional use permit by this Land Use Code are prohibited until a land use
84 permit or conditional use permit has received final written approval from the appropriate land
85 use authority.

86 (b) No structure, including agricultural structures, shall be constructed, changed in use, or
87 altered, as regulated by this Land Use Code, until and unless a land use permit or, if
88 applicable, a conditional use permit, has received final written approval from the appropriate
89 land use authority.

90 (c) No application for permits or approvals governed by this Land Use Code shall be approved
91 for any lot or parcel until all unresolved zoning, subdivision, building, business license,
92 nuisance, or other violations on the lot or parcel, or on any parcel included in any manner as
93 part of the application, are resolved, unless approval of the application will resolve all of the
94 existing violations.

95 **Sec. 102-4-3. - Land use permit revocation.**

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

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

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

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

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

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

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

117 **Sec. 102-4-4. - Code enforcement.**

118 (a) *General penalty; continuing violations.*

119 (1) In this section, "violation of this Land Use Code" or "violation of any provision of this
120 Land Use Code" means:

- 121 a. Doing an act that is prohibited or made or declared unlawful, an offense, or a
122 misdemeanor by the Land Use Code or by rule or regulation authorized by the Land
123 Use Code;
- 124 b. Failure to perform an act that is required to be performed by the Land Use Code or
125 by rule or regulation authorized by the Land Use Code; or
- 126 c. Failure to perform an act if the failure is declared a misdemeanor, an offense, or
127 unlawful by the Land Use Code or by rule or regulation authorized by the Land Use
128 Code.

129 (2) In this section, "violation of this Land Use Code" or "violation of any provision of this
130 Land Use Code" does not include the failure of a county government officer or county
131 government employee to perform an official duty unless this Land Use Code specifically
132 provides that failure to perform the duty is to be punishable as provided in this section.

133 (3) Unless more specifically provided for in this Land Use Code, the violation of any
134 provision of this Land Use Code shall be punished as a class C misdemeanor or by
135 imposition of a civil penalty.

136 (4) Each day any violation of this Land Use Code shall continue shall constitute a separate
137 offense. Any violation of this Land Use Code that constitutes an immediate danger to the
138 health, safety, and welfare of the public may be enjoined in a suit brought by the county
139 for such purposes.

140 (5) The imposition of a penalty under the provisions of this Land Use Code shall not prevent
141 the revocation or suspension of any license, franchise, or permit issued or granted under
142 the provisions of this Land Use Code.

143 (6) The provisions of this Land Use Code may also be enforced and violations punished by
144 any of the following methods:

- 145 a. To remedy a violation of this Land Use Code, the county may order discontinuance
146 of the use of any land, water, or building; the removal of any building, addition, or
147 other structure; the discontinuance of any work being done; or any lawful act.
- 148 b. Specific provisions of this Code may provide for additional remedies.

149 (b) *Authorization of code enforcement official, powers and duties.* The county's planning
150 director or designee is designated as the code enforcement official and is, empowered, and
151 directed to enforce this Land Use Code by injunction, mandamus, abatement, civil penalty,
152 or any other remedy provided by law. The county's code enforcement official is hereby

153 authorized, empowered, and directed to make inspection of properties within the
154 unincorporated area of the county to determine whether there is any violation of this Land
155 Use Code. This authorization extends to all methods of inspection allowed under the state
156 and federal constitutions.

157 (c) *Notice of violation, time to cure.* When a violation is found, before taking any other
158 enforcement action the code enforcement official shall serve notice of the violation in writing
159 to the owner or occupant of the land. The notice shall:

160 (1) Be delivered personally or by certified mail to the owner or occupant at the last known
161 post office address as disclosed by the records of the county recorder or assessor;

162 (2) State the specific code or codes being violated and explain the nature and extent of the
163 violation; and

164 (3) State that the owner or occupant, as the case may be, shall correct or remove the
165 violation no later than 14 days after notice of the violation has been delivered personally
166 or mailed.

167 (d) *Alternative time to cure.* Within the 14 days as specified in Section 102-4-4(c), the owner or
168 occupant may arrange an alternative remedial schedule with the Code enforcement official.
169 The alternative remedial schedule shall be no greater than is reasonable and necessary
170 given the extent of the violation and the owner or occupant's ability to cure.

