

**WEBER COUNTY
ORDINANCE 2020-11**

**AN AMENDMENT TO THE SETBACK REGULATIONS OF THE CV-1 AND CV-2 ZONES, AND
PROVISION OF ADDITIONAL LANGUAGE THAT SUPPORTS CREATION OF STREET-
ORIENTED COMMERCIAL STOREFRONTS.**

WHEREAS, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

WHEREAS, the Board of Weber County Commissioners has heretofore adopted a general plan, as required by state code, to guide the development of unincorporated Ogden Valley, known as the Ogden Valley General Plan; and

WHEREAS, the Ogden Valley General Plan recommends ordinances and policies that will foster the creation of small commercial village areas that are pedestrian oriented and provide storefronts that open onto the public rights-of-way; and

WHEREAS, the Board of Weber County Commissioners finds the existing land use code insufficient to implement this component of the general plan; and

WHEREAS, the Board of Weber County Commissioners has received a positive recommendation from the Ogden Valley Planning Commission in their April 28, 2020 regular meeting for the amendments propose herein;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “Sec 101-2-4 C Definitions” of the Weber County County Code is hereby *amended* as follows:

BEFORE AMENDMENT

Sec 101-2-4 C Definitions

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

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

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

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

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

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

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

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

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

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

Common open space. See Open space, common.

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

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

Conditional use. See Use, conditional.

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

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

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

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

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

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

Conservation easement. The term "conservation easement" means:

An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; Retaining such areas as suitable habitat for fish, plants or wildlife; or Maintaining existing land uses.

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

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

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

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

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

Cul-de-sac means a minor terminal street provided with a turnaround.

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

AFTER AMENDMENT

Sec 101-2-4 C Definitions

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

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

Conditional use. See Use, conditional.

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

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

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

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

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

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

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

Cul-de-sac means a minor terminal street provided with a turnaround.

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

SECTION 2: REPEAL "Sec 104-21-2 Site Development Standards" of the Weber County Code is hereby *repealed* as follows:

BEFORE REPEAL

Sec 104-21-2 Site Development Standards

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

	CV-1	CV-2
Minimum lot areas	None	None
Minimum lot width	None	None
Minimum yard setbacks		
Front	20 ft. unless the requirements listed in section 104-21-4(c) are met	
Side	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Side facing street on corner lot	20 feet unless the requirements listed in section 104-21-4(c) are met	
Rear	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Building height		
Minimum	1 story	1 story
Maximum	35 feet	
Maximum lot coverage	60% of lot area by buildings or accessory buildings	

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

AFTER REPEAL

~~See 104-21-2 Site Development Standards (Repealed)~~

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

	CV-1	CV-2
Minimum lot areas	None	None
Minimum lot width	None	None
Minimum yard setbacks		
Front	20 ft. unless the requirements listed in section 104-21-4(c) are met	
Side	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Side facing street on corner lot	20 feet unless the requirements listed in section 104-21-4(c) are met	
Rear	None, except 10 feet where a building is adjacent to a forest, agricultural, or residential zone boundary	
Building height		
Minimum	1 story	1 story
Maximum	35 feet	
Maximum lot coverage	60% of lot area by buildings or accessory buildings	

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

SECTION 3: ADOPTION “Sec 104-21-2 Site Development Standards*” of the Weber County County Code is hereby *added* as follows:

BEFORE ADOPTION

Sec 104-21-2 Site Development Standards* (Non-existent)

AFTER ADOPTION

Sec 104-21-2 Site Development Standards* (*Added*)

The following site development standards apply to the CV-1 and CV-2 zones:

(a) Lot area:

	CV-1 ZONE	CV-2 ZONE
Minimum lot area:	None	None

(b) Lot width:

	CV-1 ZONE	CV-2 ZONE
Minimum lot width:	None	None

(c) Yard Setbacks:

(1) Front yard setbacks:

	CV-1 ZONE	CV-2 ZONE
Minimum front yard setback	None	None

(2) Side yard setback:

	CV-1 ZONE	CV-2 ZONE
Minimum side yard setback	10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-21-4(e); or if the building will abut a building on the adjoining lot or parcel.	

(3) Rear yard setback:

	CV-1 ZONE	CV-2 ZONE
Minimum rear yard setback	10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-21-4(e); or if the building will abut a building on the adjoining lot or parcel.	

(d) Building height:

	CV-1 ZONE	CV-2 ZONE
Minimum building height	1 story	1 story
Maximum building height	35 feet	35 feet

(e) Lot coverage:

	CV-1 ZONE	CV-2 ZONE
Maximum lot coverage by buildings	60 percent	60 percent

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

BEFORE AMENDMENT

Sec 104-21-4 Special Regulations

- (a) Hereinafter specified permitted and conditional uses shall be allowed only when the following conditions are complied with: All manufacturing uses shall be done within a completely enclosed building in an effort to mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration.
- (b) A car wash shall be permitted subject to the following restrictions:
 - (1) Operation or use shall limited to the hours between 6:00 a.m. and 10:00 p.m. in CV-1 Zone.
 - (2) There shall not be more than four washing bays for a manual spray car wash in CV-1 Zone.
 - (3) In both the CV-1 and CV-2 zones the off-street vehicle spaces or queues required shall be as follows:
 - a. One bay car wash, four spaces in the approach lane;
 - b. Two bay car wash, three spaces in the approach lane for each wash bay;
 - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.
- (c) Complete street.
 - (1) A complete street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility.
 - (2) A complete street design is required when the front setback is less than 20 feet, and shall include a ten-foot pedestrian pathway or sidewalk, pedestrian lighting, shade trees, clear view of intersection, and, when applicable, may also include safe street crossings for pedestrians. The complete street design shall be approved by the planning commission.
- (d) Dwelling unit. A dwelling unit is allowed, as part of a mixed use building, only if allowed in section 104-21-5, and only when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When fronting on a public or private street, buildings that contain dwelling units shall comply with the following:
 - (1) The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for the entire length of the building's street frontage;
 - (2) The building shall not be setback any greater than 20 feet at any point from the property line that runs parallel to the public or private street;
 - (3) The building shall be subject to the requirements of chapter 108-1 and chapter 108-2; and
 - (4) The lot's street frontage shall be developed as a complete street, as specified in section 104-21-4(c).

