



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 2021-05 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 and varying residential zones 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 15, 2021

Applicant: Lync Construction. Agent: Pat Burns and David Laloli

File Number: ZMA 2021-05

Property Information

Approximate Address: 2650 West 1200 South

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

Existing Land Use: Agricultural

Proposed Land Use: Commercial and Residential

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

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 with a master planned development overlay zone (MPDOZ). The purpose of the rezone is to develop the site for commercial uses along 12th street, and residential uses behind the commercial uses and along the Weber River.

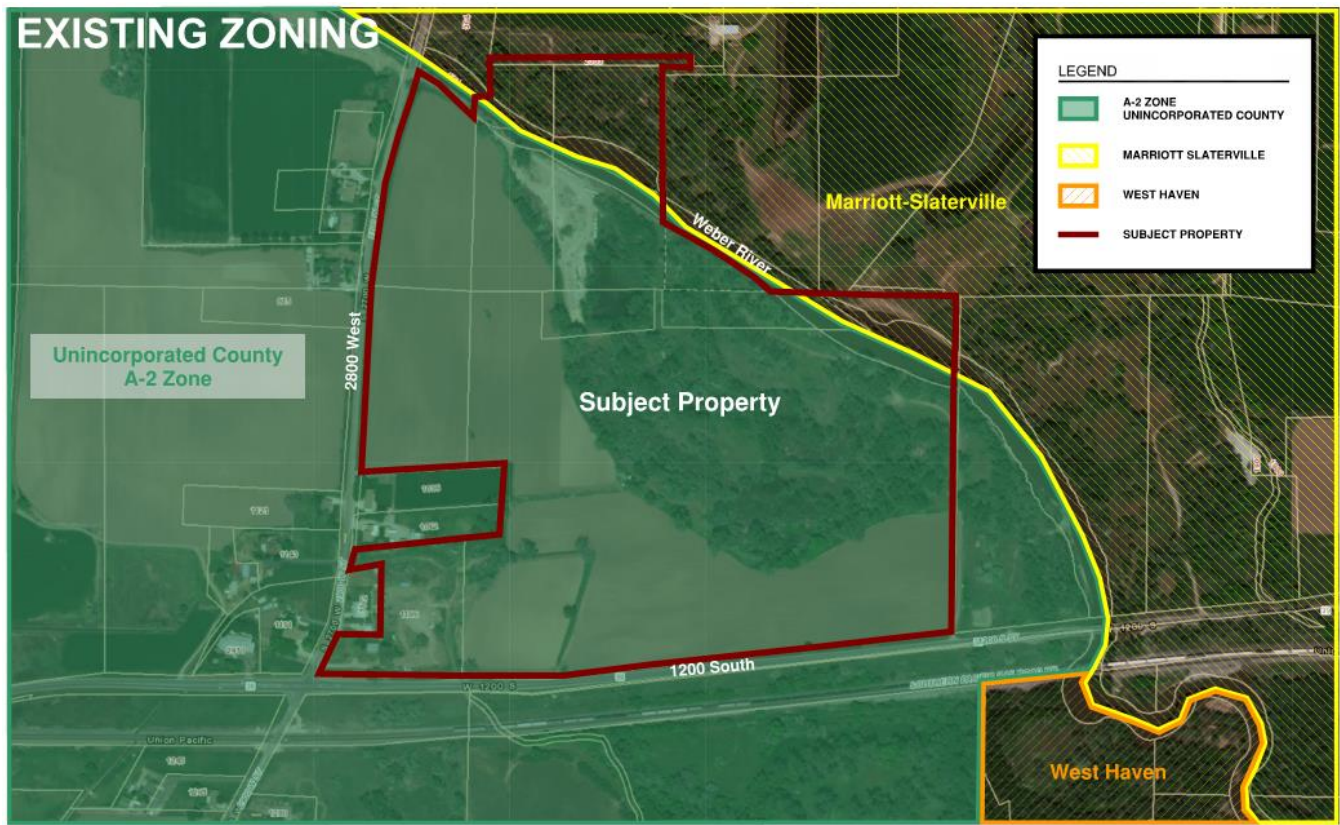
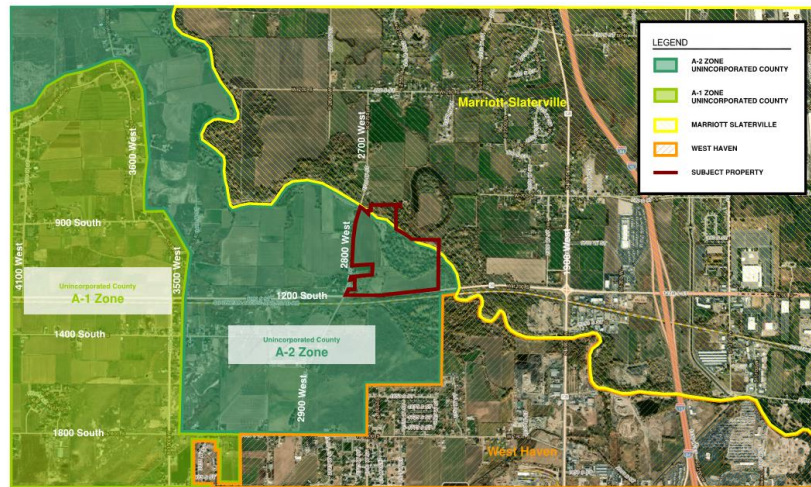
Staff is suggesting instead of rezoning the entire property to C-2, to rezone the area proposed for commercial and mixed use residential, along 12th street, to the C-2 zone, then rezone the rest of the property to the Residential Estates zones (RE-15 and RE-20). Application of the MPDOZ could then be used to allow multifamily uses to be located in the C-2 zone area as part of the mixture of uses.

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 1**¹ displays current zoning and the parcels affected by the potential rezone.

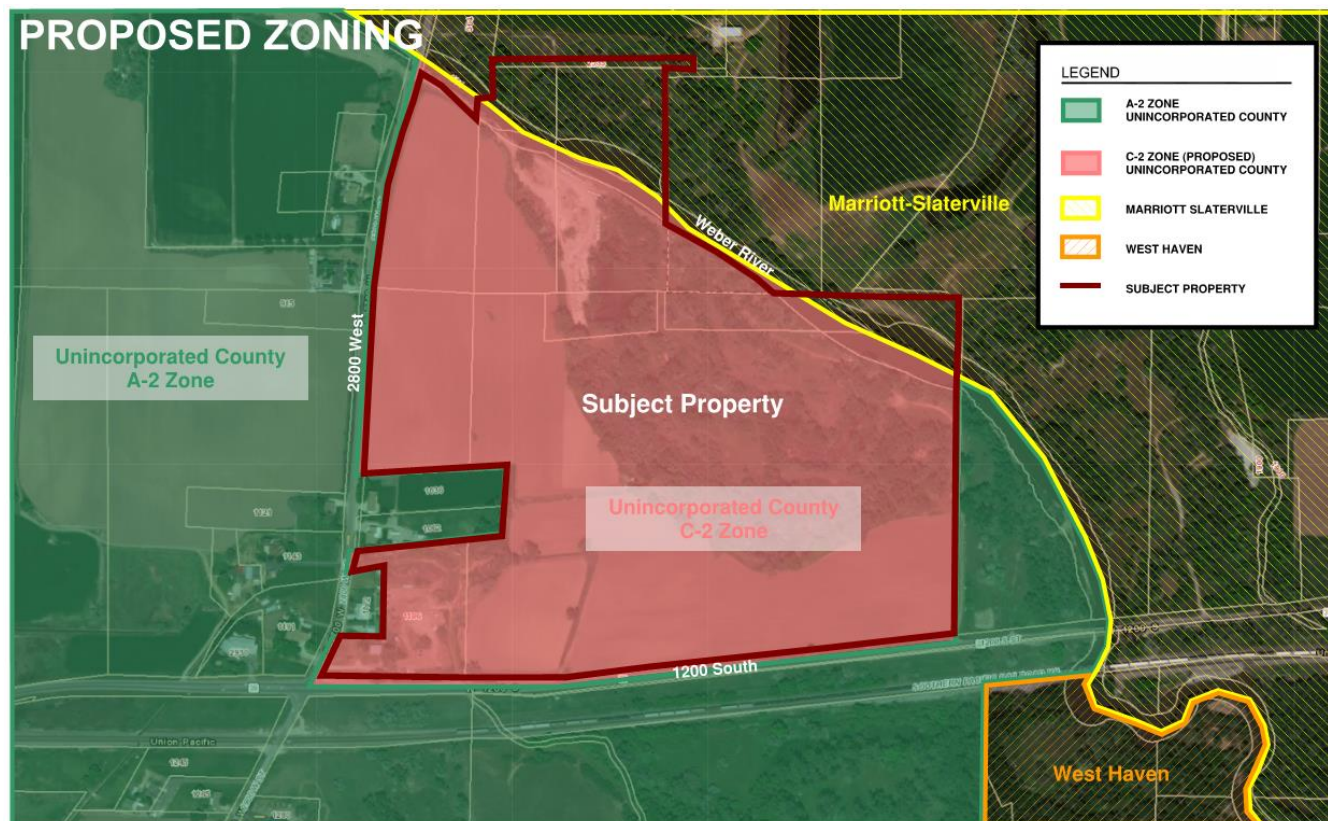
Figure 1: Current Zoning Map and the Subject Parcel(s).



¹ See also Exhibit D.

The requested zone for the subject parcel is the C-2 zone. As can be seen in **Figure 2**², 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.

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.

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.

The applicant is prepared to commit to keeping all buildings 200 feet away from existing residences in the area. Commercial uses will be buffered from the road by berms, trees, and parking areas.

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.

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.

Access and traffic circulation. The property will get access from 12th Street and 2800/2700 West Street. UDOT access permit is required for each access on 12th Street.

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 four-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.

The four-foot berm, trees, and pathway will also line the three existing residences on the east side of 2800 West.

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 10-foot wide pathway. This includes development of the Weber River Parkway trail along the river.

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.

