WEBER COUNTY

WESTERN WEBER TOWNSHIP PLANNING COMMISSION MEETING AGENDA

Tuesday, June 09, 2015
5:00 P.M.

- *Pledge of Allegiance*
- *Roll call*

1. **Minute Approval:** **Approval of the May 12, 2015 meeting minutes**

2. **Administrative Item(s):**

   2.1. **Consideration and action on a request for design review approval of a storage building addition to Jensen Auto located at approximately 3192 S Midland Drive, Paul Jensen, Applicant**

3. **Public Comment for Items not on the Agenda**

4. **Remarks from Planning Commissioners**

5. **Planning Director Report**

6. **Adjourn**

Adjourn to a Work Session

WS1. **Weber County Land Use Code Revision Process: Conditional Use Code**

WS2. **Weber County Land Use Code – Title 108, Chapter 15 (Standards for Single Family Dwellings) and Title 108, Chapter 7 (Supplementary and Qualifying Regulations)**

WS3. **Weber County Land Use Code – Request to consider a land use code amendment to the Home Occupation Chapter**

The meeting will be held in the Weber County Commission Chambers, Weber Center, 2380 Washington Blvd., Ogden UT
A pre-meeting will be held at 4:30 P.M. in the Weber County Commission Chambers Breakout Room. No decisions will be made in this meeting.
Work Sessions will be held in the Weber County Commission Chambers Breakout Room unless otherwise posted.

In compliance with the Americans with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission 24 hours in advance of the meeting at 801-399-8791

Minutes of the Western Weber County Planning Commission held May 12, 2015, in the Weber County Commission Chambers, commencing at 5:00 p.m., 2380 Washington Blvd., 1st Floor, Ogden, UT

Present: Jannette Borklund, Chair; Andrew Favero; Wayne Andreotti; Roger Heslop, Ryan Judkins
Excused/Absent: Mark Whaley, John Parke
Staff Present: Jim Gentry, Principal Planner, Charles Ewert, Principal Planner; Christopher Crockett, Legal Counsel

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

1. **Minute Approval:** **Approval of the March 10, 2015 and April 14, 2015 meeting minutes**

   Chair Borklund declared the March 10, 2015 and the April 14, 2015 meeting minutes approved as presented.

2. **Administrative Item(s):**

   2.1 CUP 2015-21: **Consideration and action on a request to amend an existing Conditional Use Permit Site Plan by installing a 7,500 square foot crystallizer building, a 20,088 square foot compaction building, a 3,024 electrical building, and a new binder plant located at approximately 765 North and 10500 West; Compass Minerals International, Applicant; Gordon Hyde Authorized Agent**

   Jim Gentry indicated that in the pre-meeting he indicated that this Conditional Use Permit is an effort of Compass Minerals International to modernize their facilities. What is proposed fits the scale of what is already existing on the site. There is no one in attendance at this meeting to oppose the application and it could have been a consent agenda item. Chair Borklund indicated that they need that any detrimental effects can be mitigated; if there is any impact that they created to any neighboring property owners, and there is no property owners out there.

   MOTION: Commissioner Heslop moved to approve CUP 2015-21, a request amend an existing Conditional Use Permit Site Plan by installing a 7,500 square foot crystallizer building, a 20,088 square foot compaction building, a 3,024 electrical building, and a new binder plant located at approximately 765 North and 10500 West; Compass Minerals International, Applicant; Gordon Hyde Authorized Agent. The motion was seconded. A vote was taken and Chair Borklund indicated that the motion carried by a unanimous vote.

3. **Public Comment for Items not on the Agenda -** None

4. **Remarks from Planning Commissioners -** None

5. **Planning Director Report –** None

6. **Remarks from Legal Counsel –** Chris Crockett indicated that in other jurisdictions he has been in, the Planning Commissions have approved the minutes by motion. Chair Borklund indicated that they used to do that, but when Rob Scott was the Planning Director, they changed the procedure so that if there are no objections or corrections to the minutes, the Chair declares them approved.

Chair Borklund indicated that she would like the Planning Commissioners to state their reasons why or state the findings of fact as to why they approve or deny something. Chris Crockett indicated that stating their reasons why they voted for or against something is important when the record is presented to a court. The courts only have the information in the minutes to go by.

7. **Adjourn**

Adjourn to a Work Session

WS1. Weber County Land Use Code Revision Process: Conditional Use Revisions Discussion

Charles Ewert indicated that the underlines in blue means the new language that is being added, red strikeout means that he is eliminating language, black text is existing text. Any green highlights reflect the language that is being moved from one location to another.

It is imperative that the Planning Commission reviews the proposal with the understanding that conditional uses are allowed, provided they comply with applicable standards. There can be a lot of subjectivity in a conditional use permit determination. Stick to the facts, and be objective. Try not to be tempted to deny a permit because it does not comply with your interpretation of what is "attractive" or "incompatible with adjacent uses." Try not to use standards to require the overdesign of a proposal so much that it is cost prohibitive. Instead, find reasonable ways to help the proposal fit in better.

All too often a Planning Commission may feel they are tasked with providing the community with projects that are designed with the community benefit in mind. This is not the case. The private property owner gets to design the project. The Planning Commission's role is to verify that the community detriment of a project, if any, is made less severe. Remember that the word "mitigate" means "to cause to become less harsh or hostile" or "to make less severe or painful." If they wouldn't otherwise receive a benefit without the project, they shouldn't try and get that benefit from the developer.

Charles Ewert indicated that he rewrote the ordinance purpose and intent. There are several changes that he inserted to help the ordinance flow, and to make some sections better compliment the new additions.

Commissioner Favero indicated that he would like to know how the word "capricious" affects what they do. Chris Crockett, Legal Counsel, indicated that he will look up the state code definition.

In crafting the standards, I generally kept to standards that have measurable outcomes. Even though the actual outcomes for a specific CUP will not be known until well after its approval, the point is that review agencies can use the standards to review the project through the lenses of best management practices and emerging trends – and predict the detrimental effects of the proposal given the outcomes of similar uses and similar situations. This helps the Planning Commission in two ways. First, it will provide for you the reasonably *anticipated* detrimental effects of the proposal. Remember, state code requires that only the reasonably anticipated detrimental effects can be considered. This is explicitly written to remind Planning Commissions to not get caught in the trap of conditions based on speculation, but rather to base all decisions on objective facts. Second, it provides you with your professional's opinions about what standards should be applied (with specific recommendations for conditions), and by inference, which standards are irrelevant. You will want to exercise caution when applying standards or adding conditions that your professionals have not recommended. If they have evaluated the project completely there is a reason they have not included the standard in their review and recommendation.

Commissioner Favero indicated that if the Fire District has given their recommendations, they should not contradict them. If they cannot base their reasons for approving a conditional use on code, then they need to base it on some other expertise.

Charles Ewert indicated that it is important for the Planning Commission to note that not all of the listed standards will be applicable to all conditional uses. When considering enforceability, remember that only those standards that the Planning Commission applies to a CUP via relevant conditions of approval are enforceable. The record you make when deliberating is important for this, but not so much as the motion that is made. Their motions should have all relevant conditions, and all relevant findings for those conditions.

Chris Crockett indicated that he believes the new code amendments are user friendly. It explains the conditional use process more and step by step. They need to keep in mind that the conditions made have to be reasonable. There is not a solid definition of what "reasonable" is; usually it is what you determine and feel is reasonable. Sometimes reasonable is not determined until a judge or jury tells you what is reasonable so it is flexible, depending on any given application and the facts that are presented to you. It will have to be done on a case-by-case basis. They should support their decisions with findings of

fact and a judge would not find it arbitrary and capricious. The courts know that the Planning Commissions are the experts and have the training. This is how the court would review an appeal: The court will presume that the decision is valid, and determines only whether the decision, ordinance, regulation is arbitrary, capricious or illegal by looking at the factual records. There will be no further discovery, only what you say. The court determines whether the decision is arbitrary, capricious or illegal based upon the factual evidence. Facts could consist of staff reports, reports from other agencies, plans, studies and analysis from the applicant or affected land owner, or personal testimonies. Some examples of the things that would not be considered factual evidence would be public opinion, clamor or discontent or speculation. The legal definition from Black's Law Dictionary of capricious is characterized by or guided by an unpredictable or impulsive behavior, likely to change ones' mind suddenly, or to behave in unexpected ways contrary to the evidence or established rules or law. The legal definition of arbitrary is depending upon the individual discretion of, relating to, or involving a determination made without consideration of or regard of facts or circumstances, fixed rules or procedures founded on prejudice or preference rather than non-reason or fact.

Chair Borklund indicated that you have to listen to them and you have to let them know that you have heard what they said and that the decision was not made ahead of time. The decision has to be based on facts.