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

AFTER AMENDMENT

Sec 104-21-4 Special Regulations

- (a) Manufacturing uses. ~~Hereinafter specified permitted and conditional uses shall be allowed only when the following conditions are complied with:~~ All manufacturing uses shall be done within a completely enclosed building in an effort to mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration.
- (b) Car wash. A car wash shall be permitted subject to the following restrictions:
 - (1) In the CV-1 zone, Operation hours or use shall are limited to the hours between 6:00 a.m. and to 10:00 p.m. in CV-1 Zone.
 - (2) In the CV-1 zone, There shall not be more than four washing bays for a manual spray car wash in CV-1 Zone.
 - (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet. The frontage of the lot shall, for a depth of at least 30 feet, be reserved for future street-front commercial buildings and related improvements.
 - (4) ~~In both the CV-1 and CV-2 zones~~ The off-street vehicle spaces or queues required shall be as follows:

- a. One bay car wash, four spaces in the approach lane;
 - b. Two bay car wash, three spaces in the approach lane for each wash bay;
 - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.
- (c) *Complete street.*
- (1) A complete street, as defined in Section 101-1-7, shall be installed to span the street-frontage of the lot for the width of existing or proposed completed improvements, including parking facilities and required landscaped area. If this width is 75 percent of the lot width or greater, the complete street shall span the entire street-frontage of the lot in the CV-1 or CV-2 zone. ~~is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility.~~
 - a. Modification of existing site improvements that affect less than 25 percent of the lot area is exempt from complete street requirements.
 - b. For portions of a lot's frontage in the CV-1 or CV-2 zone where a complete street is not required by this Subsection (c)(1), a 10-foot wide sidewalk is required, as prescribed by the Planning Director after consultation with the County Engineer.
 - (2) A complete street design ~~is required when the front setback is less than 20 feet, and~~ shall include a ten-foot pedestrian pathway or sidewalk, pedestrian lighting, shade trees, appropriate clear view of intersection, and, when applicable, may shall also include safe street crossings for pedestrians in no greater than 300-foot intervals. The complete street design, tree species and planting techniques, and pedestrian lighting are subject to approval by the Planning Director, after consultation with the County Engineer. ~~shall be approved by the planning commission.~~
- (d) *Dwelling unit.* A dwelling unit is allowed, as part of a mixed use building, only if allowed in section 104-21-5, and only when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When fronting on a public or private street, buildings that contain dwelling units shall comply with the following:
- (1) The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for the entire length of the building's street frontage;
 - (2) The building shall not be set back any greater than 20 feet at any point from the property line that runs parallel to the public or private street;
 - (3) The building shall be subject to the requirements of chapter 108-1 and chapter 108-2; and
 - (4) The lot's street frontage shall be developed as a complete street, as specified in section 104-21-4(c).
- (e) *Perpetual building maintenance agreement.* When permitted by this chapter as a way to allow reduced side or rear setbacks, a perpetual building maintenance agreement is required between the building owner and the affected adjacent property owner, which shall allow for construction and maintenance of the side or rear of a commercial building, and shall:
- (1) be reviewed for compliance with this section by the Planning Division and County Attorney's Office;
 - (2) place responsibility on the building owner for prompt repairs and maintenance of the side or rear of the building;
 - (3) require allowances of access to the property for repairs and maintenance purposes;
 - (4) be signed by the owner of the commercial building and the adjacent property owner to be considered valid; and
 - (5) be recorded on the title of both properties.
- (f) *Cross-access and cross-access easement.* Access to adjacent existing or future development without the need to access the public right-of-way is in the interest of public safety. As such, at a minimum, each developed lot or parcel shall have two points of ingress and egress, at least one of which shall be stubbed to adjacent property where practicable.
- (1) When locating a cross-access easement or designing the cross-access infrastructure, good faith efforts shall be made to coordinate the location and design with the adjoining land owner.
 - (2) The Planning Director may require the cross-access to be located in a manner that optimizes

traffic circulation on the properties or in the area.

- (3) Construction of the cross-access infrastructure shall be completed prior to the issuance of a certificate of occupancy for any structure on the lot or parcel, or a completion bond may substitute for completion if allowed by the County Engineer.
- (4) When a lot or parcel is being developed that abuts an existing cross-access easement or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access infrastructure shall be constructed to the same standard as, or better than, the existing cross-access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the title of all affected properties, along with a perpetual operations and maintenance agreement between the property owners that specifies, at a minimum, that the infrastructure will be operated and maintained by the property owners in a manner that is safe and usable for two-way vehicle traffic.
- (5) If property owners fail to operate or maintain cross-access infrastructure that was required by the County under this section, the County may pursue enforcement measures as provided in this Land Use Code.


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

PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS


	AYE	NAY	ABSENT	ABSTAIN
Gage Froerer	✓	_____	_____	_____
Jim "H" Harvey	✓	_____	_____	_____
Scott Jenkins	✓	_____	_____	_____

Presiding Officer

Attest



 Gage Froerer, Board of Commissioners
 Chair, Weber County



 Ricky Hatch, CPA, Clerk/Auditor Weber
 County