171 (e) *Single notice sufficient.* One notice shall be deemed sufficient on any lot or parcel of
172 property and the subsequent lapse of the notice period shall empower the county to take
173 other and further action as may be lawful.

174 (f) *Administrative citation and fines.* After issuance of a notice of violation, as specified in
175 Section 102-4-4(c), and at the discretion of the code enforcement official, an administrative
176 citation and fine may be issued for any violation of this code.

177 (1) The fine schedule is as follows:

178 a. First charge or violation: \$100 per violation per day.

179 b. Second charge or violation: \$200 per violation per day.

180 c. Third or subsequent charge or violation: \$400 per violation per day.

181 (2) An additional charge or violation specified by this section is applicable in circumstances
182 when an earlier violation has been resolved with all applicable fines and other costs paid
183 but the same violation reoccurs within a 12-month period of time.

184 (3) If a property owner or occupant fails to pay a fine issued under this section, the county
185 may take reasonable steps to collect the fine. If the fine remains unpaid, the county may
186 petition the applicable court for a judgment against the owner or occupant in the amount
187 of the unpaid fine. If the county also files a petition under Section 102-4-4(g), the two
188 petitions may be combined into one action.

189 (g) *Abatement.* If a property owner or occupant fails to correct or remove the violation from the
190 property after receiving an administrative citation, the county may petition the applicable

191 court for a judicial order enabling the county to remove some or all violations from the
192 property and ordering the property owner or occupant to pay all costs associated with
193 correcting the violation. If any violation of this Land Use Code constitutes a nuisance under
194 the provisions of State Law, the county may take any action as authorized by law in addition
195 to any other penalty imposed pursuant to this section.

196 (h) *Judgment lien*. Once a judicial order has been obtained under this section, ordering a
197 property owner or occupant to pay fines or abatement costs, the code enforcement official
198 may record a judgment lien against any real property owned by the responsible party, to the
199 extent allowed by law.

200 (i) *Removal of judgement lien*. Once payment is received for all outstanding fines, costs, and
201 penalties, including the county's cost for abatement if applicable, and the terms of the
202 judicial order are deemed satisfied, the code enforcement official shall record a notice of
203 satisfaction of judicial order and shall release the lien as required by law.

204 (j) *Appeals*. A violation determination under this section shall only be appealable to district
205 court.

206 ...

207 **CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS**

208 **Sec. 108-7-1. - Purpose and intent.**

209 The regulations hereinafter set forth in this chapter qualify or supplement, as the case may
210 be, the zoning regulations appearing elsewhere in this title.

211 **...Sec. 108-7-6. – Garbage, junk, and weeds unlawful.**

212 (a) *Garbage, inoperable or abandoned vehicles, and junk*. It is unlawful for any owner or occupant
213 of land to permit garbage, inoperable or abandoned vehicles, or junk to accumulate or remain
214 on or about the premises whenever it is unsightly and in public view, or whenever it is
215 dangerous to the health, safety, and welfare of the people of the county. Every owner or
216 occupant of land is hereby required to remove, or provide for the removal of, such garbage,
217 inoperable or abandoned vehicles, and junk before the same become unsanitary, dangerous,
218 or a nuisance.

219 (b) *Weeds and unkempt yards*. All weeds shall be cleared from residential, commercial,
220 manufacturing, and institutional properties, including their perimeters and any adjacent
221 parkways or unimproved portions of public rights-of-way. The yard portions of the property
222 visible from the public right-of-way shall be maintained so that the property's appearance does
223 not detract from the appearance of the neighborhood.

224 (c) *Exemptions*. This chapter shall not apply to items which are clearly accessory and incidental
225 to any agricultural use permitted in the zone, or to items completely and lawfully enclosed
226 within a building or enclosure where it is not visible from a public or private way or other public
227 or private property and which does not constitute a nuisance, endanger or adversely affect
228 the health or welfare of the community, or the keeping of which does not violate any other law
229 or ordinance.

230 (d) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation
231 of this section shall make proper arrangements for the correction of the violation.

232 (e) *Public streets and other public property.*

233 (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way,
234 or other public property in unincorporated areas of the county any garbage, inoperable or
235 abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or
236 materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous
237 to the health, safety, and welfare of the people of the county.