A discussion followed regarding mitigation of complaints in conditional uses; the Ogden Dog Food plant was given as an example of how they did not envision the odor problems that came up after the conditional use was approved. The Ogden City Planning Commission required scrubbers and other things to mitigate the odor problem, but there are still complaints of the smell.

Chris Crockett indicated that there are different ways to go about revoking a conditional use such as the zoning code enforcement process. Abandonment of a use was also discussed.

Staff can help the Planning Commission make the findings if asked.

WS2. Weber County Land Use Code Revision Process: Land Use Table – Agricultural Uses Discussion

Charles Ewert indicated that they are continuing their efforts to update the County codes by adding a Land Use Table with all allowed uses in all zones in one comparative table, and removing the land use lists in their individual zones. This will be done in several steps. We will forward complete use categories (i.e. agricultural, commercial, recreational, residential, etc.) to the Planning Commission as they are ready for review. The topic of this discussion is about agricultural uses.

The objective of this phase of code changes is to make minimal changes to the application of the existing code whilst modifying the framework in a matter that enables more efficient future changes. Later we will discuss changing uses in each zone.

The Planning Commission can archive (or recycle) the tables previously disseminated, or keep them for comparative analysis. The exhibits will replace them moving forward. Most of the changes you will find are a result of the comments or questions that were in the cell title "Notes" (temporary column) in those older tables.

The orange text, explained as "recommended changes for future land use table update" is intended to emphasize considerations that are not relevant now, but will merit attention when they come back to make use changes. One of their primary goals of this framework restructuring is to make it clear what uses are subject to site design and architectural standards.

Commissioner Andreotti indicated that the problem he is getting into is when Mom and Pop was here and operated the dairy farm. Now Mom and Pop is gone and the children are now into an industrial dairy farm. He wants to see farms being operated, but having the dairy in the neighborhood; it is not residential any more. Is the use of a poop-cannon allowed in an A-1 or A-2 Zone, and who is going to protect the neighbors and the environment of that poop cannon? How are they going to address the other situation?

The land use table was reviewed and discussed at this time. A few changes were recommended as the use table was reviewed.

Under Agri-tourism there are different things that you can do and the code is more specific. Commissioner Heslop indicated that the property owner will have to make a living; he will have to diversify to make ends meet. Commissioner Andreotti indicated that the question he has is if someone has five acres and wants to have a cheese outlet, how many cows will he have on that five acres and what will that do? Chair Wilkinson indicated that the county does not regulate how many cows someone could have on that property. A few years ago, the government bought out the dairy cows, and all of the dairy farmers ended up buying them and they ended up growing exponentially. The dairy farmer is limited by the size of the facility that he has on that farm to be able to milk the cows and the feed lots being able to feed them and the amount of feed to be able to produce to give to them is the limiting factor. Commissioner Andreotti indicated that the limiting factor to him is going to be what will be doing with all the waste.

Chair Borklund asked if the greenhouse as referred to would be required to be a permanent building. Director Wilkinson indicated that it would depend on the size of the structure. If the building is less than 200 sq. ft., then the inspector would not look at the building, but typically the building inspectors look at the buildings. Fruit and vegetable stands are now exempt from building permits as of a couple of years ago.

Chair Borklund indicated that she likes the ordinance is laid out and the way the use table is laid out.

Adjournment: The meeting was adjourned.

Respectfully Submitted,

Sherri Sillitoe
Weber County Planning Commission

Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request:	Consideration and action on a request for design review approval of a storage building addition to Jensen Auto.
Agenda Date:	Tuesday, June 09, 2015
Applicant:	Paul Jensen
File Number:	DR 2015-03

Property Information

Approximate Address:	3192 S Midland Dr., Ogden
Project Area:	2.36 acres
Zoning:	Manufacturing M-1
Existing Land Use:	Auto repair
Proposed Land Use:	Auto repair
Parcel ID:	15-102-0027, 15-102-0040, and 15-102-0019
Township, Range, Section:	T6N, R2W, Sec 36

Adjacent Land Use

North:	Daycare Facility	**South:**	Manufacturing
East:	Railroad line	**West:**	Vacant

Staff Information

Report Presenter:	Ben Hatfield bhatfield@co.weber.ut.us 801-399-8766
Report Reviewer:	JG

Applicable Ordinances

- Weber County Land Use Code Title 104 (Zones) Chapter 22 Manufacturing (M-1)
- Weber County Land Use Code Title 108 (Standards) Chapter 1 Design Review

Type of Decision

Administrative Decisions: When the Planning Commission is acting as a land use authority, it is acting in an administrative capacity and has much less discretion. Examples of administrative applications are design reviews, flag lots, and subdivisions. Administrative applications must be approved by the Planning Commission if the application demonstrates compliance with the approval criteria.

Background

The applicant is requesting approval of an addition to the auto repair business for a storage building that is approximately 2400 square feet at 3192 S Midland Dr. in Ogden. The property is zoned Manufacturing M-1. A similar addition was approved and constructed in 2007.

Three parcels were created over time at this business, one condition of approval is that those parcels be combined in to one parcel as parking and storage is being conducted on all three properties. The resulting parcel would then be approximately 2.36 acres with frontage on Midland Dr. Across the middle of the property; Questar Gas has a pipe line and easement. An agreement with the owner and Questar Gas has been made to shift the location of the pipe line further east to allow for the 40 foot wide addition.

The addition will be attached and match the existing structure in color and will be metal sided with panels. The plans do show a 30 foot wide future canopy section to be un-walled, however since there is an easement for the gas line in this location approval of this canopy is not part of the proposed approval.

As this property is adjacent to the boundary of Ogden City and in their annexation declaration area, staff contacted Ogden City regarding potential annexation. At this time the property is not required to annex into the city, as the value of the site is less than $750,000 (Utah Code § 10-2-401k and 10-2-401.5-3). If desired by the owner, Ogden City would accept an application for annexation of this property and any other surrounding properties.

Summary of Planning Commission Considerations

- Are the projects layout and setbacks consistent with applicable requirements of the Weber County Land Use Code?

Conformance to the General Plan

This site plan conforms to the General Plan by meeting the outlined permitted land uses of the zone in which it is located, and all of the applicable requirements of the Weber County Land Use Code.

Conditions of Approval

- All three parcels in which the business is conducted and parts storage occurs are combined into parcel prior to the issuing of building permits.
- Requirements of the Weber County Engineering Division
- Requirements of the Weber Fire District
- Requirements of the Weber County Building Inspection Division

Staff Recommendation

Staff recommends approval of the site plan amendment for a 2,400 square foot addition to the existing building for storage of auto parts and equipment at 3192 S Midland Dr. subject to staff and other review agency requirements. This recommendation is based on the project complying with applicable County Ordinances. The Planning Commission may base the approval on the following findings:

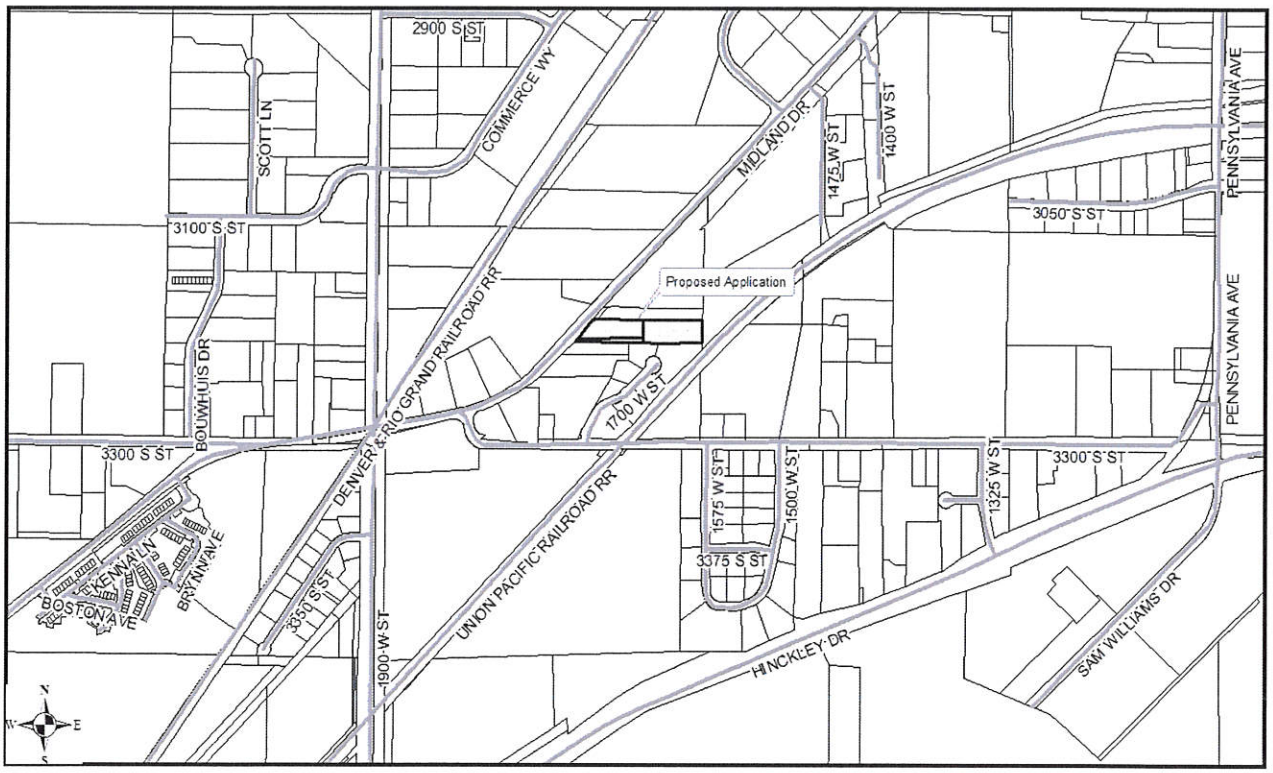
- The proposed use is allowed in the M-1 Zone
- All development standards have been met