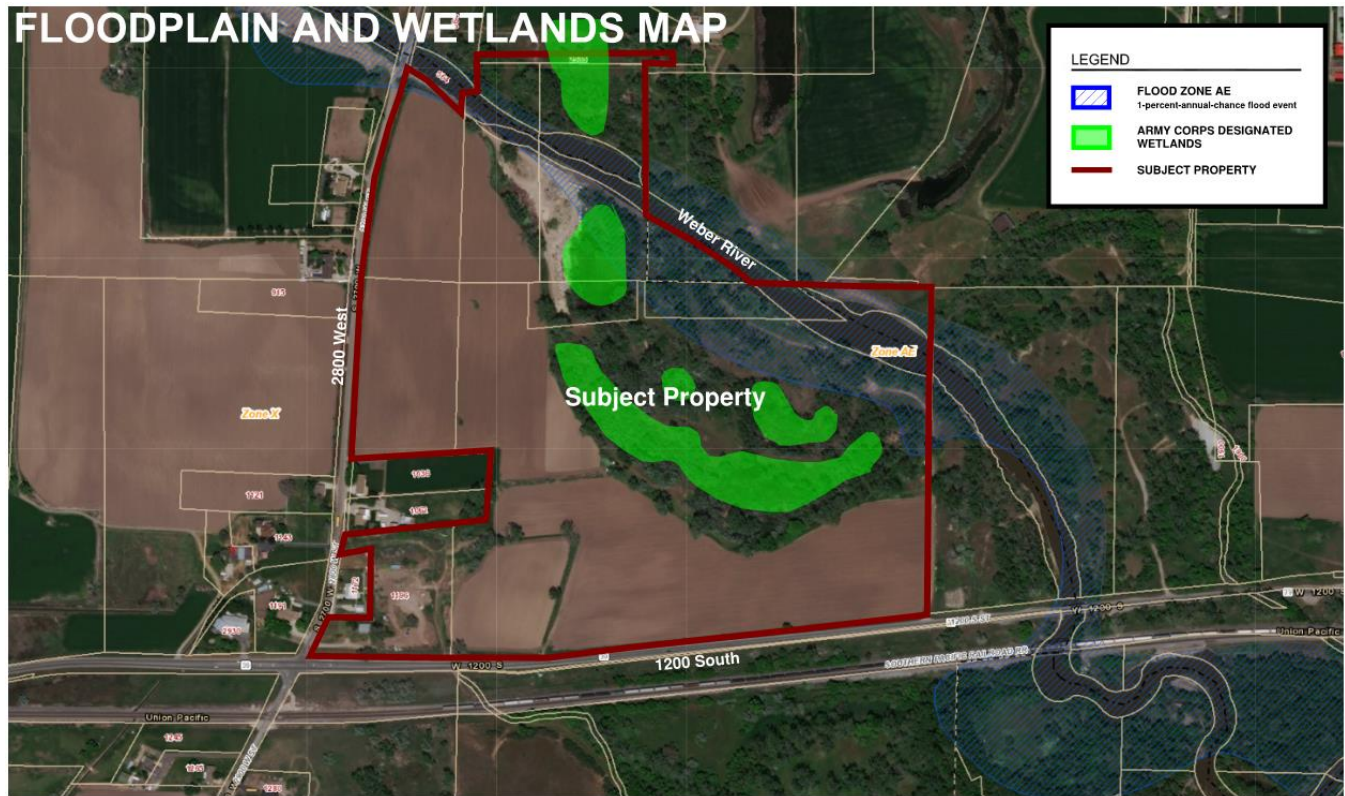
Phasing. While the applicant is not anticipating the need for a specific phasing plan, it is likely the project will be built in phases.

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.

⁵ See Exhibit H

Wetland mitigation typically means that wetlands will be built elsewhere in the area in exchange for eliminating wetlands onsite. **Figure 3**⁶ displays the flood zones and wetland areas.

Figure 3, Floodplain and Wetlands.



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'** show the proposed amendment to the “Future Land Use Map” of that plan.

⁶ See Exhibit J

⁷ See Exhibit B

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

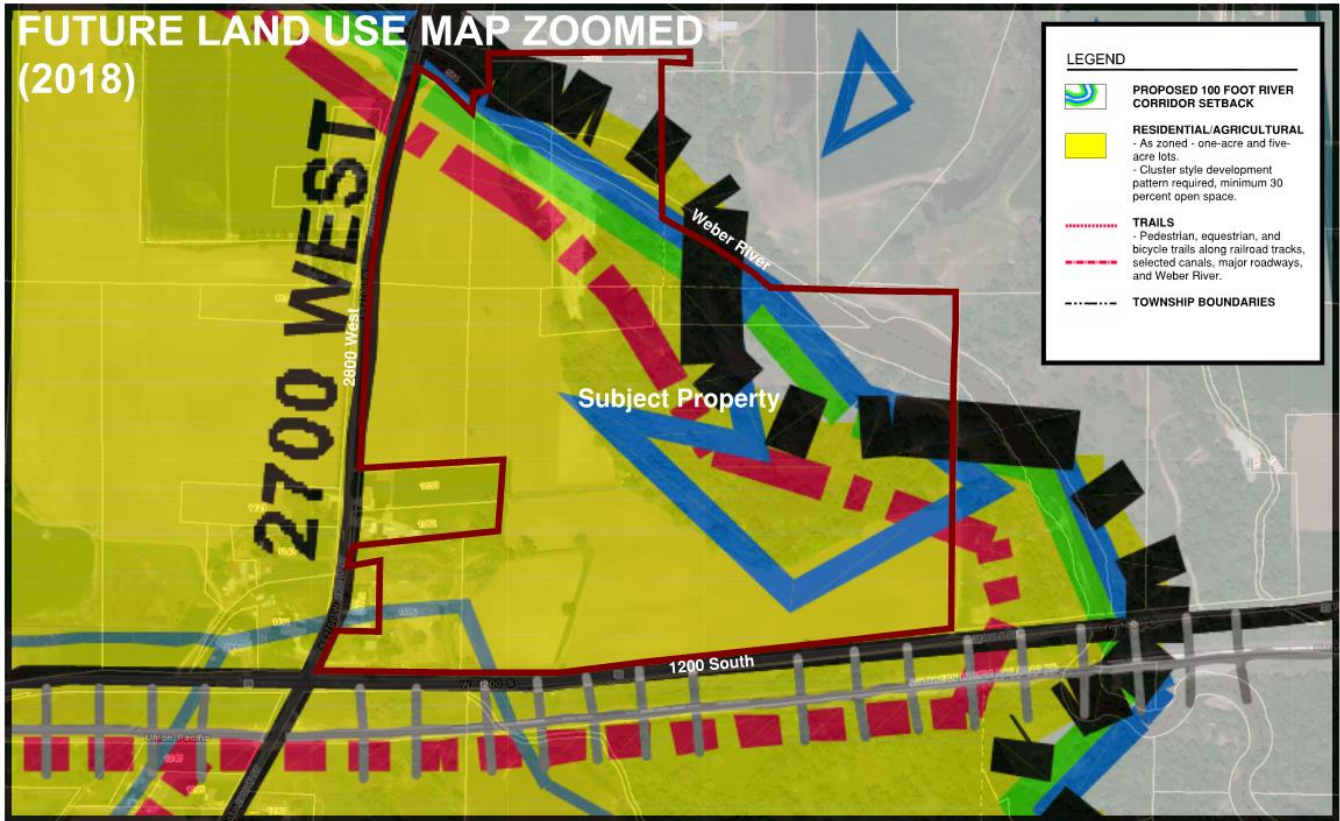
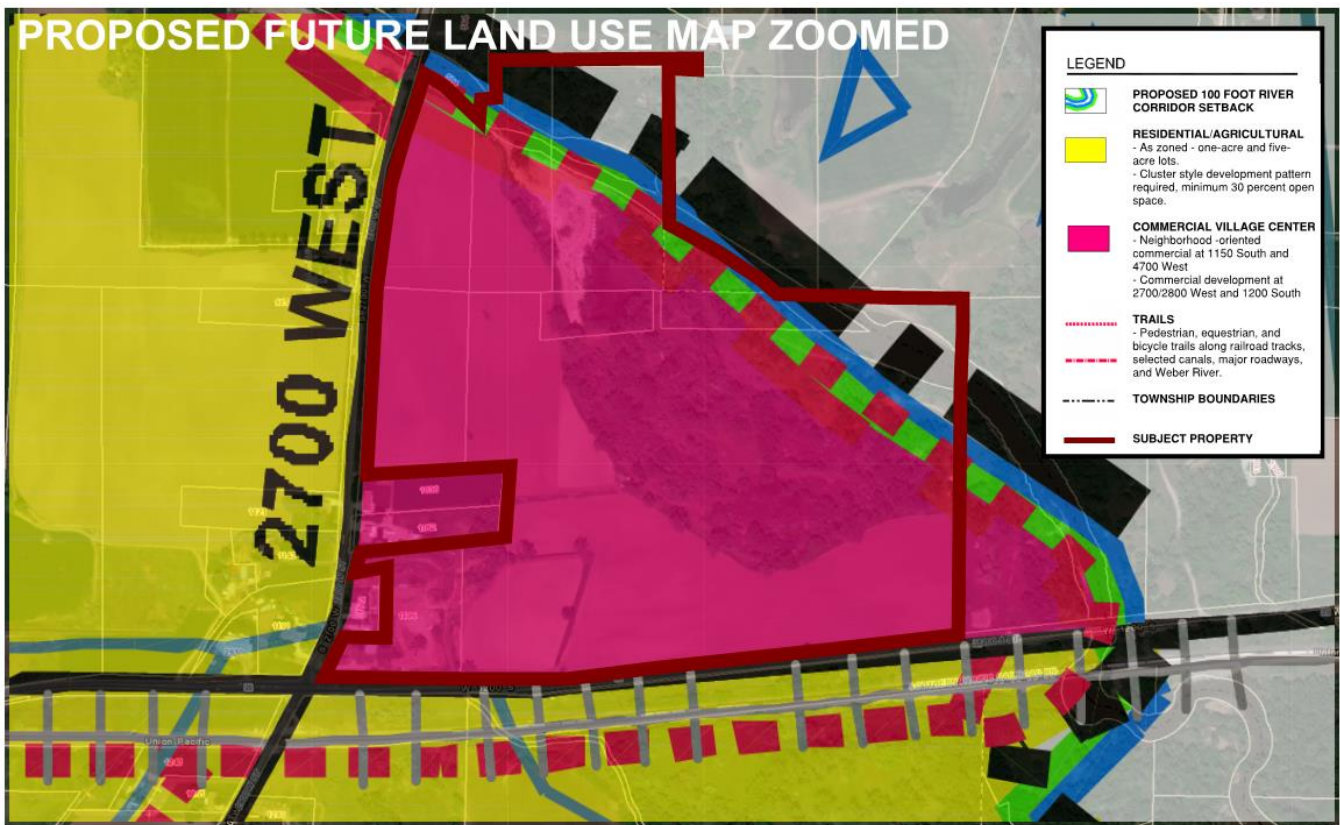


Figure 5: Proposed Future Land Use Map and the Subject Property.