238 (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way,
239 pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

240 (3) In addition to the requirements of Section 32-8-2, owners or occupants of land adjoining
241 a pedestrian pathway shall also be required to ensure continual removal of snow from the
242 pathway.

1 **Part I**

2 **Title 30 - PUBLIC OFFENSES**

3 **CHAPTER 5. - RESERVED OFFENSES INVOLVING REFUSE OR GARBAGE**

4 **~~Sec. 30-5-1. -- Definitions.~~**

5 ~~When used in this chapter, the following words and phrases have the meaning ascribed to them~~
6 ~~in this section, unless the context indicates a different meaning:~~

7 ~~*Garbage* means household waste, food waste, all animal and vegetable refuse from kitchens or~~
8 ~~residences, hotels, cafes, restaurants and places where food is prepared for human~~
9 ~~consumption, including all animal and vegetable refuse from such kitchens, the materials in~~
10 ~~which such food products are packaged, and also all condemned, or decayed or unsound~~
11 ~~vegetables, meats, fish, fruit and all waste and offal therefrom markets, stores and factories and~~
12 ~~any other manner of refuse, rubbish or trash which in and of itself has no value.~~

13 ~~*Inoperable or abandoned vehicle* means and includes any trailer, semi-trailer or motor vehicle~~
14 ~~not currently registered and licensed in this state or another state, that cannot be operated in its~~
15 ~~existing condition because the parts necessary for operation such as, but not limited to, tires,~~
16 ~~windshield, engine, drive train, driver's seat, steering wheel or column, gas or brake pedals are~~
17 ~~removed, destroyed, damaged, deteriorated, or nonconforming.~~

18 ~~*Junk* means all discarded metals, scrap metals, iron, glass, paper, wood, building materials,~~
19 ~~plastics, fiberglass which may have value secondhand but not in its present condition, unused~~
20 ~~or discarded bicycles, tricycles or other recreational vehicles or parts thereof, waste paper~~
21 ~~products, unused or discarded building materials, machinery or machinery parts, lumber,~~
22 ~~accumulations of dirt, gravel, ashes, or fire remains, or any inoperable or abandoned vehicles,~~
23 ~~parts, or any other waste materials.~~

24 **~~Sec. 30-5-2. -- Appointment of inspectors.~~**

25 ~~The county commission, by and through its representatives, is hereby authorized and~~
26 ~~empowered to make inspection of properties within the unincorporated area of the county to~~
27 ~~determine whether there is any violation of this chapter.~~

28 **~~Sec. 30-5-3. -- Accumulation of garbage or junk prohibited.~~**

29 ~~It shall be unlawful for any person or persons to permit garbage or junk to accumulate or remain~~
30 ~~on or about the premises under the control of such person or persons whenever said items shall~~
31 ~~be unsightly and in public view, and/or dangerous to the health, safety and welfare of the people~~
32 ~~of the county; and every person or persons herein described is hereby required to remove, or~~
33 ~~provide for the removal of such garbage, junk, and other similar wastes before the same~~
34 ~~become objectionable, unsanitary or dangerous.~~

35 **~~Sec. 30-5-4. -- Exemptions.~~**

36 ~~This chapter shall not apply to items which are clearly accessory and incidental to any~~
37 ~~agricultural use permitted in the zone, or to items completely and lawfully enclosed within a~~
38 ~~building or enclosure where it is not visible from a public or private way or other public or private~~

39 ~~property and which does not constitute a nuisance, endanger or adversely affect the health or~~
40 ~~welfare of the community, or the keeping of which does not violate any other law or ordinance.~~

41 **~~Sec. 30-5-5.-- Responsibility for removal of garbage and junk.~~**

42 ~~Any person or persons upon whose property garbage, junk or any other similar waste has~~
43 ~~accumulated is hereby required to make proper arrangements for the removal thereof.~~

44 **~~Sec. 30-5-6.-- Depositing of garbage or other waste materials in public areas unlawful.~~**