Exhibits

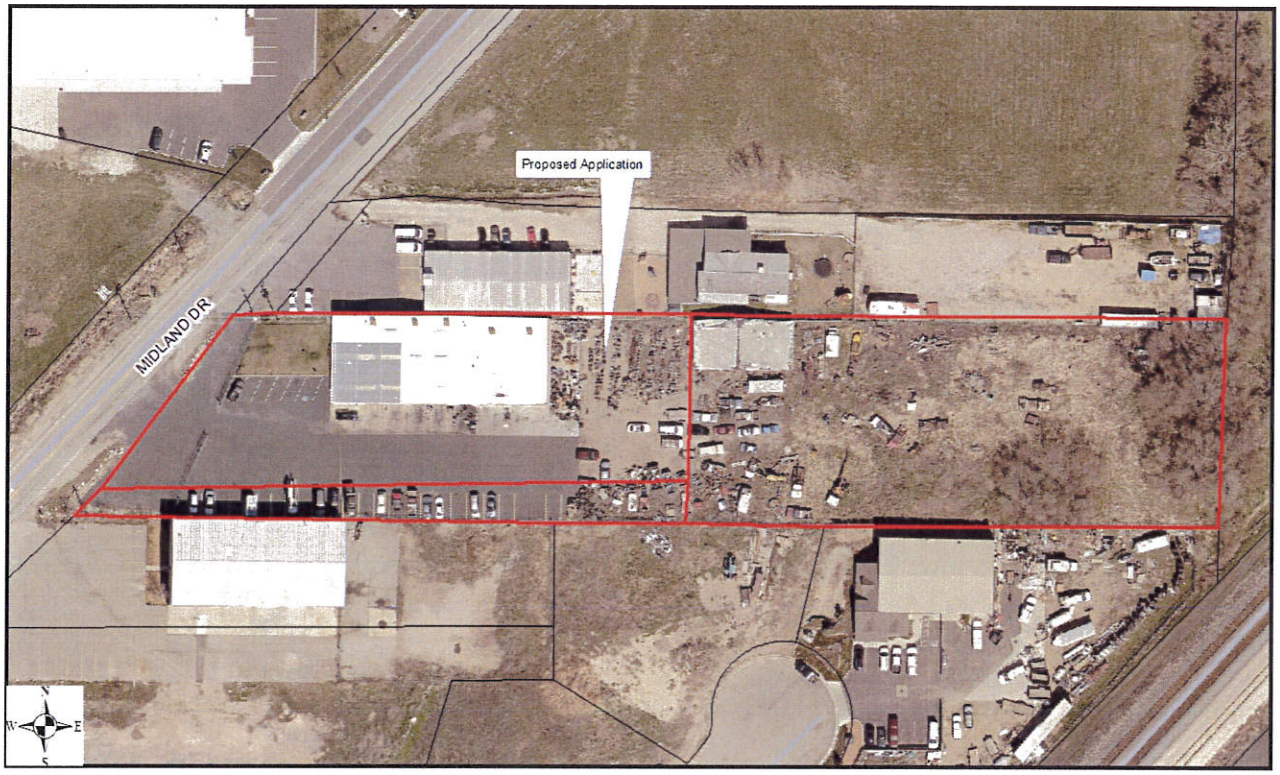
A. Site Plan
B. Building Plans
C. Building Elevations