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."⁸

"Develop commercial design standards to help commercial development better fit with the character of the area."⁹

This master planned development 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

"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."¹⁰

The applicant has proposed a public multi-use asphalt trail along the Weber River, and a loop trail that encircles the development.

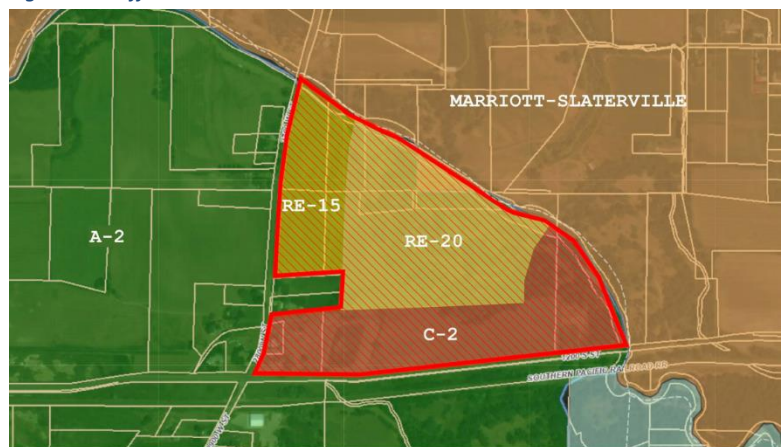
Night sky

"Some felt that ... new ordinances need to be developed to protect the night sky..."¹¹

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.

Instead of rezoning the entire property to C-2 with the MPD overlay, staff recommends the following zone map:

Figure 6: Staff Recommended Rezone Alternative



■ Master Planned Development Overlay Zone (MPDOZ)

⁸ See Page 1-5 of the West Central Weber County General Plan.

⁹ See Page 2-15 of the West Central Weber County General Plan.

¹⁰ See Page 1-5 of the West Central Weber County General Plan.

¹¹ See Page 1-6 of the West Central Weber County General Plan.

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 and rezone with the following requirements to be executed by means of a development agreement:

1. The property should be rezoned to a mix of residential estate and commercial, with the C-2 zone located along 12th Street.
2. The commercial development should be setback from the public right-of-way no more than 20 feet to hold the street corridor visually. Likewise, the corner of 2800 and 12th Street should have a building that holds the corner visually. If that corner will be occupied by a gas station, then the gas pumps shall be located in the rear of the building away from the public right of way. To encourage buildings along the street-front, parking lots should be located no closer to 12th street or 2800 West than 100 feet.
3. Four foot berms should be created along 2800 West to shield the development/parking lots from view of adjacent residences.
4. Four 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.
5. 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.
6. 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.
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. The buildings with fronts visible from 1200 South or 2800 West should be treated with agrarian architectural features. The development agreement should contain architectural standards for all buildings along 12th Street
9. That all berms, trees, pathways, and associated vegetation should be installed prior to certificate of occupancy for the first building.
10. That all other agency concerns should be accounted for as may be necessary in the development agreement.

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 will 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: Omitted

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

Exhibit C: Omitted

Exhibit D: Existing Zone Map

Exhibit E: Proposed Zone Map

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.

Exhibit I: Omitted











Exhibit J: Floodplain and Wetlands.

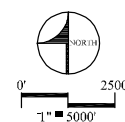
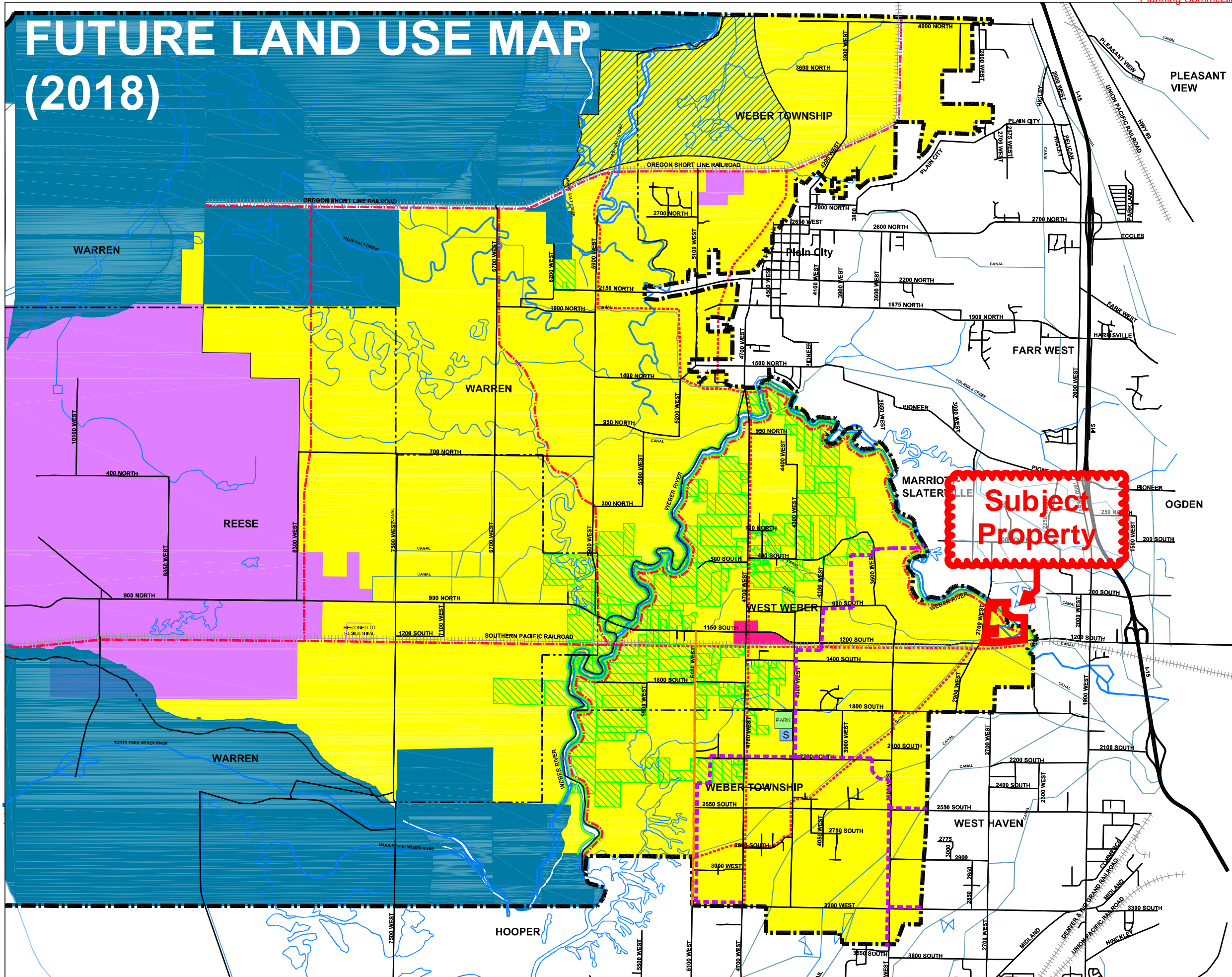
FUTURE LAND USE MAP (2018)

WEST CEI **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**













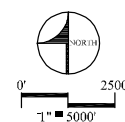
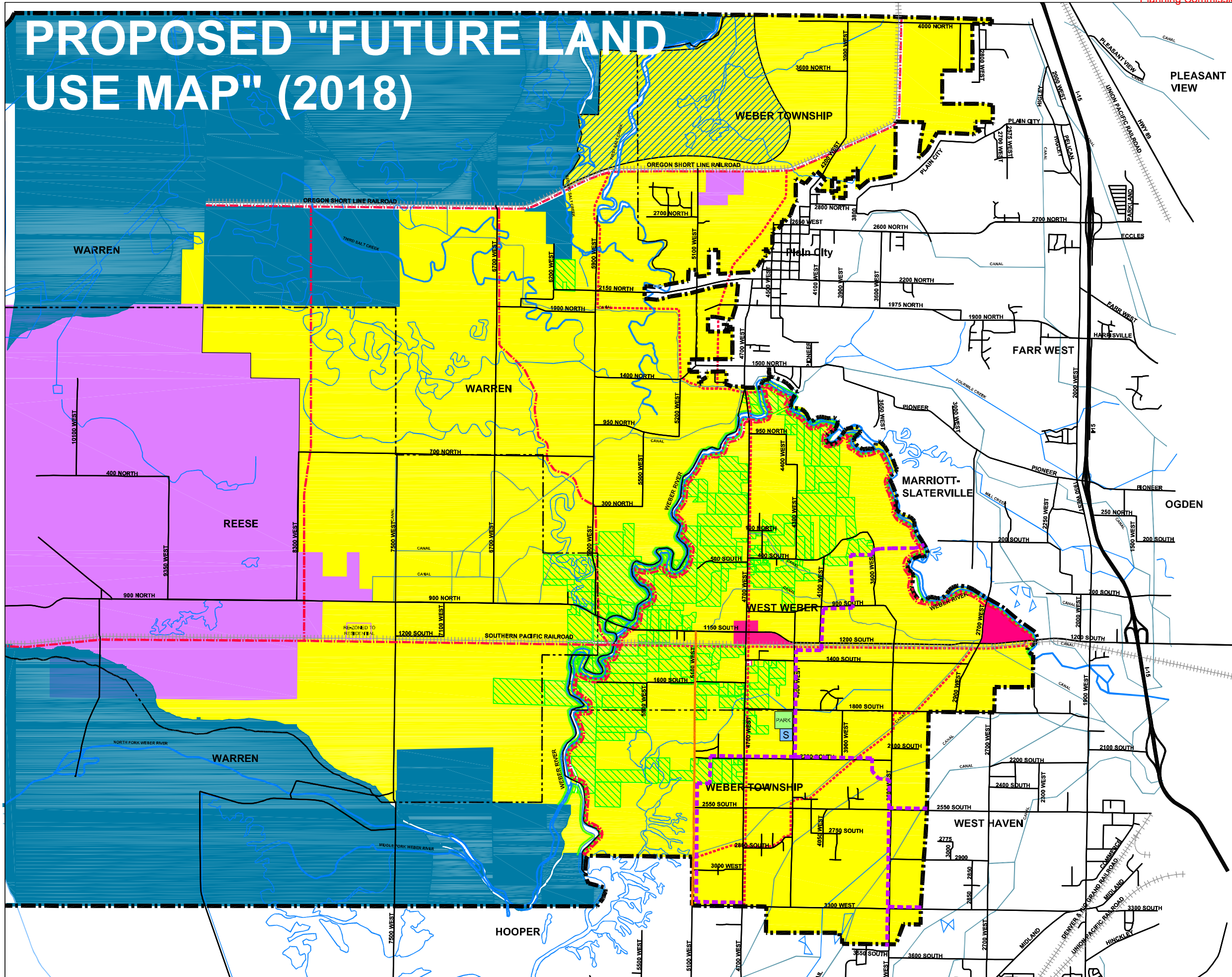
PROPOSED "FUTURE LAND USE MAP" (2018)