45 ~~It shall be unlawful for any person or persons to place or deposit in or upon any of the public~~
46 ~~streets, alleys or parks of unincorporated areas of the county any garbage, debris, grass~~
47 ~~cuttings, leaves, tree limbs, branches, sticks, junk or other discarded items which may interfere~~
48 ~~with traffic both pedestrian or vehicular, and which may in any other way be dangerous to the~~
49 ~~health, safety and welfare of the people of the county.~~

50 **~~Sec. 30-5-7.-- Inspection of premises; notice to property owner.~~**

51 ~~It shall be the duty of the county commission's representative or an officer of the county sheriff's~~
52 ~~department to make careful examination and investigation of properties which may or may not~~
53 ~~contain violations of this chapter or any provision described herein which shall include the~~
54 ~~collection of garbage, or junk as herein defined on any property within the unincorporated~~
55 ~~county; and it shall be the duty of those above named to ascertain the names of the owners of~~
56 ~~and the description of the premises where such violation exists, and to serve notice in writing~~
57 ~~upon the owner or occupant of such land either personally or by mailing said notice postage~~
58 ~~prepaid addressed to the owner or occupant at the last known post office address as disclosed~~
59 ~~by the records of the county recorder, or assessor, requiring such owner or occupant as the~~
60 ~~case may be, to correct or remove the violation not later than 14 days after notice of the~~
61 ~~violation has been served or mailed. One notice shall be deemed sufficient on any lot or parcel~~
62 ~~of property and the subsequent lapse of said notice shall empower the county to take such other~~
63 ~~and further action as may be lawful.~~

64 **Part II**

65 **TITLE 101 – GENERAL PROVISIONS**

66 ...

67 **Sec. 101-1-7. - Definitions.**

68 When used in this Code, the following words and phrases have the meaning ascribed to
69 them in this section, unless the context indicates a different meaning:

70 ...

71 *Full-time equivalent employee (FTEE).* The term "full-time equivalent employee (FTEE)"
72 means the minimum number of employees required to provide a particular service based on the
73 type and intensity of the service. Where employee generation values or FTEEs are not provided
74 by ordinance and a workforce consists of a combination of full- and part-time employees, the
75 FTEE shall be calculated by adding up the total number of employee hours worked during a
76 weekly pay period and then dividing that number by 32 hours to get the full-time equivalent
77 employee number.

78 Garbage. The term "garbage" means household waste, food waste, and any other manner
79 of refuse, rubbish, or trash.

80 *Garage, private.* The term "private garage" means a garage shall be considered part of a
81 dwelling if the garage and dwelling have a roof and/or wall in common. Areas such as garages
82 are not considered livable space. The term "private garage" means an accessory building
83 designed or used for the storage of:

- 84 (1) Single-family: Not more than four automobiles owned and used by the occupants of the
85 building to which it is accessory and in which no business, commercial service or industry
86 is carried on;
- 87 (2) Multiple-family: Provided that on a lot occupied by a multiple-family dwelling, the private
88 garage may be designed and used for the storage of 1½ times as many automobiles as
89 there are dwelling units in the multiple-family dwelling.

90 ...

91 *Independent living facility.* The term "independent living facility" means specially planned,
92 designed and managed multi-unit housing with self-contained living units. A retirement
93 community for senior citizens, age 55 or older, designed to provide supportive environments,
94 but also to accommodate an independent lifestyle. A limited number of support services, such
95 as meals, laundry, housekeeping, transportation and social/recreational activities, may be
96 provided; however, no medical services are provided.

97 Inoperable or abandoned vehicle. The term "inoperable or abandoned vehicle" means any
98 motor vehicle or trailer not currently registered and licensed in this state or another state; or any
99 motor vehicle or trailer that cannot be operated in its existing condition because the parts
100 necessary for safe and lawful operation, such as tires, windshield, engine, drive train, driver's
101 seat, steering wheel or column, or gas or brake pedals are removed, destroyed, damaged,
102 deteriorated, or nonconforming.