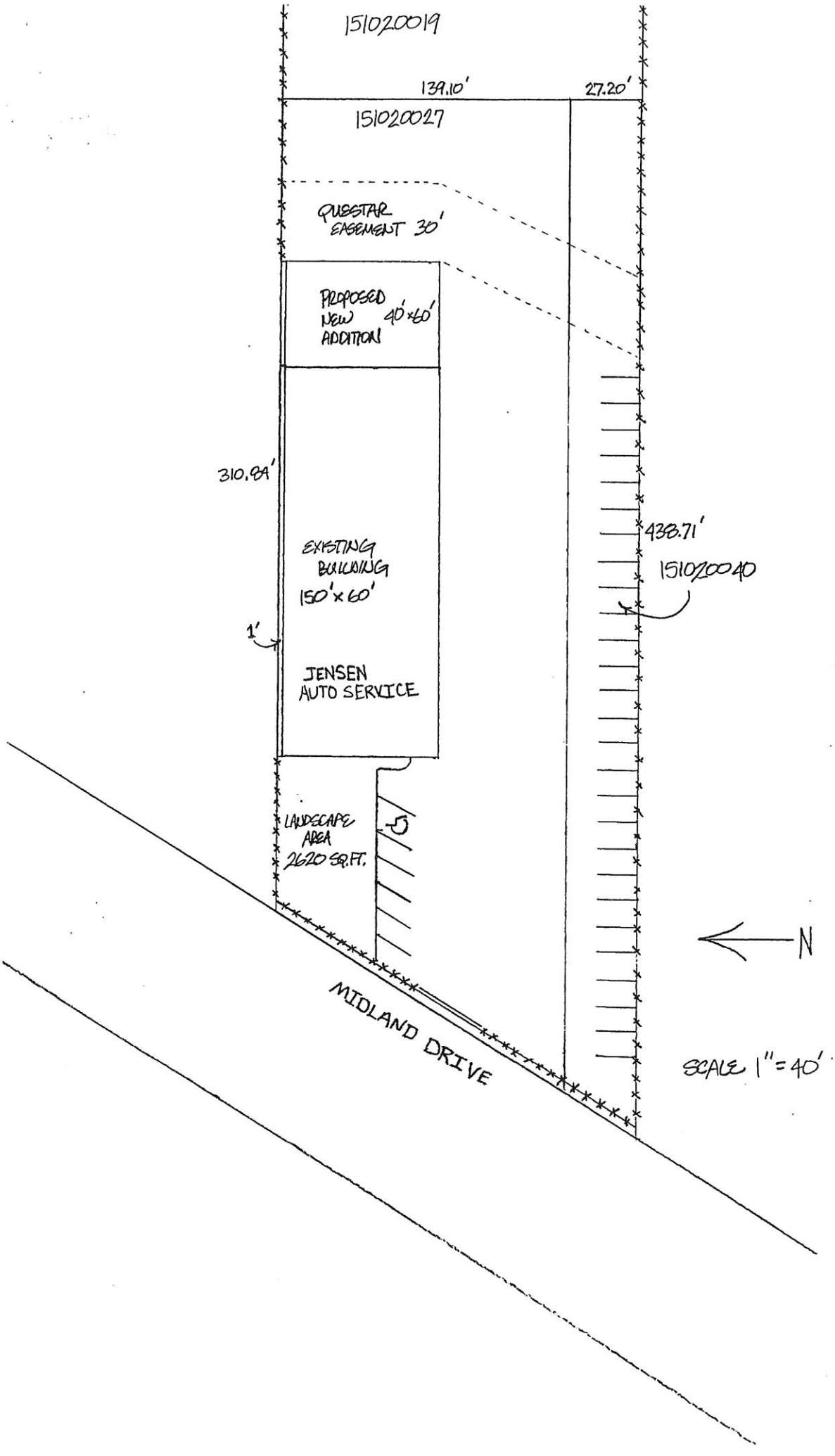
Maps

Map 1

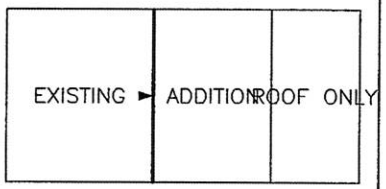


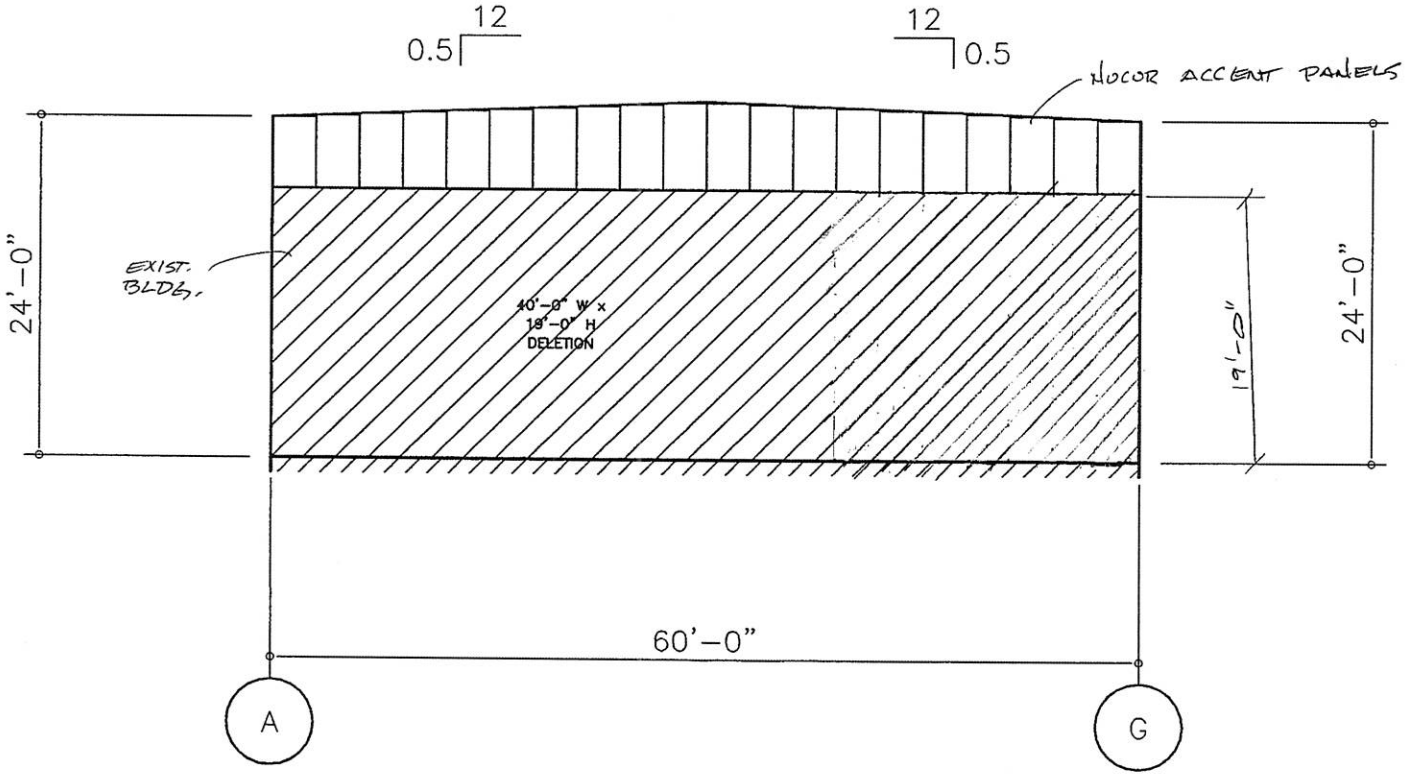
Map 2




151020019
139.10'
27.20'
151020027
QUESTAR EASEMENT 30'
PROPOSED NEW ADDITION 40'x60'
310.89'
EXISTING BUILDING 150'x60'
1'
JENSEN AUTO SERVICE
438.71'
151020040
LANDSCAPE AREA 2620 SQ.FT.
N
MIDLAND DRIVE
SCALE 1"=40'

KEY PLAN





WALL SHEETING ELEVATION AT LINE 1

PANELS: 26 GA. CLASSIC WALL – TBS

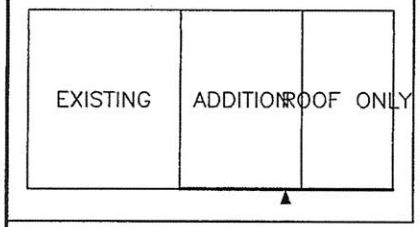
NUCOR BUILDING SYSTEMS
eQuote
MBMA

DO NOT USE FOR FINAL CONSTRUCTION
4/24/2015 10:15 AM

PROJECT NAME: JENSEN AUTO
OGDEN, UT
CUSTOMER NAME: CSU
OGDEN, UT

SHEET TITLE: PRELIMINARY SHEETING ELEVATIONS
SHEET NUMBER: WS5
QUOTE NUMBER: U47-15034-R1

KEY PLAN



FRAMED OPENING SCHEDULE					
ID	QTY	WIDTH	HEIGHT	SILL HEIGHT	LOCATED
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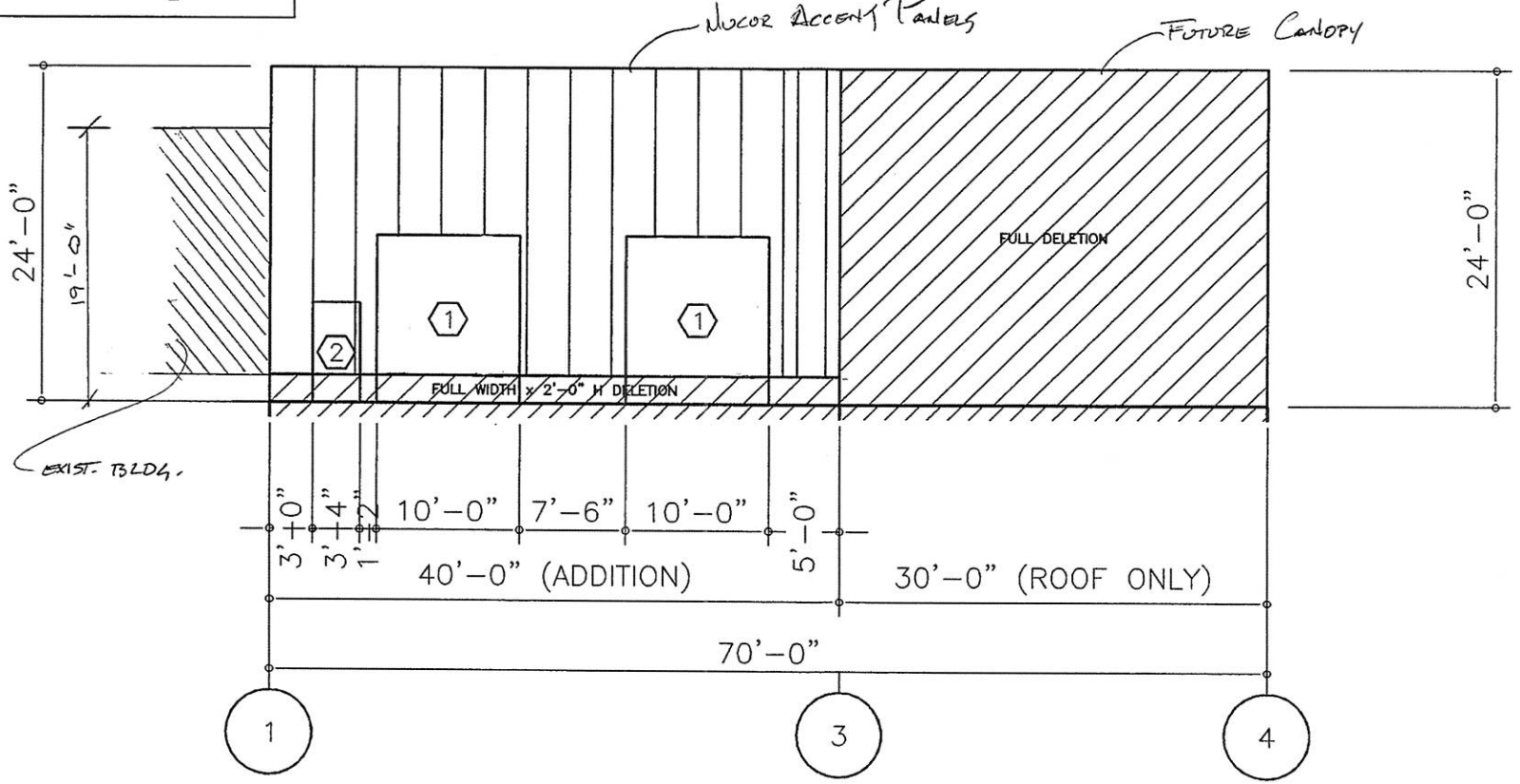
2	1	3'–4"	7'–2"	0'–0"	FACTORY