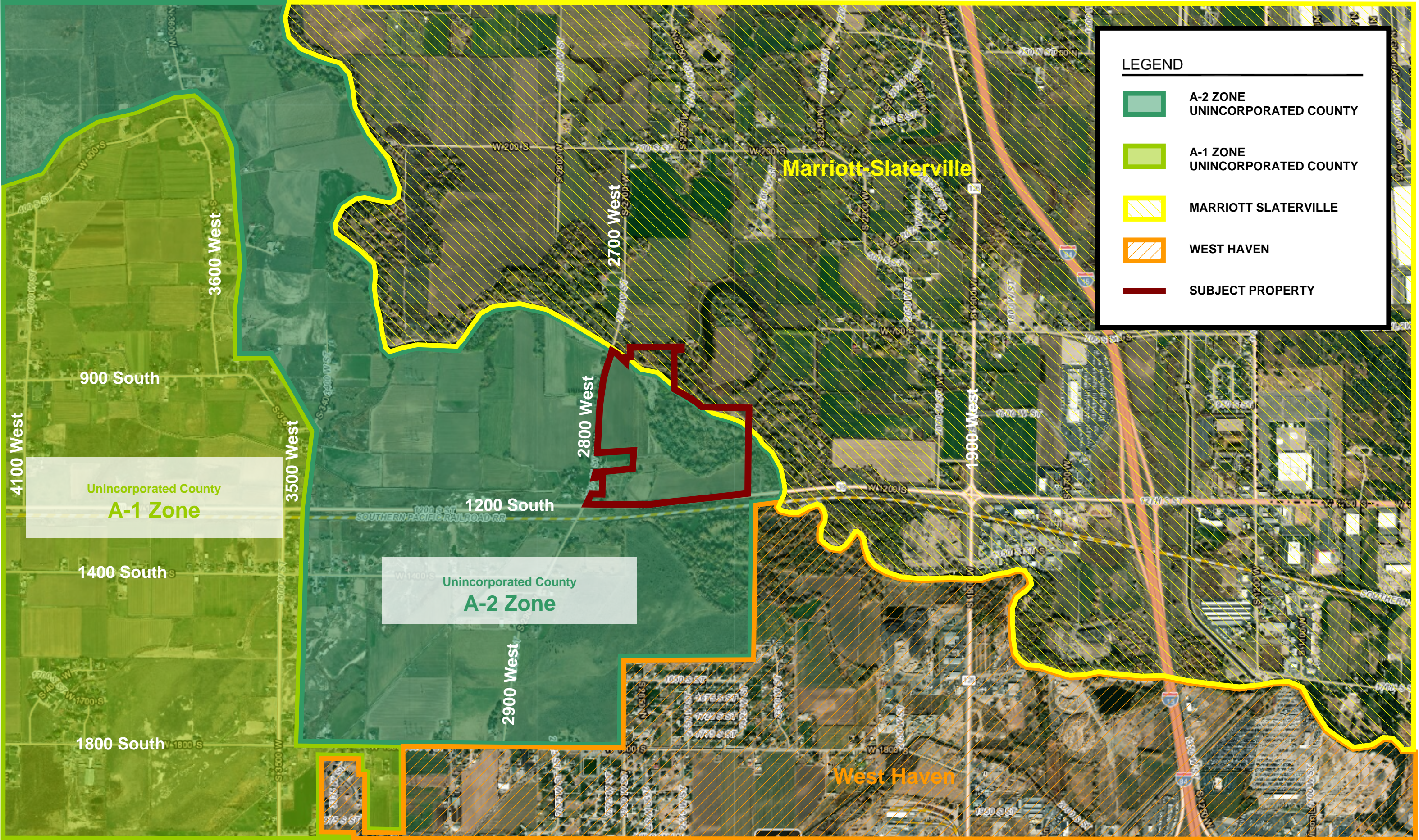
WEST CEI **Exhibit C** WEBER COUNTY GENERAL PLAN