103 ~~*Junk, inoperable or abandoned vehicle.* The term "junk, inoperable or abandoned vehicle"~~
104 ~~means and includes any trailer, semi-trailer or motor vehicle not currently registered and~~
105 ~~licensed in this state or another state that requires licensure, that cannot be legally operated on~~
106 ~~a public road in its existing condition because the parts necessary for operation, such as, but~~
107 ~~not limited to, tires, horn, brake lights, windshield, engine, drive train, driver's seat, steering~~
108 ~~wheel or column, gas or brake pedals are removed, destroyed, damaged, deteriorated, non-~~
109 ~~operative or nonconforming.~~

110 Junk. The term "junk" means all discarded metals, scrap metals, iron, glass, paper, wood,
111 building materials, plastics, or fiberglass which may have value secondhand but not in their
112 present condition; unused or discarded bicycles, tricycles, or other similar items or parts thereof;
113 waste paper products; unused or discarded building materials, machinery, machinery parts, or
114 lumber; accumulations of dirt, gravel, ashes, or fire remains; inoperable or abandoned vehicles
115 or vehicle parts; or any other waste materials.

116 *Junkyard.* The term "junkyard" means the use of any lot, portion of lot, or tract of land for
117 the storage of salvage materials, keeping or abandonment of junk, including but not limited to,

118 scrap metals or other scrap material, debris, or for the dismantling, demolition or abandonment
119 of automobiles, or other vehicles, or machinery or parts thereof; providing that this definition
120 shall not be deemed to include such uses which are clearly accessory and incidental to any
121 agricultural use permitted in the zone.

122 ...

123 *Variance.* The term "variance" means a relaxation, by the board of adjustment, of the
124 dimensional regulations of the Land Use Code where such action will not be contrary to the
125 public interest and where, owing to conditions peculiar to the property and not the result of
126 actions or the situation of the applicant or previous owners, a literal enforcement of the Code
127 would result in unnecessary and undue hardship, other than an economic nature or self-
128 imposed hardship. A self-imposed hardship created by a previous owner is considered to run
129 with the land.

130 Weeds The term "weed" means any undesirable plant that the Utah Commissioner of
131 Agriculture designates as noxious; and also including all green debris, such as, but not limited
132 to, poison ivy, thistles, sticker plants, dyers woad, medus-ahead rye, leafy spurge, purple
133 loosestrife and other vegetation commonly considered weeds. It also includes ungroomed
134 grasses, but does not include crops grown as a source of food, income, or feed for livestock.

135 *Yard.* The term "yard" means an open space on a lot, other than a court, unoccupied and
136 unobstructed from the ground upward by permanently parked vehicles, buildings or structures
137 except as otherwise provided herein.

138 ...

139 **Sec. 101-1-13. -- Reserved. ~~General penalty; continuing violations.~~**

140 ~~(a) In this section, the terms "violation of this Code" or "violation of any provision of this~~
141 ~~Code" means:~~

142 ~~(1) Doing an act that is prohibited or made or declared unlawful, an offense, or a~~
143 ~~misdemeanor by ordinance or by rule or regulation authorized by ordinance;~~

144 ~~(2) Failure to perform an act that is required to be performed by ordinance or by rule or~~
145 ~~regulation authorized by ordinance; or~~

146 ~~(3) Failure to perform an act if the failure is declared a misdemeanor, an offense, or~~
147 ~~unlawful by ordinance or by rule or regulation authorized by ordinance.~~

148 ~~(b) In this section, the terms "violation of this Code" or "violation of any provision of this~~
149 ~~Code" do not include the failure of a county government officer or county government~~
150 ~~employee to perform an official duty unless this Code specifically provides that failure to~~
151 ~~perform the duty is to be punishable as provided in this section.~~

152 ~~(c) Whenever in this Code or any other ordinance of the county, an act is prohibited or is~~
153 ~~made or declared to be unlawful or an offense or a misdemeanor, or wherever in such~~
154 ~~Code or ordinance the doing of an act is required or the failure to do any act is declared~~
155 ~~to be unlawful, and no specific penalty is provided therefor, the violation of any such~~

156 ~~provision of this Code or any such ordinance shall be punished as a class C~~
157 ~~misdemeanor or by imposition of a civil penalty.~~

158 ~~(d) A person who has been convicted of a class C misdemeanor may be sentenced to a term~~
159 ~~of imprisonment not exceeding 90 days.~~