WALL SHEETING ELEVATION AT LINE G

PANELS: 26 GA. CLASSIC WALL – TBS

NUCOR BUILDING SYSTEMS

eQuote

DO NOT USE FOR FINAL CONSTRUCTION

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OGDEN, UT

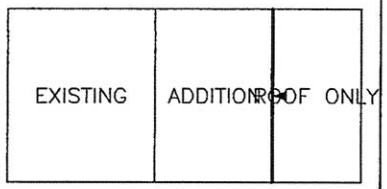
CUSTOMER NAME: CSU
OGDEN, UT

SHEET TITLE: PRELIMINARY SHEETING ELEVATIONS
4/24/2015 10:15 AM

QUOTE NUMBER: U47–15034–R1

SHEET NUMBER: WS6

KEY PLAN



FRAMED OPENING SCHEDULE					
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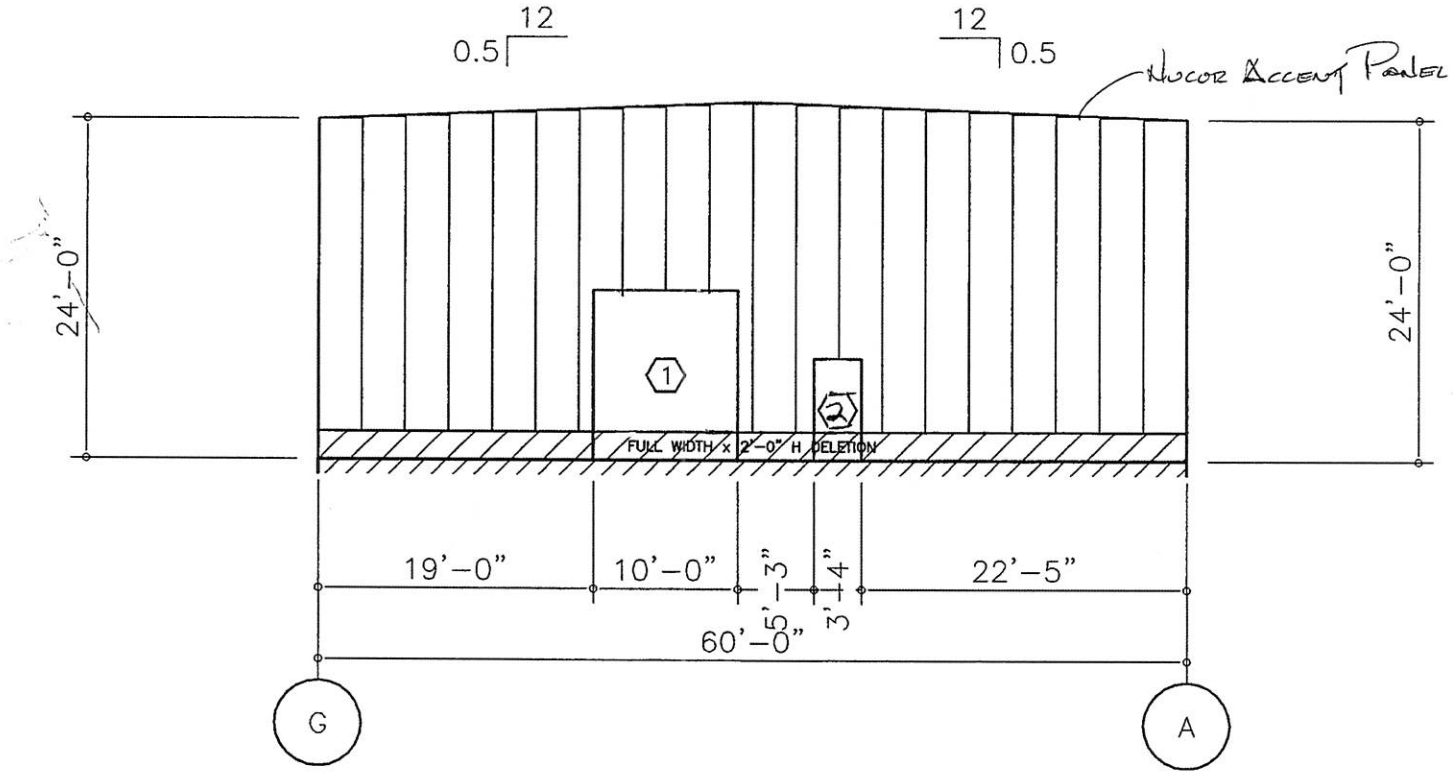
2	1	3'–4"	7'–2"	0'–0"	FACTORY



WALL SHEETING ELEVATION AT LINE 3

PANELS: 26 GA. CLASSIC WALL – TBS

NUCOR BUILDING SYSTEMS

eQuote

MBMA

DO NOT USE FOR FINAL CONSTRUCTION

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OGDEN, UT

CUSTOMER NAME: CSU
OGDEN, UT

SHEET TITLE: PRELIMINARY SHEETING ELEVATIONS
4/24/2015 10:15 AM

SHEET NUMBER: WS7

QUOTE NUMBER: U47–15034–R1

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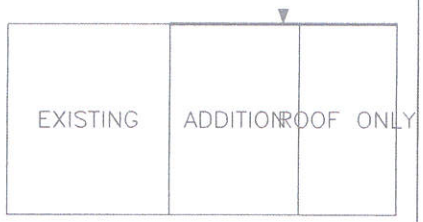
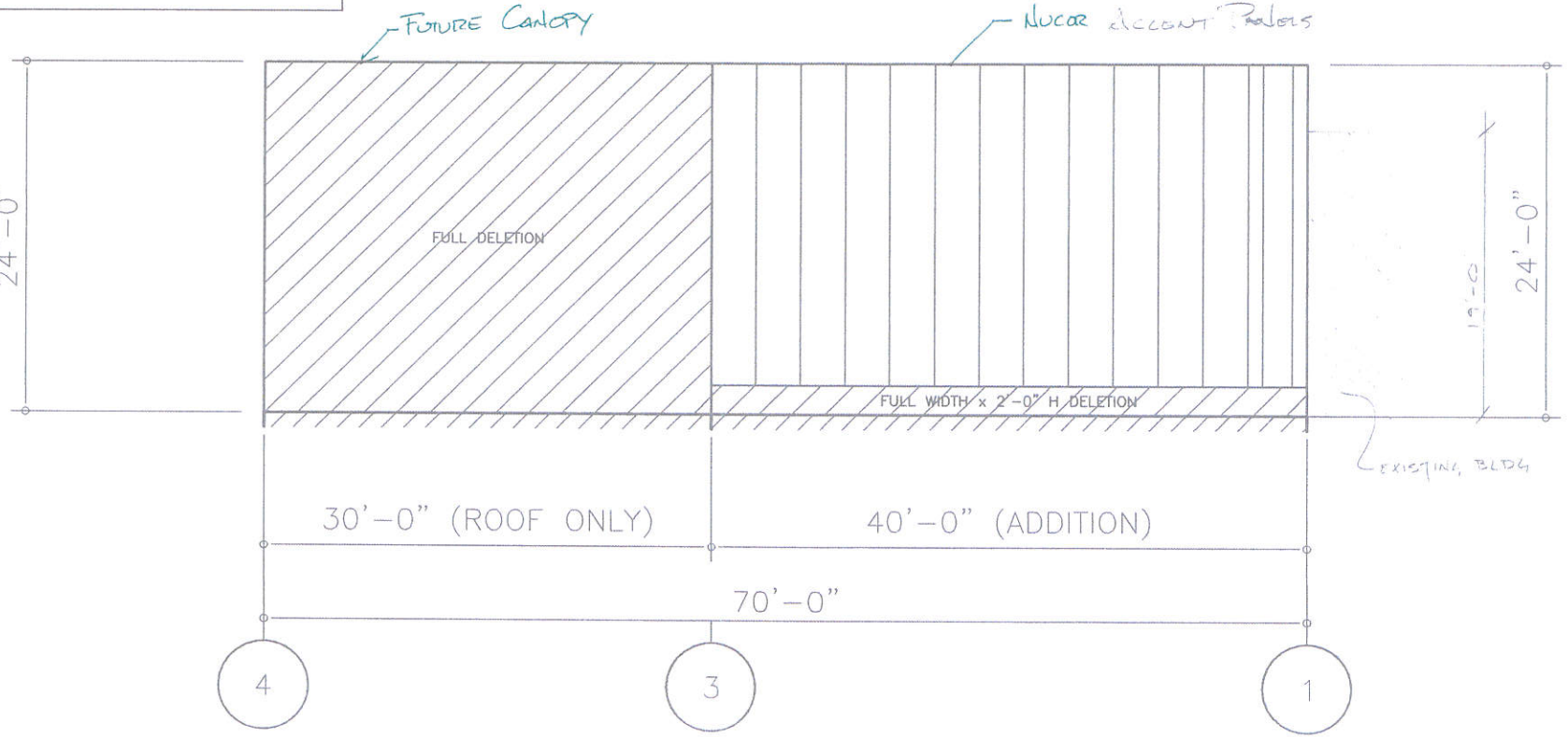




WALL SHEETING ELEVATION AT LINE A NORTH WALL

PANELS: 26 GA. CLASSIC WALL – TBS

NUCOR BUILDING SYSTEMS

Drawing Generated by eQuote

MBMA

DO NOT USE FOR FINAL CONSTRUCTION

PROJECT NAME: JENSEN AUTO OGDEN, UT

CUSTOMER NAME: CSU OGDEN, UT

SHEET TITLE: PRELIMINARY SHEETING ELEVATIONS 4/24/2015 10:15 AM

SHEET NUMBER: WS8

QUOTE NUMBER: U47-15034-R1

Metal Building Colors

SP Color Chart PVDF Color Chart

Selecting a color scheme is an important step in planning your Nucor metal building system. We offer a wide range of color choices in our standard Nucor Siliconized Polyester (SP) as well as Nucor PVDF finish options to enhance the appearance of your building and ensure it meets your vision.