PROPOSED LAND USE MAP 2-4

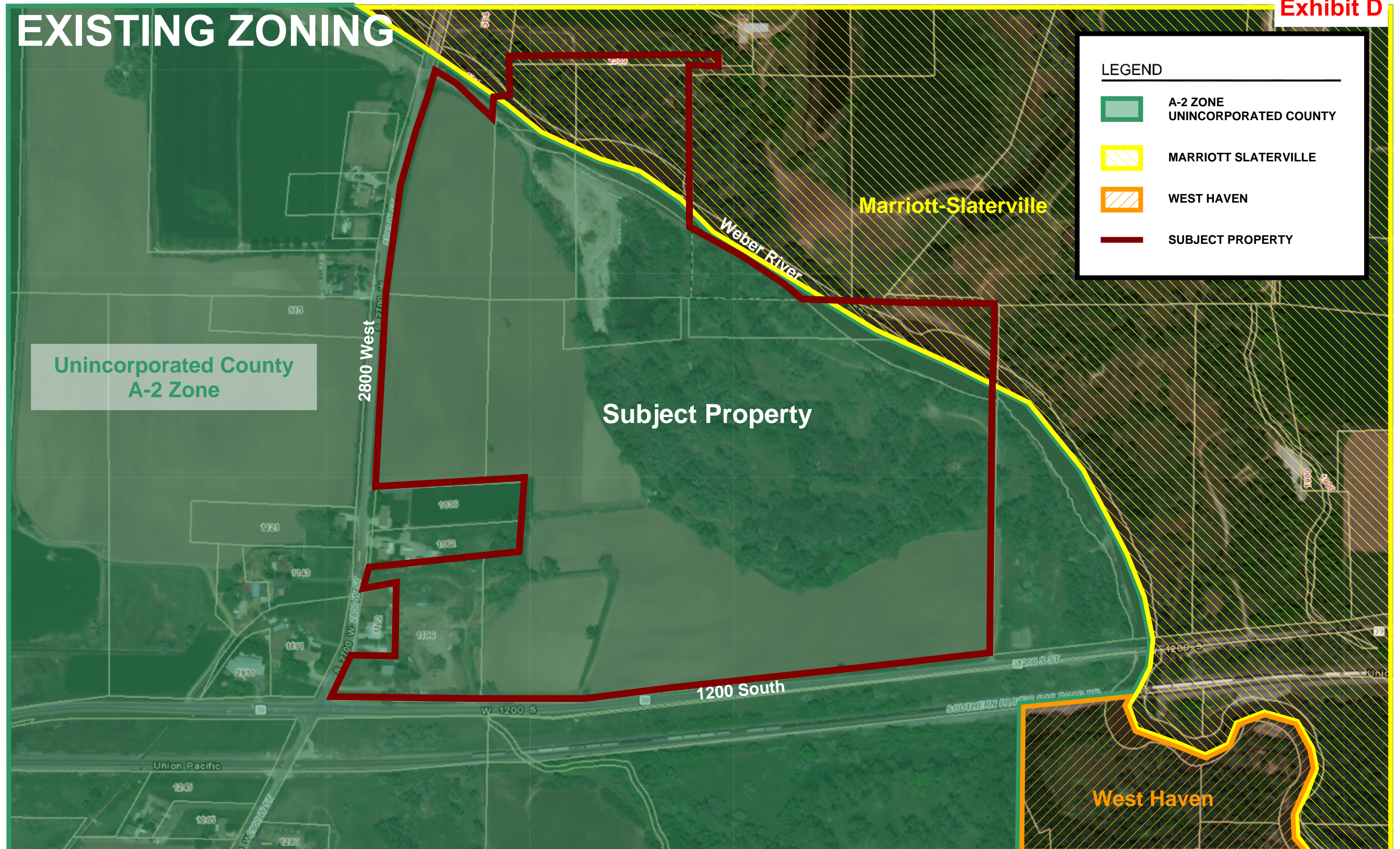
LEGEND

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 - 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.
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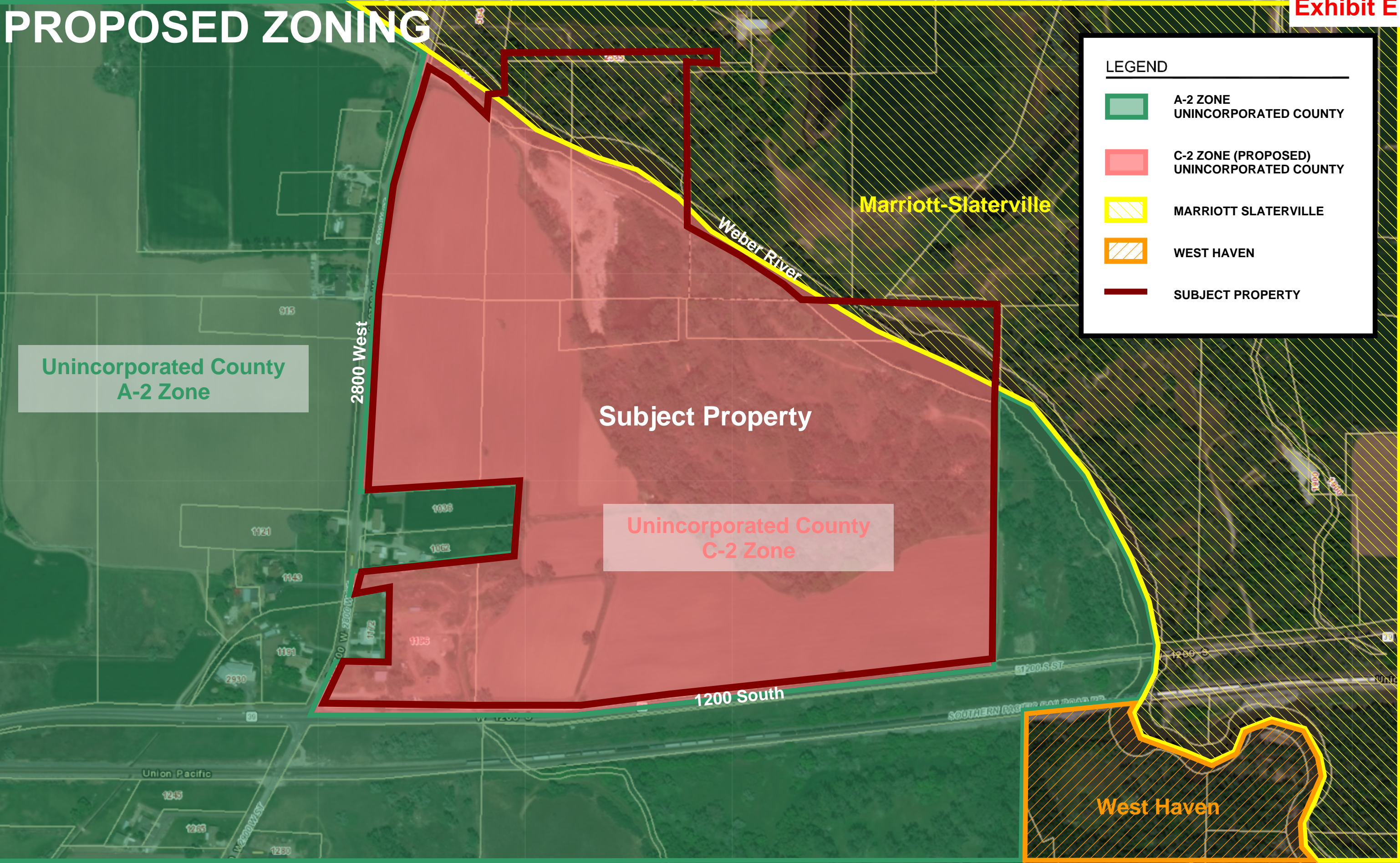




EXISTING ZONING



PROPOSED ZONING



Chapter 104-2 Agricultural Zones

Sec 104-2-1 Purpose And Intent

Sec 104-2-2 Preferred Use

Sec 104-2-3 Land Use Table

Sec 104-2-5 Site Development Standards

Sec 104-2-4 Special Regulations

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

Sec 104-2-1 Purpose And Intent

- (a) The AV-3 Zone and A-1 Zone are both an agricultural zone and a low-density rural residential zone. The purpose of the AV-3 Zone and A-1 Zone is to:
- (1) Designate low-intensity farm areas, which are anticipated to develop in a rural residential development pattern;
 - (2) Set up guidelines to continue agricultural pursuits, including the keeping of farm animals; and
 - (3) Direct orderly low-density residential development in a continuing rural environment.
- (b) The A-2 Zone is both an agricultural zone and a low-density rural residential zone. The purpose of the A-2 Zone is to designate moderate-intensity farming areas where agricultural pursuits and the rural environment should be promoted and preserved where possible.
- (c) The purpose of the A-3 Zone is to designate farming areas where high-intensity agricultural pursuits can be permanently maintained.

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021

Sec 104-2-2 Preferred Use

Agriculture is the preferred use in all agricultural zones. 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.

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021

Sec 104-2-3 Land Use Table

The following tables display the uses permitted, conditionally permitted, or not permitted in the agricultural zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. A use listed is a main use, unless listed in the "accessory uses" table.

- (a) **Accessory uses.** An accessory use is prohibited unless located on the same lot or parcel as the main use to which it is accessory.

	AV-3	A-1	A-2	A-3	Special Provisions
Accessory building , accessory and incidental to the use of a main building.	P	P	P	P	
Accessory dwelling unit.	P	P	P	P	See Chapter 108-19 .
Accessory use , accessory and incidental to the main use.	P	P	P	P	
Custom exempt meat cutting , accessory to a residential use.	C	N	N	N	See Section 104-2-4 . 5-acre use.
Family food production , accessory to a residential use.	P	P	P	P	See Section 104-2-4 .
Home occupation , accessory to a residential use.	P	P	P	P	See Chapter 108-13 .
Household pets , accessory to a residential use.	P	P	P	P	
Main building , designed or used to accommodate the main use.	P	P	P	P	
Parking lot , accessory to a main use allowed in the zone.	P	P	P	P	
Parking of large vehicle , accessory to residential use.	C	C	C	C	See Section 104-2-4 . 5-acre use.
Parking of construction vehicle.	C	C	C	C	See Section 104-2-4 . 5-acre use.
Sugar beet loading or collection station.	C	N	P	P	
Sugar beet dump site.	N	N	P	P	
Temporary building or use , accessory and incidental to onsite construction work.	P	P	P	P	

(b) ***Agricultural uses, non-animal.***

	AV-3	A-1	A-2	A-3	Special Provisions
Agriculture.	P	P	P	P	
Agricultural experiment station.	P	P	P	P	
Aquaculture.	P	P	P	P	
Fruit or vegetable stand , for produce grown on the premises only.	P	P	P	P	
Fruit and vegetable storage and packing plant , for produce grown on premises.	P	P	N	N	5-acre use.
Grain storage elevator.	N	N	N	P	5-acre use.
Greenhouse and nursery. Sales are limited to plants produced on the premises.	P	P	P	P	
Laboratory facility , for agricultural products and soils testing.	C	C	C	C	

Manure spreading, drying and sales.

N

N

N

C

- (c) ***Animal-related noncommercial uses.*** The following are animal-related uses that do not and shall not typically generate customer-oriented traffic to the lot or parcel.

	AV-3	A-1	A-2	A-3	Special Provisions
Apiary.	P	P	P	P	
Aviary.	P	P	P	P	
Chinchilla raising.	P	P	P	P	
Corral, stable or building for keeping animals or fowl.	P	P	P	P	See Section 104-2-4.
Dairy farm , including milk processing and sale, when at least 50 percent of milk is produced on the farm.	P	P	P	P	5-acre use.
Dairy or creamery.	N	N	N	P	5-acre use.
Dog breeding, dog kennels, or dog training school.	C	C	C	N	See Section 104-2-4. 2-acre use.
Farm for the hatching or raising of chickens, turkeys, or other fowl, rabbits, fish, frogs or beaver.	P	P	P	P	5-acre use.
Farm for the raising and grazing of horses, cattle, sheep or goats.	P	P	P	P	See Section 104-2-4. 5-acre use.
Fur farm.	N	N	N	P	5-acre use.
Hog farm, small.	P	P	P	P	See Section 104-2-4. 5-acre use.
Hog farm, large.	N	N	N	C	See Section 104-2-4. 5-acre use.
Livestock feed or sales yard.	N	N	N	C	
Stable, noncommercial. Horses shall be for noncommercial use only. No more than two horses shall be kept for each one-half acre of land used for the horses.	P	P	P	P	
Slaughterhouse.	N	N	N	C	
Slaughtering, dressing, and marketing on a commercial scale of chickens, turkeys, or other fowl, fish, or frogs , when the animals or fowl were raised on the lot or parcel.	C	C	C	C	5-acre use.
Slaughtering of rabbits or beavers raised on the lot or parcel. This use is limited to a maximum of 500 rabbits at any one time.	C	C	C	C	

- (d) ***Commercial uses.*** The following are uses that typically generate customer-oriented traffic to the lot or parcel.

	AV-3	A-1	A-2	A-3	Special Provisions
Agri-tourism.	C	C	C	C	See Chapter 108-21 .
Airport.	N	N	C	C	
Animal hospital or clinic.	C	C	C	N	
Campground and picnic area.	N	N	C	C	See Chapter 108-20 .
Cannabis production establishment , as defined by state code.	N	N	P	C	See Section 108-7-34 .
Child day care.	C	C	C	C	
Circus or transient amusement.	C	C	C	C	
Equestrian training and stable facilities. No more than ten horses per acre of land used for horses.	C	C	C	P	5-acre use.
Golf course , except miniature golf course.	P	P	P	P	
Golf driving range.	N	N	N	P	5-acre use.
Greenhouse and nursery. Sales are limited to plants, landscaping materials, fertilizer, pesticide and insecticide products, tools for garden and lawn care, and the growing and sale of sod.	C	C	C	P	
Gun club.	N	N	C	C	5-acre use.
Horse racing and training track , cutter racing track, including indoor concessions as an accessory use.	N	N	C	C	
Outdoor recreation club activities , for horse riding, bow and arrow shooting, snowmobiling, etc.	N	N	C	C	
Stables.	N	N	N	P	5-acre use.
Skeet shooting range.	N	N	C	C	5-acre use.
Turf horse jumping course.	N	N	N	C	

(e) ***Institutional uses.***

	AV-3	A-1	A-2	A-3	Special Provisions
Dog pound.	N	N	N	P	5-acre use.
Cemetery.	P	P	P	P	
Convalescent or rest home.	P	P	P	P	
Correctional institution.	N	N	C	C	
Church, synagogue or similar building used for regular religious worship.	P	P	P	P	
Educational/institutional identification	C	C	C	C	

sign.					
Hospital.	N	N	N	P	5-acre use.
Public building.	P	P	P	P	
Public park, recreation grounds and associated buildings.	P	P	P	P	
Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.	P	P	P	P	
Public storage facilities developed by a public agency.	C	C	C	C	See Chapter 108-10 .
Sanitarium.	N	N	C	P	
School bus-parking , provided the vehicle is parked at least 30 feet from a public street.	C	C	C	C	

(f) **Residential uses.**

	AV-3	A-1	A-2	A-3	Special Provisions
Residential facility for elderly persons.	P	P	P	P	See Section 108-7-15 .
Residential facility for handicapped persons.	P	P	P	P	See Section 108-7-13 .
Residential facility for troubled youth.	C	C	C	C	See Section 108-7-14 .
Single-family dwelling.	P	P	P	P	
Two-family dwelling.	N	P	N	N	2-acre use.