160 ~~(e) Each day any violation of this Code or of any ordinance shall continue shall constitute a~~
161 ~~separate offense. Any violation of any provision of this Code of Ordinances which~~
162 ~~constitutes an immediate danger to the health, safety, and welfare of the public may be~~
163 ~~enjoined in a suit brought by the county for such purposes. If any violation of this Code is~~
164 ~~designated as a nuisance under the provisions of this Code, such nuisance may be~~
165 ~~summarily abated by the county in addition to any other penalty imposed pursuant to this~~
166 ~~section.~~

167 ~~(f) The imposition of a penalty under the provisions of this Code shall not prevent the~~
168 ~~revocation or suspension of any license, franchise or permit issued or granted under the~~
169 ~~provisions of this Code.~~

170 ~~(g) The provisions of this Code may also be enforced and violations punished by any of the~~
171 ~~following methods:~~

172 ~~(1) The county planning director or designee is authorized to enforce these provisions,~~
173 ~~and any person, firm, corporation, or agent determined to be in violation shall be~~
174 ~~subject to all penalties and remedies available to the county as provided by law.~~

175 ~~(2) The county may institute any appropriate action or procedure to bring about~~
176 ~~compliance or remedy. The county may order discontinuance of the use of any land,~~
177 ~~water, or building, the removal of any building, addition, or other structure, the~~
178 ~~discontinuance of any work being done, or any other act when such use or act is in~~
179 ~~violation of this Code.~~

180 ~~(3) The county may institute a citation process pursuant to state law and may enforce this~~
181 ~~Code under applicable procedures.~~

182 ~~(4) Specific provisions of this Code may provide for additional remedies.~~

183 ...

184 **TITLE 102 – ADMINISTRATION**

185 ...

186 **CHAPTER 4. - PERMITS REQUIRED AND ENFORCEMENT**

187 **Sec. 102-4-1. - Purpose and intent.**

188 The purpose of this chapter is to establish the requirements for land use permits from the
189 planning division and building permits from the building division. This chapter identifies the
190 responsibilities for enforcing the requirements of this Land Use Code, [and the penalties for](#)
191 [violating this Land Use Code.](#)

192 **Sec. 102-4-2. - Land use permit required.**

- 193 (a) In order to verify compliance with applicable regulations, all land uses that require a land
194 use permit or conditional use permit by this Land Use Code are prohibited until a land use
195 permit or conditional use permit has received final written approval from the appropriate land
196 use authority.
- 197 (b) No structure, including agricultural structures, shall be constructed, changed in use, or
198 altered, as regulated by this Land Use Code, until and unless a land use permit or, if
199 applicable, a conditional use permit, has received final written approval from the appropriate
200 land use authority.
- 201 (c) No application for permits or approvals governed by this Land Use Code shall be approved
202 for any lot or parcel until all unresolved zoning, subdivision, building, business license,
203 nuisance, or other violations on the lot or parcel, or on any parcel included in any manner as
204 part of the application, are resolved, unless approval of the application will resolve all of the
205 existing violations.

206 **Sec. 102-4-3. - Land use permit revocation.**

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

- 209 (1) Revocation shall be conducted by the land use authority that is authorized to approve
210 the permit.
- 211 (2) Prior to permit revocation, the land owner and, if different, permittee shall be given
212 reasonable opportunity to resolve the violation by bringing the property into compliance
213 or by diligently pursuing an amendment or modification to the permit, as may be allowed
214 by this Land Use Code.
- 215 (3) In the event compliance cannot be attained the land owner and, if different, permittee
216 shall be given a notice of the impending permit revocation 14 days prior to final
217 revocation. The notice of the impending permit revocation shall specify the violation, and
218 inform the land owner and, if different, permittee of the right to request a hearing.
- 219 (4) The land owner and, if different, permittee shall have a right to a hearing with the land
220 use authority to show cause for why the permit should not be revoked, if a written request
221 for such is submitted prior to a final written revocation decision. If a hearing is requested,
222 final revocation of the permit shall be stayed until after the hearing. The hearing shall be
223 scheduled at a time specified by the land use authority.
- 224 (5) Revocation of a permit is final upon the issuance of a final written decision. The final
225 written decision may be appealed pursuant to title 102, chapter 3.
- 226 (6) Revocation of a permit shall not prohibit prosecution or any other legal action taken on
227 account of the violation, as provided in this Land Use Code or any other applicable law.