Steel Building Color Selector

Our interactive color selector tool makes it easier than ever to visualize various color combinations to find the perfect look for your custom Nucor building. To use the color selector, simply select an option for each of the tabs across the top to explore colors for the roof, walls, wainscot, and trim of your building. Additional costs may apply to add wainscot to your building due to the increase in required material. Please contact your local sales or customer service representative for pricing information.

Reset Colors

Roof	PolarWhite (PW)
Walls & Downspouts	PolarWhite (PW)
Wainscot	PolarWhite (PW)
Trim	Brick Red (BR)

Disclaimer: Due to variances in computer monitor and printer calibrations, colors may not be exactly as shown. Please contact your Nucor Building Systems representative to confirm your color choices, discuss additional options, or to request exact matched metal paint chip samples.

Note: Trim color for walls, framed openings, and roofline are not required to be the same. Contact your Nucor Building Systems representative to discuss trim options.

Nucor Standard Panel Paint Systems

WALL

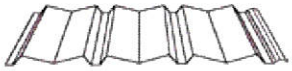
Nucor Classic Wall™

36" Panel Coverage / 26 Gauge*

Nucor Reverse Classic Panel™

36" Panel Coverage / 26 Gauge*

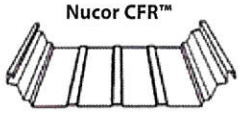
Nucor Accent Panel™



36" Panel Coverage / 26 Gauge*

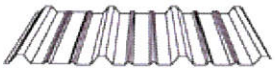
ROOF

Nucor CFR™



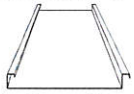
24" Panel Coverage / 24 Gauge*

Nucor Classic Roof™



36" Panel Coverage / 26 Gauge*

Nucor VR16 II™



16" Panel Coverage / 24 Gauge*

Our Silicone Polyester paint is a two-coat system that utilizes cool coating technology and offers superior quality and durability.

Colors shown are representative of actual colors offered and are NOT intended for matching purposes. Exact color match should be made from metal color chip samples.

Initial Solar Reflectance (IR) is the fraction of the total solar energy that is reflected away from a surface. To be considered "cool", products must have a Solar Reflectance of at least .25.

Initial Thermal Emittance (IE) is the relative ability of the roof panel to radiate absorbed heat.

Solar Reflectance Index (SRI) is calculated by using the values of solar reflectance, thermal emittance, and a medium wind coefficient. The higher the SRI value, the lower its surface temperature and consequently, the heat gain into the building.

Galvalume®† gutters, rake, and downspouts are available as an upcharge. Galvalume® ratings are .680 Initial Solar Reflectance (IR), .10 Initial Thermal Emittance (IE), and 56 Solar Reflectance Index (SRI).

Base angle flash is available in Burnished Slate and Polar White only.

All Standard Silicone Polyester colors shown on this chart feature a 25 year finish warranty. Unpainted Galvalume® panels feature a 25 year finish warranty. See Warranty Guide for specific warranty information. (Warranties apply only to the finish coat of exterior mounted panels. Backer side primer colors may vary.)

The term "TBS" on the Nucor Order Document refers to "To Be Selected from Standard Nucor Silicone Polyester Colors" as shown on this chart.

In keeping with a continuing program of product improvement, all information contained herein is subject to change without notice.

**Other gauges are available with extended lead-times and additional charges.*
† Galvalume® is a registered trademark of BIEC International, Inc.

BURNISHED SLATE (BS)
IR: .31 IE: .86 SRI: 32

EVERGREEN (EG)
IR: .26 IE: .86 SRI: 25

AZTEC BLUE (AB)
IR: .25 IE: .86 SRI: 24

BRICK RED (BR)
IR: .32 IE: .85 SRI: 53

SAGEBRUSH TAN (SB)
IR: .47 IE: .85 SRI: 53

FOX GRAY (FG)
IR: .43 IE: .85 SRI: 47

LIGHTSTONE (LS)
IR: .59 IE: .87 SRI: 70

POLAR WHITE (PW)
IR: .66 IE: .86 SRI: 79

NUCOR BUILDING SYSTEMS

www.Nucorbuildingsystems.com

BURNISHED SLATE (BS)

EVERGREEN (EG)

AZTEC BLUE (AB)

BRICK RED (BR)

SAGEBRUSH TAN (SB)

FOX GRAY (FG)

LIGHTSTONE (LS)

POLAR WHITE (PW)

Nucor Standard Panel Paint Systems

Silicone Polyester Product Availability

25 Year Finish Warranty for Standard Nucor Silicone Polyester Colors.

	Burnished Slate	Evergreen	Aztec Blue	Brick Red	Sagebrush Tan	Fox Gray	Lightstone	Polar White	Galvalume®
Nucor Classic Wall™	●	●	●	●	●	●	●	●	●
Nucor Reverse Classic™	●	●	●	●	●	●	●	●	●
Nucor Accent Panel™	●	●	●	●	●	●	●	●	●
Nucor CFR™	□ ♦	□ ♦	□	□	□	□	□	●	●
Nucor Classic Roof™	●	●	●	●	●	●	●	●	●
Nucor VR16 II™	□	□	□	□	□	□	□	□	●

● *Available* □ *Available upon request for an additional charge* ♦ *Stocked product in Waterloo only*

TEST	ASTM Test	PERFORMANCE
Mortar Resistance	C-267	No effect
Acid Pollutants	D-1308	
	10% Muriatic Acid, (15 min.)	No effect
	20% Sulphuric Acid, (24 hrs.)	No effect
79% Nitric Acid Vapors, (30 min.)	AAMA 621 / AAMA 605	<5 units color change
Acid Rain Test	Kesternich	10 cycles
	SO2, Cyclic Test	No objectional color change
Alkali Resistance, 10%, 20% Sodium Hydroxide, (1 hr.)	D-1308	No effect
Salt Spray Resistance 5% Salt Fog at 95°F	B-117	Passes 1,000 hrs.
	D-714	No blisters
	D-1654	#8 Scribe creep
Humidity Resistance 100% at 95°F	D-2247	Passes 1,000 hrs. No blisters, crack or peel
Condensing Humidity Cabinet-CCH Testing 240 hrs. at 140°	D-4585 (NCCA 111-6)	Passes 1,000 hrs.
Weatherometer	D-6695	Passes 3,000 hrs.
South Florida Exposure	D-2244	Less than 5 units color change
Chalk Resistance	D-4214	#8 chalk rating, passes
UV Exposure	D-4587	Passes 1,000 hrs.