(g) **Recreational noncommercial uses.** The following are recreational uses that are typically owned or operated by a nonprofit or governmental entity.

	AV-3	A-1	A-2	A-3	Special Provisions
Campground and picnic area.	N	N	C	C	See Chapter 108-20 .
Equestrian training and stable facilities, noncommercial. No more than five horses per acre.	C	C	N	N	5-acre use.
Private park, playground or recreation area. No privately owned commercial amusement business.	P	P	P	P	

(h) **Utility uses.**

	AV-3	A-1	A-2	A-3	Special Provisions
Public utility substations.	C	C	C	C	
Radio or television station or tower.	C	C	C	C	
Wastewater treatment or disposal	C	C	C	C	

facilities.					
Small wind energy system.	C	C	C	C	

(i) **Other uses.**

	AV-3	A-1	A-2	A-3	Special Regulations
Mines, quarries, gravel pits , when in compliance with the Weber County Excavation and Clean Fill Ordinance.	N	N	C	C	

(j) **Development types.**

	AV-3	A-1	A-2	A-3	Special Regulations
Cluster subdivision.	P	P	P	P	See Chapter 108-3 .

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021**Sec 104-2-5 Site Development Standards**

The following site development standards apply to a lot or parcel in the agricultural zones, unless specified otherwise in this Land Use Code.

(a) Lot area:

	AV-3	A-1	A-2	A-3
Minimum for single-family dwelling:	3 acres	40,000 square feet	40,000 square feet	2 acres
Minimum for other use:		2 acres	2 acres	
Minimum for 2-acre use [see Section 104-2-4] :				
Minimum for 5-acre use [see Section 104-2-4] :	5 acres	5 acres	5 acres	5 acres

(b) Lot width:

	AV-3	A-1	A-2	A-3
Minimum lot width:	150 feet	150 feet	150 feet	150 feet
Minimum for 2 and 5-acre use [see Section 104-2-4] :	300 feet	300 feet	300 feet	300 feet

(c) Yard setback:

(1) Front yard setback:

	AV-3	A-1	A-2	A-3
Minimum front yard setback:	30 feet	30 feet	30 feet	30 feet

(2) Side yard setback:

	AV-3	A-1	A-2	A-3
Minimum for dwelling:	10 feet with total width of 2 side yards not less than 24 feet			
Minimum for other main building:	20 feet			
Minimum for side facing street on corner lot:	20 feet			
Minimum for accessory building:	10 feet except 1 foot if located at least 6 feet in rear of main building			
Minimum for accessory buildings over 1,000 sq. ft. for storage of personal equipment and materials: See Section 108-7-16 .				

(3) Rear yard setback:

	AV-3	A-1	A-2	A-3
Main building:	30 feet			
Accessory building:	1 foot except 10 feet where accessory building on a corner lot rears on side yard of an adjacent lot			

(d) Building height:

	AV-3	A-1	A-2	A-3
Minimum main building height:	1 story			
Maximum main building height:	35 feet			
Maximum accessory building height:	25 feet unless meeting requirements of Section 108-7-16 , Large accessory buildings			

HISTORY

Amended by Ord. [2021-6](#) on 3/23/2021

Sec 104-2-4 Special Regulations

The uses listed below correspond with certain uses listed in the [Land Use Table in Section 104-2-3](#). Due to the nature of the use, each shall be further regulated as follows:

- (a) **Corral, stable or building for keeping animals or fowl.** This use shall be located no less than 100 feet from a public street and not less than 25 feet from any side or rear lot line.
- (b) **Custom exempt meat cutting.** This use shall be limited to animals that are part of one or more livestock operation(s) in Weber County. This use shall only occur if it is accessory to a dwelling onsite, completely enclosed within a building with no outdoor storage, and located on and with access directly from a collector or arterial street.
- (c) **Dog breeding, dog kennels, or dog training school.** This use shall not exceed ten dogs of more than ten weeks old, per acre, at any time. 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.

(d) **Family food production.**

- (1) As used in this subsection, a Group A animal is either one pig, one sheep, one cow, or one goat, and Group B animals or fowl are either a set of ten rabbits, ten chickens, ten pheasants, five turkeys, five ducks, five geese, or five pigeons.
- (2) No more than four sets of Group B animals or fowl may be kept on a lot or parcel that is less than 40,000 square feet.
- (3) No more than six combined Group A animals and sets of Group B animals or fowl may be kept on a lot or parcel that is less than two acres. The same applies to a lot or parcel greater than two acres, except that an additional six combined Group A and sets of Group B animals or fowl may be kept per each additional acre greater than two.

(e) **Hog farm.**

- (1) **Hog farm, small.** This use is limited to not more than ten hogs, more than 16 weeks old. It is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not produced on the premises.
- (2) **Hog farm, large.** It is prohibited to feed hogs any market refuse, house refuse, garbage, or offal that was not produced on the premises. All pens and housing for hogs shall be concrete and maintained in a sanitary manner. Drainage structures and disposal of animal waste shall be provided and properly maintained as required by the local health department.

(f) **Raising and grazing of horses, cattle, sheep or goats.** This use shall not include the supplementary or full feeding of the animals in conjunction with any livestock feed yard, livestock sales, or slaughterhouse except when in compliance with the following:

- (1) It shall not exceed a density of 25 head per acre of used land in the AV-3 and A-1 zones, and 40 head per acre of used land in the A-2 and A-3 zones;
- (2) It may only be carried on during the period of September 15 through April 15;
- (3) It shall not closer than 300 feet to any dwelling, public or semi-public building on an adjoining parcel of land; and
- (4) It shall not include the erection of any permanent fences, corrals, chutes, structures or other buildings normally associated with a feeding operation.

(g) **Parking of construction vehicle.** The off-site for-profit nonagricultural use of the construction vehicle shall be restricted to the owner or operator of an actively operating agricultural use on the same lot or parcel on which it is parked, or the owner or operator's employee. This use shall:

- (1) Be accessory to an actively-operating agricultural use on the lot or parcel;
- (2) Be restricted to vehicles and related equipment that are used for the actively-operating agricultural use;
- (3) Include no more than one three-axle truck, and no pups.

(h) **Parking of large vehicle.** This use shall be restricted to one vehicle, no greater than 24,000 pound GVW, which shall be parked at least 50 feet from a public street. Recreational vehicles are exempt from these restrictions.

(i) **Temporary building or use.** The building or use shall be removed upon completion or

abandonment of the construction work.

HISTORY

Adopted by Ord. [2021-6](#) on 3/23/2021

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

[Sec 104-20-1 Purpose And Intent](#)

[Sec 104-20-2 \(Reserved\)](#)

[Sec 104-20-3 Land Use Table](#)

[Sec 104-20-4 Special Regulations](#)

[Sec 104-20-5 Site Development Standards](#)

[Sec 104-20-6 Sign Regulations](#)

HISTORY

Amended by Ord. [2020-24](#) on 12/15/2020

Sec 104-20-1 Purpose And Intent

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

(Ord. of 1956, § 18-1)

HISTORY

Amended by Ord. [2020-24](#) on 12/15/2020

Sec 104-20-2 (Reserved)

Sec 104-20-3 Land Use Table

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.

	C-1	CV-1	C-2	CV-2	C-3
Academies/studios for dance, art, sports, etc.	C	C	P	P	P
Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the	P	P	P	P	P

premises are devoted; and accessory uses customarily incidental to a main use					
Air conditioning, sales and service	N	N	N	C	P
Ambulance base stations	N	N	C	C	P
Amusement enterprises	N	N	N	N	C
Animal hospital, small animals only and provided it is conducted within completely enclosed building	N	N	N	C	C
Antique, import or souvenir shop	N	N	P	P	P
Archery shop and range, provided it is conducted within completely enclosed building	N	N	P	P	P
Art and artists supply store	N	P	P	P	P
Athletic, recreational equipment, and sporting goods sales or rentals, excluding sale or repair of motor vehicles, motor boats or motors	N	N	P	P	P
Athletic and sporting goods store including sale or repair of motor vehicles, motor boats or motors	N	N	N	N	P
Auction establishment	N	N	N	C	C
Automobile repair including paint, body and fender, brake, muffler, upholstery or transmission work, provided it is conducted within completely enclosed building	N	N	N	C	P
Automobile, new or used sales and service	N	N	N	C	P
Awning sales and service	N	N	P	C	P
Baby formula service	P	N	P	N	P
Bakery, limited to goods retailed on premises	P	C	P	P	P
Bakery goods manufacturing	N	N	N	N	P
Bank or financial institution, not including payday loan services	P	P	P	P	P
Barbershop	P	P	P	P	P
Bath and massage establishment	N	N	P	N	P
Beauty culture school	N	N	N	N	P
Beauty parlor for cats and dogs	N	N	P	P	P
Beauty shop	P	P	P	P	P
Bed and breakfast dwelling	P	P	P	P	P
Bed and breakfast inn	N	N	P	P	P
Bed and breakfast hotel	N	N	C	C	P
Beer parlor, sale of draft beer	N	N	N	C	C
Bicycle sales and service	P	P	P	P	P
Billiard parlor	N	N	N	C	P
Boat sales and service, including water craft rentals as an accessory to boat sales and service	N	N	C	C	P
Bookbinding	N	N	N	N	P
Bookstore, retail	P	P	P	P	P
Bottling and distribution plant	N	N	N	N	P