228 **Sec. 102-4-4. - Code enforcement.**

229 (a) General penalty; continuing violations.

- 230 (1) In this section, "violation of this Land Use Code" or "violation of any provision of this
231 Land Use Code" means:

232 a. Doing an act that is prohibited or made or declared unlawful, an offense, or a
233 misdemeanor by the Land Use Code or by rule or regulation authorized by the Land
234 Use Code;

235 b. Failure to perform an act that is required to be performed by the Land Use Code or
236 by rule or regulation authorized by the Land Use Code; or

237 c. Failure to perform an act if the failure is declared a misdemeanor, an offense, or
238 unlawful by the Land Use Code or by rule or regulation authorized by the Land Use
239 Code.

240 (2) In this section, "violation of this Land Use Code" or "violation of any provision of this
241 Land Use Code" does not include the failure of a county government officer or county
242 government employee to perform an official duty unless this Land Use Code specifically
243 provides that failure to perform the duty is to be punishable as provided in this section.

244 (3) Unless more specifically provided for in this Land Use Code, the violation of any
245 provision of this Land Use Code shall be punished as a class C misdemeanor or by
246 imposition of a civil penalty.

247 (4) Each day any violation of this Land Use Code shall continue shall constitute a separate
248 offense. Any violation of this Land Use Code that constitutes an immediate danger to the
249 health, safety, and welfare of the public may be enjoined in a suit brought by the county
250 for such purposes.

251 (5) The imposition of a penalty under the provisions of this Land Use Code shall not prevent
252 the revocation or suspension of any license, franchise, or permit issued or granted under
253 the provisions of this Land Use Code.

254 (6) The provisions of this Land Use Code may also be enforced and violations punished by
255 any of the following methods:

256 a. To remedy a violation of this Land Use Code, the county may order discontinuance
257 of the use of any land, water, or building; the removal of any building, addition, or
258 other structure; the discontinuance of any work being done; or any lawful act.

259 b. Specific provisions of this Code may provide for additional remedies.

260 (b) Authorization of code enforcement official, powers and duties. ~~The county's planning~~
261 ~~director or designee is designated as the code enforcement official and is authorized as the~~
262 ~~official charged with enforcement of,~~ empowered, and directed to enforce this Land Use
263 Code by injunction, mandamus, abatement, civil penalty, or any other remedy provided by
264 law. The county's code enforcement official is hereby authorized, empowered, and directed
265 to make inspection of properties within the unincorporated area of the county to determine
266 whether there is any violation of this Land Use Code. This authorization extends to all
267 methods of inspection allowed under the state and federal constitutions.

268 (c) Notice of violation, time to cure. When a violation is found, before taking any other
269 enforcement action the code enforcement official shall serve notice of the violation in writing
270 to the owner or occupant of the land. The notice shall:

- 271 (1) Be delivered personally or by certified mail to the owner or occupant at the last known
272 post office address as disclosed by the records of the county recorder, or assessor;
- 273 (2) State the specific code or codes being violated, and explain the nature and extent of the
274 violation; and
- 275 (3) State that the owner or occupant, as the case may be, shall correct or remove the
276 violation no later than 14 days after notice of the violation has been delivered personally
277 or mailed.
- 278 (d) Alternative time to cure. Within the 14 days as specified in Section 102-4-4(c), the owner or
279 occupant may arrange an alternative remedial schedule with the Code enforcement official.
280 The alternative remedial schedule shall be no greater than is reasonable and necessary
281 given the extent of the violation and the owner or occupant's ability to cure.
- 282 (e) Single notice sufficient. One notice shall be deemed sufficient on any lot or parcel of
283 property and the subsequent lapse of the notice period shall empower the county to take
284 other and further action as may be lawful.
- 285 (f) Administrative citation and fines. After issuance of a notice of violation, as specified in
286 Section 102-4-4(c), and at the discretion of the code enforcement official, an administrative
287 citation and fine may be issued for any violation of this code.
- 288 (1) The fine schedule is as follows:
- 289 a. First charge or violation: \$100 per violation per day.
- 290 b. Second charge or violation: \$200 per violation per day.
- 291 c. Third or subsequent charge or violation: \$400 per violation per day.
- 292 (2) An additional charge or violation specified by this section is applicable in circumstances
293 when an earlier violation has been resolved with all applicable fines and other costs paid
294 but the same violation reoccurs within a 12-month period of time.
- 295 (3) If a property owner or occupant fails to pay a fine issued under this section, the county
296 may take reasonable steps to collect the fine. If the fine remains unpaid, the county may
297 petition the applicable court for a judgment against the owner or occupant in the amount
298 of the unpaid fine. If the county also files a petition under Section 102-4-4(g), the two
299 petitions may be combined into one action.
- 300 (g) Abatement. If a property owner or occupant fails to correct or remove the violation from the
301 property after receiving an administrative citation, the county may petition the applicable
302 court for a judicial order enabling the county to remove some or all violations from the
303 property and ordering the property owner or occupant to pay all costs associated with
304 correcting the violation. If any violation of this Land Use Code constitutes a nuisance under
305 the provisions of State Law, the county may take any action as authorized by law in addition
306 to any other penalty imposed pursuant to this section.
- 307 (h) Judgment lien. Once a judicial order has been obtained under this section, ordering a
308 property owner or occupant to pay fines or abatement costs, the code enforcement official