Indiana
305 Industrial Parkway
Waterloo, IN 46793
Ph: 260-837-7891
Fax: 260-837-7384

Northeast Sales Office
201 Granite Run Drive
Suite 280
Lancaster, PA 17601
Ph: 717-735-7766
Fax: 717-735-7769

South Carolina
200 Whetstone Rd.
Swansea, SC 29160
Ph: 803-568-2100
Fax: 803-568-2121

Texas
600 Apache Trail
Terrell, TX 75160
Ph: 972-524-5407
Fax: 972-524-5417

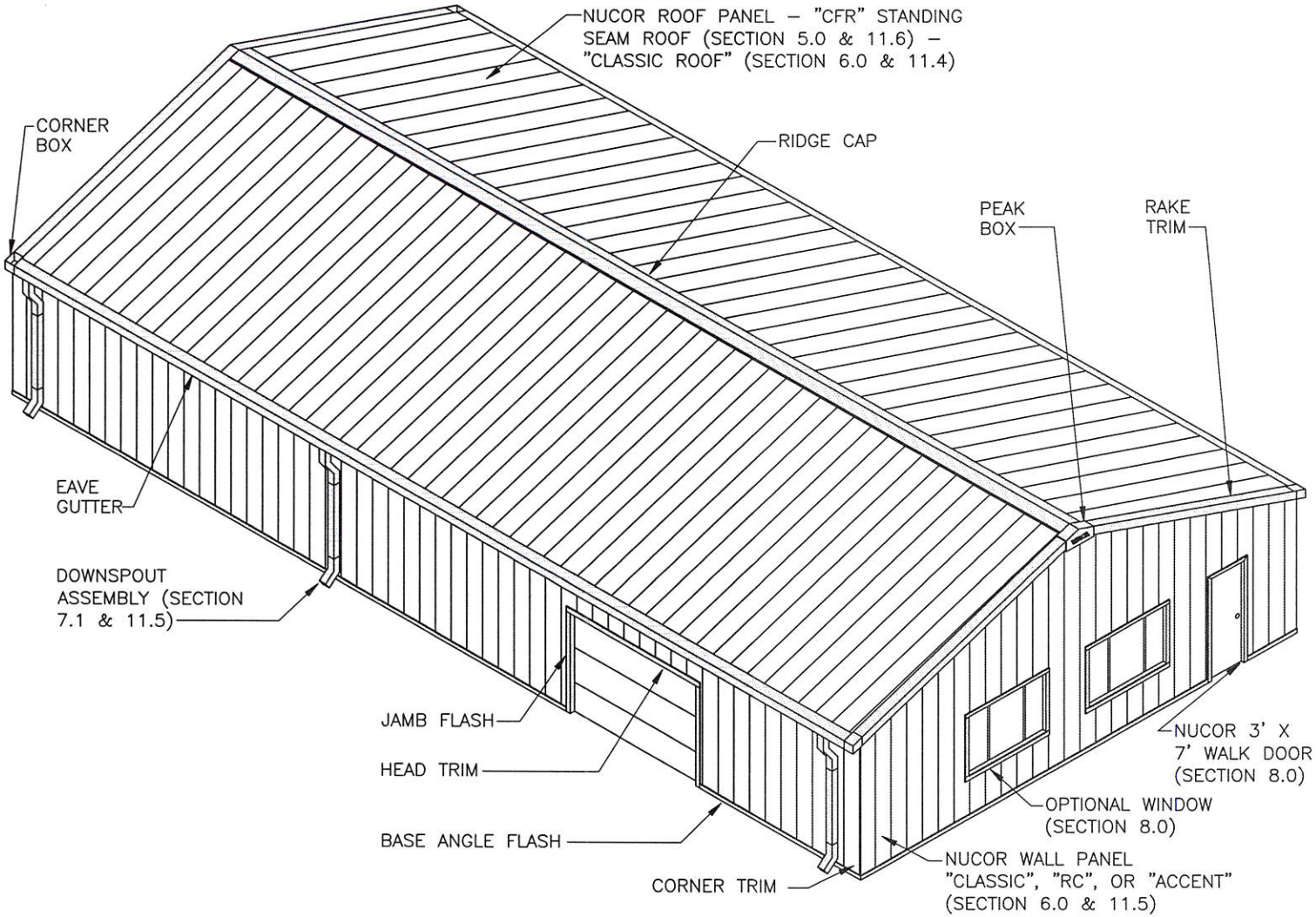
Utah
1050 North Watery Lane
Brigham City, UT 84302
Ph: 435-919-3100
Fax: 435-919-3101

IAS ACCREDITED AC472

NUCOR BUILDING SYSTEMS

MBMA

SH0010PE – NUCOR ROOF AND WALL SHEETING PERSPECTIVE



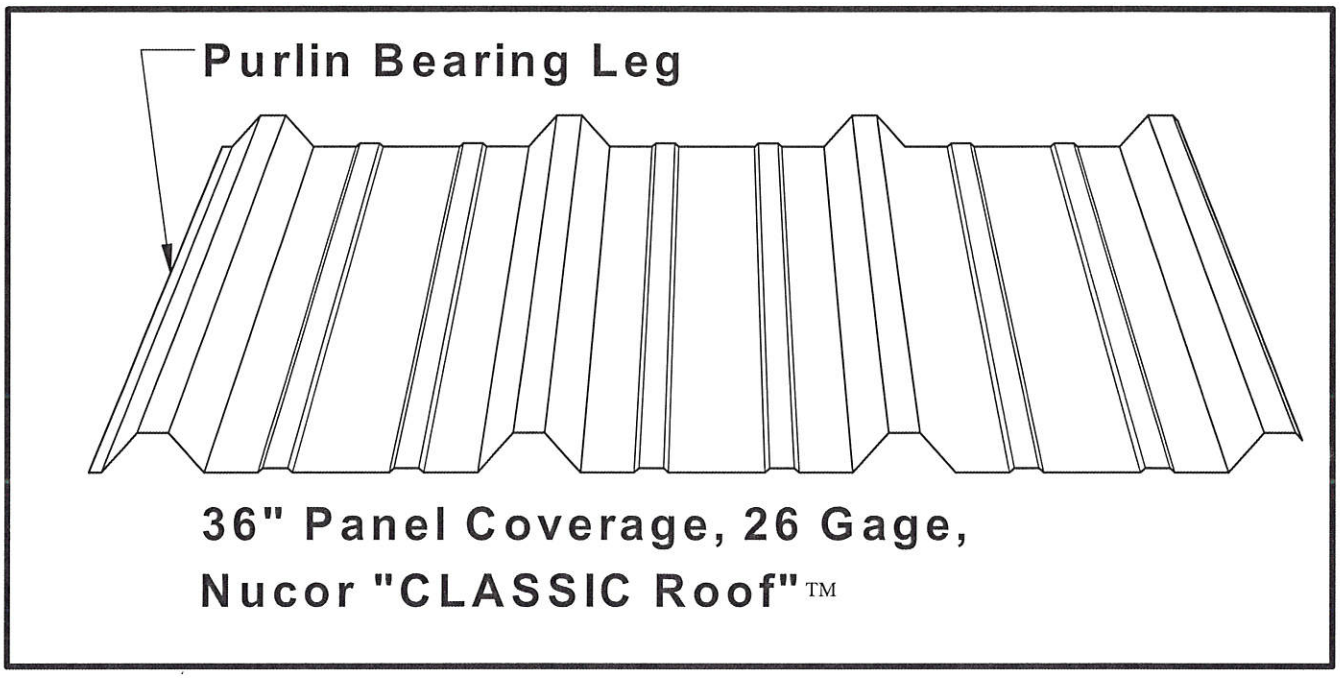
LAST REVISION
DATE: 04/11/02
BY: CDM CHK: RJF

DETAIL NAME IF APPLICABLE

SH0010PE.DWG

SH0020PE – NUCOR "CLASSIC ROOF"™ SYSTEM

Nucor "Classic Roof"™ System is provided as standard in unpainted 26 gage material. Other gages and painted Galvalume® are available upon request (minimum quantities and cost premiums do apply). As a standard, a Nucor "Classic Roof"™ System will have a purlin bearing leg. Consult your authorized Nucor representative for price and availability.

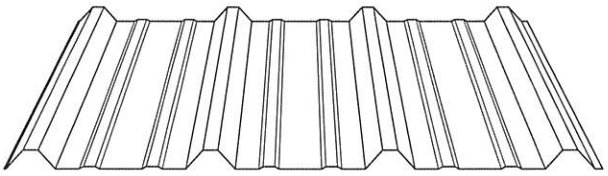


Exterior painted roof and wall panels provided by Nucor Building Systems are precision roll formed from pre-painted galvanized or Galvalume® coils. The metal is first subjected to a strenuous cleaning process followed by the application of an oven-cured primer. Next, the finish coat is applied under constant monitoring for proper cure temperature and color uniformity. Before panels are formed, the finished coil is subjected to stringent quality control tests including: physical bend and impact resistance, film thickness, hardness, gloss, and color.

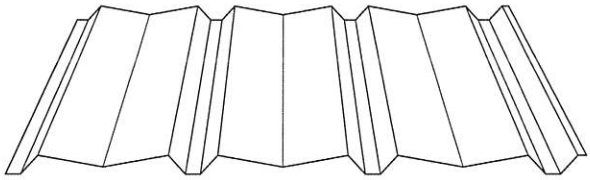
The paint system is Superl™ SP, the industry proven silicone-polyester coating manufactured by PPG Corporation. Superl™ SP coating is a recognized standard of product quality for exterior building systems. *Warranties are available upon request.**

SH0030PE – NUCOR WALL SYSTEMS

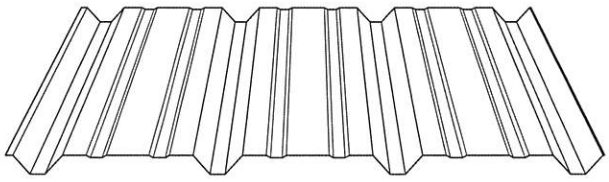
Nucor Wall Systems shown have 36" panel coverage, purlin bearing leg and are available in all standard Nucor colors. **NOTE**: Standard color options may vary between NBS divisions. Consult your District Sales Manager, Customer Service Representative, or Estimating Department for additional information. Other colors and gages are available upon request (minimum quantities do apply). Consult your authorized Nucor representative for price and availability.