Bowling alley	N	N	C	C	P
Boxing arena	N	N	N	N	P
Brewery, micro; in conjunction with a restaurant	N	N	P	P	P
Building materials sales or yard	N	N	N	N	P
Bus terminal	N	N	P	P	P
Butcher shop, excluding slaughtering	C	C	P	P	P
Cabaret	N	N	N	N	C
Cafe or cafeteria	P	P	P	P	P
Camera store	P	P	P	P	P
Candy manufacture	N	N	N	N	P
Candy store, confectionery	P	P	P	P	P
Carbonated water sales	N	N	P	P	P
Carpenter and cabinet shop	N	N	N	N	P
Carpet and rug cleaning	N	N	N	N	P
Carpet, rug and linoleum service	N	N	P	N	P
Car rental agency	N	N	P	P	P
Car wash, automatic	N	N	C	C	P
Car wash, manual spray	C	C	P	P	P
Cash register sales and service	N	N	P	N	P
Catering establishment	N	C	P	P	P
China, crystal and silver shop	C	C	P	P	P
Christmas tree sales	P	N	P	N	P
Church	P	P	P	P	P
Circus, carnival or other transient amusement	N	N	N	N	C
Cleaning and dyeing establishment	N	N	P	N	P
Clinics, medical or dental	P	P	P	P	P
Clothing and accessory store	N	N	P	P	P
Coal and fuel sales office	N	N	N	N	P
Communication equipment building	N	N	P	P	P
Contractor shop, provided work is conducted within a completely enclosed building	N	N	N	N	P
Convenience store	C	C	P	P	P
Costume rental	N	N	P	P	P
Dairy products store	P	P	P	P	P
Dance hall	N	N	N	N	C
Data processing service and supplies	N	N	P	P	P
Day care center	C	C	P	P	N
Delicatessen	P	P	P	P	P
Department store	N	N	P	P	P

Detective agency	P	N	P	N	P
Diaper service, including cleaning	N	N	P	P	P
Drapery and curtain store	N	N	P	P	P
Drive it yourself agency or business	N	N	P	N	P
Drug store	P	P	P	P	P
Dry cleaning	N	N	P	P	P
Dwelling unit in compliance with Section 104-20-4	N	N	N	P	N
Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that 3,000 sq. ft. of green area is provided for the family	C	P	C	P	N
Educational institution	N	N	P	P	P
Educational/institutional identification sign	C	C	C	C	C
Egg and poultry store, providing no live bird slaughtering or eviscerating permitted	P	P	P	P	P
Electrical and heating appliances and fixtures sales and service	N	N	P	P	P
Electronic equipment sales and service	N	N	P	P	P
Employment agency	N	N	P	P	P
Express and transfer service	N	N	N	N	C
Fabric and textile store	P	C	P	P	P
Farm implement sales	N	N	N	C	P
Film exchange establishment	P	N	P	N	P
Fitness, athletic, health, or recreation center, or gymnasium	N	N	P	P	P
Flooring sales and service, carpet, rug, and linoleum	N	N	P	P	P
Florist shop	P	C	P	P	P
Frozen food lockers, incidental to a grocery store or food business	P	P	P	P	P
Fruit or vegetable store or stand	P	P	P	P	P
Furniture sales and repair	N	N	P	P	P
Fur apparel sales, storage or repair	N	N	P	P	P
Garden supplies and plant materials sales	P	C	P	P	P
Gift store	P	P	P	P	P
Glass sales and service	N	N	P	P	P
Government office buildings	C	N	P	P	P
Greenhouse and nursery	N	N	P	P	P
Grocery store	P	C	P	P	P
Gunsmith	N	P	P	P	P
Gymnasium	N	N	P	P	P
Hardware store	N	N	P	P	P
Health food store	P	P	P	P	P
Heliport	N	N	C	N	C

Hobby and crafts store	P	P	P	P	P
Hospital supplies	N	N	P	N	P
Hotel	N	N	C	C	P
House cleaning and repair	N	N	P	P	P
House equipment display	N	N	P	N	P
Household appliance sales and incidental service	N	N	C	C	P
Household pets, dwelling units only	P	P	P	P	P
Ice cream manufacture	N	N	N	N	P
Ice cream parlor	P	P	P	P	P
Ice manufacture and storage	N	N	N	N	P
Ice store or vending station	P	P	P	P	P
Insulation sales	N	N	P	P	P
Insurance agency	N	N	P	P	P
Interior decorator and designing establishment	N	P	P	P	P
Janitor service and supply	N	N	P	N	P
Jewelry store sales and service	P	P	P	P	P
Knitting mills	N	N	N	N	C
Laboratory, dental or medical	N	N	P	P	P
Laundromat	P	P	P	P	P
Lawn mower sales and service	N	N	P	P	P
Leather goods, sales and service	N	N	P	P	P
Legal office	N	N	P	P	P
Library	P	P	P	P	P
Linen store	N	N	P	P	P
Linen supply service	N	N	N	N	P
Liquor store	N	N	C	C	C
Locksmith	P	P	P	P	P
Lodge or social hall	N	N	P	P	P
Lodging house	N	N	C	C	P
Lounge	N	N	N	N	C
Luggage store	N	N	P	N	P
Lumber yard	N	N	N	N	C
Machine shop operations incidental to any use permitted in C-3 district	N	N	N	N	P
Manufacture of goods retailed on premises	N	N	C	N	C
Meat custom cutting and wrapping, excluding slaughtering	N	N	C	C	C
Meat, fish and seafood store	P	P	P	P	P
Medical office	P	P	P	P	P
Medical supplies	N	N	P	P	P
Millinery	N	N	P	N	P

Miniature golf	N	N	N	C	C
Mobile home sales	N	N	C	N	P
Mobile home service	N	N	N	N	P
Monument works and sales	N	N	P	P	P
Mortuary	N	N	C	C	P
Motel	N	N	C	C	P
Motorboat sales and service	N	N	C	N	P
Motorcycle and motor scooters sales and service	N	N	C	C	P
Museum	C	C	P	P	P
Music store	N	C	P	P	P
Needlework, embroidery or knitting store	P	N	P	N	P
Newsstand	P	P	P	P	P
Nightclub or social club	N	N	N	N	C
Notion store	P	N	P	N	P
Novelty store	N	N	P	N	P
Nursery school	C	N	P	N	P
Office in which goods or merchandise are not commercially created, exchanged or sold	N	N	P	N	P
Office supply	N	N	P	P	P
Office machines sales and service	N	N	P	N	P
Oil burner shop	N	N	N	N	C
Optometrist, optician or oculist	P	P	P	P	P
Ornamental iron sales or repair	N	N	C	C	P
Outdoor storage, except where expressly permitted otherwise in the zone	N	N	N	N	N
Paint or wallpaper store	N	N	P	P	P
Paperhanger shop	N	N	P	N	P
Park and playground	P	P	P	P	P
Parking lot or parking structure for passenger vehicles as a main use	C	N	C	C	C
Pawnshop	N	N	N	N	P
Penny arcade	N	N	N	N	C
Pest control and extermination	N	N	P	P	P
Pet and pet supply store	N	N	P	P	P
Pharmacy	P	P	P	P	P
Photographic supplies	P	P	P	P	P
Photo studio	P	P	P	P	P
Physician or surgeon	P	P	P	P	P
Pie manufacture	N	N	P	P	P
Plumbing shop	N	N	C	P	P
Pony ring, without stables	N	N	N	N	C

Pool hall	N	N	N	N	P
Popcorn or nut shop	P	P	P	P	P
Post office	C	C	P	P	P
Pottery, sales and manufacture of crafts and tile	N	N	P	P	P
Printing or copying sales and services	N	N	C	P	P
Private liquor club	N	N	N	C	C
Professional office	N	N	P	P	P
Public utilities substation	C	C	C	C	C
Public building	P	P	P	P	P
Radio and television sales and service	C	C	P	P	P
Radio or television broadcasting station	N	N	P	P	P
Real estate agency	N	C	P	P	P
Reception center or wedding chapel	N	N	C	C	P
Recreation center	N	N	C	N	P
Recreational vehicle and boat storage, indoor only	C	N	C	C	P
Rental agency for home and garden equipment	N	N	P	P	P
Restaurant	P	C	P	P	P
Restaurant, drive-in	N	N	P	C	P
Restaurant, drive-through	N	N	C	C	P
Roller skating rink	N	N	C	N	P
Roofing sales or shop	N	N	P	N	P
Secondhand store	N	N	P	P	P
Seed and feed store, retail	N	N	P	P	P
Self-storage: indoor units for personal and household items, in compliance with the requirements of Section 104-20-4.	N	N	C	C	C
Service station, automobile excluding painting, body and fender and upholstery work	P	P	P	P	P
Service station, automobile, with one-bay car wash as accessory use	P	C	P	P	P
Sewing machine sale and service	N	N	P	P	P
Sheet metal shop and retinning, provided all operations are conducted within completely enclosed bldg.	N	N	N	N	C
Shoe repair or shoe shine shop	P	P	P	P	P
Shoe store	N	N	P	P	P
Shooting gallery	N	N	N	N	P
Sign manufacture or sign painting	N	*	N	*	P
Sign, animated; only the time and temperature may be animated in the C-1 zone	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
Sign, marquee	P	*	P	*	P
Sign, nameplate	P	*	P	*	P
Sign, off premises	N	*	P	*	P
Sign, projecting	P	*	P	*	P
Sign, roof	N	*	P	*	P
Sign, temporary	P	*	P	*	P
Sign, wall	P	*	P	*	P
Snow plow and removal service	N	N	C	C	P
Snowmobile and ATV sales and repair	N	N	C	C	C
Soil and lawn service	N	N	P	P	P
Spa	N	N	P	P	P
Supermarket	P	N	P	N	P
Tailor shop	P	P	P	P	P
Tavern, beer pub	N	N	N	C	C
Taxicab stand	P	N	P	N	P
Taxidermist	N	N	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	P	P
Theater, indoor	N	N	P	P	P
Theater, outdoor	N	N	N	N	C
Tire recapping or retreading sales and service	N	N	N	N	C
Tobacco shop	P	N	P	P	P
Tool design (precision) repair and manufacture	N	N	N	N	C
Toy store, retail	P	N	P	P	P
Trade or industrial school	N	N	C	C	P
Trailer sales and service	N	N	N	N	P
Travel agency	P	C	P	P	P
Truck terminal	N	N	N	N	P
Upholstery shop	C	C	P	P	P
Used car lot	N	N	N	N	C
Variety store	P	N	P	N	P
Vendor, short term, in compliance with the requirements of Section 108-13-3	P	P	P	P	P
Ventilating equipment sales and service	N	N	C	C	P
Video sales and rental	P	P	P	P	P
Warehouse storage	N	N	N	N	P

Weather stripping shop	N	N	P	N	P
Welding shop	N	N	N	N	C
Wholesale business	N	N	N	N	P
Window washing establishment	N	N	P	P	P

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

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

HISTORY

Amended by Ord. [2020-24](#) on 12/15/2020

Sec 104-20-4 Special Regulations

(a) **Manufacturing uses.** All manufacturing uses shall be done within a completely enclosed building in an effort to mitigate objectionable nuisances such as odor, dust, smoke, noise, heat, or vibration.