309 may record a judgment lien against any real property owned by the responsible party, to the
310 extent allowed by law.

311 (i) *Removal of judgement lien.* Once payment is received for all outstanding fines, costs, and
312 penalties, including the county's cost for abatement if applicable, and the terms of the
313 judicial order are deemed satisfied, the code enforcement official shall record a notice of
314 satisfaction of judicial order and shall release the lien as required by law.

315 (j) *Appeals.* A violation determination under this section shall only be appealable to district
316 court.

317 ...

318 **CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS**

319 **Sec. 108-7-1. - Purpose and intent.**

320 The regulations hereinafter set forth in this chapter qualify or supplement, as the case may
321 be, the zoning regulations appearing elsewhere in this title.

322 ...**Sec. 108-7-6. ~~—Reserved~~ Garbage, junk, and weeds unlawful.**

323 (a) *Garbage, inoperable or abandoned vehicles, and junk.* It is unlawful for any owner or occupant
324 of land to permit garbage, inoperable or abandoned vehicles, or junk to accumulate or remain
325 on or about the premises whenever it is unsightly and in public view, or whenever it is
326 dangerous to the health, safety, and welfare of the people of the county. Every owner or
327 occupant of land is hereby required to remove, or provide for the removal of, such garbage,
328 inoperable or abandoned vehicles, and junk before the same become unsanitary, dangerous,
329 or a nuisance.

330 (b) *Weeds and unkempt yards.* All weeds shall be cleared from residential, commercial,
331 manufacturing, and institutional properties, including their perimeters and any adjacent
332 parkways or unimproved portions of public rights-of-way. The yard portions of the property
333 visible from the public right-of-way shall be maintained so that the property's appearance does
334 not detract from the appearance of the neighborhood.

335 (c) *Exemptions.* This chapter shall not apply to items which are clearly accessory and incidental
336 to any agricultural use permitted in the zone, or to items completely and lawfully enclosed
337 within a building or enclosure where it is not visible from a public or private way or other public
338 or private property and which does not constitute a nuisance, endanger or adversely affect
339 the health or welfare of the community, or the keeping of which does not violate any other law
340 or ordinance.

341 (d) *Owner or occupant responsibility.* Any owner or occupant of land that allows for the violation
342 of this section shall make proper arrangements for the correction of the violation.

343 (e) *Public streets and other public property.*

344 (1) It is unlawful for any person to place or deposit in or upon any public street, right-of-way,
345 or other public property in unincorporated areas of the county any garbage, inoperable or
346 abandoned vehicles, junk, weeds, or any other vegetation, if the deposited items or

347 materials may interfere with pedestrian or vehicular traffic or may in any way be dangerous
348 to the health, safety, and welfare of the people of the county.

349 (2) It is the responsibility of owners or occupants of land adjoining a public right-of-way,
350 pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

351 (3) In addition to the requirements of Section 32-8-2, owners or occupants of land adjoining
352 a pedestrian pathway shall also be required to ensure continual removal of snow from the
353 pathway.