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

- (1) In the CV-1 zone, operation hours are limited to 6:00 a.m. to 10:00 p.m.
- (2) In the CV-1 zone, there shall not be more than four washing bays for a manual spray car wash.
- (3) Car wash facilities shall be set back from the street right-of-way at least 60 feet. The frontage of the lot shall, for a depth of at least 30 feet, be reserved for future street-front commercial buildings and related improvements.
- (4) The off-street vehicle spaces or queues required shall be as follows:
 - a. One bay car wash, four spaces in the approach lane;
 - b. Two bay car wash, three spaces in the approach lane for each wash bay;
 - c. Three or more bay car wash, two spaces in the approach lane for each wash bay.

(c) **Complete street.**

- (1) A complete street, as defined in Chapter 101-2, shall be installed to span the street-frontage of the lot for the width of existing or proposed completed improvements, including parking facilities and required landscaped area. If this width is 75 percent of the lot width or greater, the complete street shall span the lot's entire street-frontage in the commercial zone.
 - a. Modification of existing site improvements that affect less than 25 percent of the lot area is exempt from complete street requirements.
 - b. For portions of a lot's frontage in the commercial zone where a complete street is not required by this Subsection (c)(1), a 10-foot wide sidewalk is required, as prescribed by the Planning Director after consultation with the County Engineer.
- (2) A complete street design shall include a ten-foot pedestrian pathway or sidewalk, pedestrian lighting, shade trees, appropriate clear view of intersection, and shall also include safe street crossings for pedestrians in no greater than 300-foot intervals. The

complete street design, tree species and planting techniques, and pedestrian lighting are subject to approval by the Planning Director, after consultation with the County Engineer.

- (d) **Dwelling unit.** A dwelling unit is allowed, as part of a mixed use building, only if allowed in Section 104-20-5, and only when specifically assigned to the property as part of a development agreement approved prior to July 1, 2016. When fronting on a public or private street, buildings that contain dwelling units shall comply with the following:
- (1) The building shall provide street-facing commercial space, at the street level, that is accessible from the street, for the entire length of the building's street frontage;
 - (2) The building shall not be setback any greater than 20 feet at any point from the property line that runs parallel to the public or private street; and
 - (3) The building shall be subject to the requirements of chapter 108-1 and chapter 108-2.
- (e) **Perpetual building maintenance agreement.** When permitted by this chapter as a way to allow reduced side or rear setbacks, a perpetual building maintenance agreement is required between the building owner and the affected adjacent property owner, which shall allow for construction and maintenance of the side or rear of a commercial building, and shall:
- (1) be reviewed for compliance with this section by the Planning Division and County Attorney's Office;
 - (2) place responsibility on the building owner for prompt repairs and maintenance of the side or rear of the building;
 - (3) require allowances of access to the property for repairs and maintenance purposes;
 - (4) be signed by the owner of the commercial building and the adjacent property owner to be considered valid; and
be recorded on the title of both properties.
- (f) **Cross-access and cross-access easement.** Access to adjacent existing or future development without the need to access the public right-of-way is in the interest of public safety. As such, at a minimum, each developed lot or parcel shall have two points of ingress and egress, at least one of which shall be stubbed to adjacent property where practicable.
- (1) When locating a cross-access easement or designing the cross-access infrastructure, good faith efforts shall be made to coordinate the location and design with the adjoining land owner.
 - (2) The Planning Director may require the cross-access to be located in a manner that optimizes traffic circulation on the properties or in the area.
 - (3) Construction of the cross-access infrastructure shall be completed prior to the issuance of a certificate of occupancy for any structure on the lot or parcel, or a completion bond may substitute for completion if allowed by the County Engineer.
 - (4) When a lot or parcel is being developed that abuts an existing cross-access easement or existing cross-access infrastructure, a reciprocal cross-access easement shall be provided on the same lot line or parcel line in the same location and of equal width. The reciprocal cross-access infrastructure shall be constructed to the same standard as, or better than, the existing cross-access infrastructure on the adjacent parcel. A cross-access easement shall be recorded on the title of all affected properties, along with a perpetual operation and maintenance agreement between the property owners that specifies, at a minimum, that the infrastructure will be operated and maintained by the property owners in a manner that is safe and usable for two-way vehicle traffic.

- (5) If property owners fail to operate or maintain cross-access infrastructure that was required by the County under this section, the County may pursue enforcement measures as provided in this Land Use Code.

(g) **Storage Unit.** When allowed by Section 104-20-5, and unless exempted herein, storage units are allowed if located on the same lot or parcel with street-facing commercial space. The use shall comply with the following:

- (1) Storage units shall be located behind or above building area that provides or reserves first-story street-facing commercial space. The building providing street-facing commercial space shall be designed by an architect and shall:
 - a. Provide street-facing commercial space that is at the street level and extends the entire length of the building's street-facing facade;
 - b. Be setback from the front property line, or side-facing street property line if on a corner lot, no greater than 20 feet;
 - c. Have one or more main entrance(s) accessible from the street right-of-way on the building's street-facing facade;
 - d. Have at least 50 percent fenestration for the part of a building's facade(s) that provide(s) first-story street-facing commercial space;
 - e. Have at least 30 percent fenestration for the part of a building's facade(s) that do(es) not provide first-story street-facing commercial space;
 - f. Appear from the exterior as if office or residential space is offered in the area housing the storage units; and
 - g. Comply with the architectural design theme specified in the respective general plan.
- (2) If located in a separate onsite building than the building providing first-story street-facing commercial space specified in Subsection (g)(1) herein, the separate building shall be located behind the building with first-story street-level commercial space, and shall be no wider than the building providing first-story street-level commercial space. The building shall be designed by a licensed architect to have similar architectural features as the building providing first-story street-level commercial space.
- (3) Storage unit bay doors or garage doors shall face away and not be visible from the nearest property line, and shall be completely obscured from view from any public right-of-way; except a bay or garage door may face a public right-of-way if the door is constructed of 80 percent window area and designed to appear as fenestration for first-story street-facing commercial space.
- (4) The lot's street frontage shall be developed as a complete street, as specified in Section 104-21-4(c).
- (5) Exemption: The requirements of this Subsection (g) shall be waived if:
 - a. The lot or parcel has no street frontage;
 - b. No street is planned that would give the lot or parcel frontage, as shown on any street plan or similar document adopted by the County; and
 - c. The parcel is surrounded on all sides by a zone that allows first-story street-facing commercial space, or is shown on a general plan, area plan, or other similar document adopted by the County to become surrounded on all sides by a zone that allows first-story street-facing commercial space.

(Ord. of 1956, § 18-4)

HISTORY

Amended by Ord. [2020-24](#) on 12/15/2020

Sec 104-20-5 Site Development Standards

The following site development standards shall apply to the Commercial Zones:

(a) Lot area:

	C-1	CV-1	C-2	CV-2	C-3
Minimum lot area:	None	None	None	None	None

(b) Lot width:

	C-1	CV-1	C-2	CV-2	C-3
Minimum lot width:	None	None	None	None	None

(c) Yard Setbacks:

(1) Front yard setbacks:

	C-1	CV-1	C-2	CV-2	C-3
Minimum front yard setback:	None, except 50 feet from the centerline of the street, as determined by the County Surveyor, on an arterial or collector street.				

(2) Side yard setback:

	C-1	CV-1	C-2	CV-2	C-3
Minimum side yard setback:	10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-20-4(e); or the building will abut a building on the adjoining lot or parcel.				

ck:	
Minimum side yard setback for a corner lot:	<p>None, except 50 feet from the centerline of the street, as determined by the County Surveyor, on an arterial or collector street. Clear view of intersecting streets shall be maintained, as provided in Section 108-7-7 or as otherwise prescribed by the County Engineer.</p>

(3) Rear yard setback:

	C-1	CV-1	C-2	CV-2	C-3
Minimum	10 feet, except none if either: the owner has obtained a perpetual building maintenance contract, as provided in Section 104-21-4(e); or the building will abut a building on the adjoining lot or parcel.				

r e a r y a r d s e t b a c k :	
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(d) Building height:

	C-1	CV-1	C-2	CV-2	C-3
M i n i m u m b u i l d i n g h e i g h t :	1 story				
M a x i m u m	35 feet	35 feet	None	35 feet	None

b u i l d i n g h e i g h t :					
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(e) Lot coverage:

	C-1	CV-1	C-2	CV-2	C-3
M a x i m u m l o t c o v e r a g e b y b u i l d i n g s :	60 percent				None

(Ord. of 1956, § 18-2; Ord. No. 2-89)

HISTORY

Amended by Ord. [2020-24](#) on 12/15/2020

Sec 104-20-6 Sign Regulations

The height, size, and location of the permitted signs shall be in accordance with the regulations set forth in Title 110 of this Land Use Code.

(Ord. of 1956, § 18-3)

HISTORY

Amended by Ord. [2020-24](#) on 12/15/2020