36" Panel Coverage, 26 Gage,
Nucor "CLASSIC Wall"™



36" Panel Coverage, 26 Gage,
Nucor "ACCENT Wall"™



36" Panel Coverage, 26 Gage,
Nucor "REVERSE CLASSIC Wall"™

Liner panels for wall and roof are normally provided in a 28 gage panel coated with PPG's white Polyceram® 3200, a highly serviceable polyester coating for panels not intended to be exposed to the effects of weather and sunlight.

When a premium 70% PVDF resin-based paint system is required, PPG's Fluoroceram® shall be provided. Consult your Nucor representative for price and availability.

All Nucor wall and trim products are painted with the Superl™ SP silicone-polyester paint system. *Warranties apply only to the finish coat of exterior mounted panels.*

Weber County

June 09, 2015

To: Western Weber Planning Commission

From: Weber County Planning Division

Re: Weber County Land Use Code - Title 108, Chapter 15 (Standards for Single Family Dwellings) and Title 108, Chapter 7 (Supplementary and Qualifying Regulations).

Dear Commissioners,

Attached you will find a proposal for an amendment to Title 108, Chapter 15 (Standards for Single Family Dwellings) of the Weber County Land Use Code. One copy shows the customary strikethroughs so that you can relate proposed language to that in the existing code. The other copy is a cleaner, easier to read version that shows the proposed language only.

Also, you will find an amendment for Title 108, Chapter 7 (Supplementary and Qualifying Regulations). This amendment, if adopted, would not apply to western Weber County until a time that the western Weber area adopted a change to allow a zero front yard setback in any zone.

We ask that you review the drafts and come prepared to discuss them in their entirety. Our goal will be to discuss the current drafts and prepare for a future public meeting.

We look forward to seeing you at the work-session.

Sincerely,

Scott Mendoza
Weber County Planning Division

CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

Sec. 108-15-1. - Codes and standards.

~~Any dwelling or other structure which is designed or intended for human habitation, which is to be located in the county outside of a mobile home park, mobile home subdivision or manufactured home subdivision or PRUD, must meet the standards of the uniform building and other codes as adopted by the county, or if it is a manufactured home, it must meet the standards of, and be certified under the National Manufactured Housing and Standards Act of 1974 and must prominently display an insignia approved by the United States Department of Housing and Urban Development and must not have been altered in violation of such codes.~~

Any structure that is designed to be lived in by one family, and is located outside of a mobile or manufactured home park, camp, court, subdivision, or Planned Residential Unit Development (PRUD), shall meet all applicable standards and requirements including the International Building Code and those others listed below. If a structure, designed to be lived in by one family, is constructed as a mobile or manufactured home, it shall also meet all applicable standards and, if appropriate, be certified as meeting the U.S Department of Housing and Urban Development's (HUD) Manufactured Home Construction and Safety Standards including the clear display of all necessary signage, insignias, labels, tags and data plates.

(Ord. of 1956, § 37-1)

Sec. 108-15-2. - ~~Additional~~ Other standards and requirements.

In addition to the above ~~codes and standards~~, the following standards and requirements shall also be met:

(1) ~~The~~ Single-family dwellings ~~must~~ shall be ~~permanently connected and~~ attached to a site-built permanent foundation which meets all applicable codes. ~~ICC Guidelines for Manufactured Housing Installations if a manufactured home.~~

(2) Installation or transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches, shall be removed or hidden from view. ~~Any running gear shall be removed and stored out of sight.~~

(3) ~~The~~ Single-family dwellings shall have an exterior ~~siding~~ finish ~~consisting~~ made of wood, engineered wood, masonry, concrete, fiber cement, stucco, masonite, metal, or vinyl. ~~lap~~

(4) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a crawlspace area, shall have those walls ~~Any enclosure must be~~ anchored ~~secured~~ to the perimeter of the dwelling. The walls shall ~~and~~ be constructed of or faced with the following:

   a. Concrete or masonry materials; or

   b. ~~that are~~ Weather resistant materials that ~~and~~ aesthetically imitate ~~consistent with~~ concrete ~~and~~ or masonry foundation materials; or

   c. Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling

~~(2)~~(5) ~~The~~ Single-family dwellings ~~must~~ shall be permanently connected to ~~and approved for~~ all required utilities.

~~(3)~~(6) ~~The~~ Single-family dwellings ~~must~~ shall be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, ~~an affidavit~~ the owner

Comment [s1]: Added because "standards" are referred to above.

Comment [s2]: Simply stated, this will apply to all dwellings including manufactured if their standards if different.

Comment [s3]: Broke this standard into separate number. Moved this from original #1 because it is not related.

Comment [s4]: Moved this up from original #7 because it is not related to others in #7 and better groups like-standards.

This prohibits "earth-ships" constructed of rubber tires. It also prohibits one-story buried dwellings.

Comment [s5]: This exception allows design flexibility. An example of a home that fits this exception is a "nest unit" at Powder Mountain's DRR-1 Zone.

Comment [s6]: Broke this standard into separate number. Moved this from original #1 because it is not related to others in #1.

Comment [s7]: Provided the opportunity to extend exterior wall materials toward finished grade.

~~must~~ shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property. ~~be filed with the state tax commission pursuant to U.C.A. 1953, § 59-2-602 and qualified therefor as an improvement to real estate~~.

~~(4) The dwelling must provide a minimum of 72 square feet of enclosed storage with the minimum height of six feet located in a basement or garage area or in an accessory storage structure. Such structure shall conform to all applicable building codes.~~

~~(5) Porches and landings for ingress and egress to the dwelling must be built in accordance with chapter 3 of the International Residential Code as adopted by the State of Utah.~~

~~(6) At least 60 percent of the roof must be pitched at least 2:12 pitch and shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, metal tiles, slate, built up gravel materials or other materials approved by the International Residential Code.~~

(7) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, shall have a roof pitch of not less than a 2:12 ratio.

~~(7) The dwelling shall have exterior siding consisting of wood, masonry, concrete, stucco, masonite or metal or vinyl lap. The roof overhang, including rain gutters, shall not be less than one foot, measured from the vertical side of the building, but not including bay windows, nooks, morning rooms, etc.~~

(8) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, shall have eaves that project a distance of not less than one foot as measured from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers.

(8) ~~The width of the dwelling shall be at least 20 feet at the narrowest point of its first story for a depth of at least 20 feet exclusive of any garage area. The width shall be considered the lessor of two primary dimensions. If the width of the dwelling faces a street and is less than one-half of the length, the required off-street parking shall be in a two-car garage attached to the length of the dwelling.~~

(9) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, shall have a width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by indentifying the lesser of two dimensions when comparing a front elevation to a side elevation.

(9) ~~Required off-street parking spaces shall be side-by-side. (See section 108-8-2.)~~

(10) ~~The county building inspector, as the zoning enforcement officer in concert with the county planning commission, may approve deviations from one or more of the development or architectural standards provided herein on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. Together, they may also require other deviations to achieve the overall goals and purposes of this chapter. These requirements may be appealed to the board of adjustment.~~

Sec. 108-15-3. - Exceptions.

Comment [s8]: Eliminated the specific State Code citation and rewrote to be more consistent with State Code.

Comment [s9]: There doesn't seem to be a need for this?

Comment [s10]: Outdated and addressed in the building code.

Comment [s11]: Where this standard allows "other materials" that are permitted by the building code, there is no need provide a list here.

The pitch standard could be eliminated if the Planning Commission chose to do so.

As proposed, this paragraph has been re-written to provide roof pitch flexibility in some circumstances.

Also below, the Planning Director can waive standards for added flexibility.

Comment [s12]: The exterior materials standard has been moved to the new #3. This move groups this standard next to another exterior wall material standard.

Comment [s13]: This standard is a part of the original #7. It is broken out into its own standard because it did not related to the exterior material standard that it was a part of in the original #7.

It prohibits standard shipping containers and "Earth-ships" constructed of exposed rubber tires.

The building code does not require eaves but does require a certain amount of ventilation which is usually provided through an eave.

Comment [s14]: Rewritten to provide design flexibility.

Comment [s15]: This standard is already provided in the County's parking chapter.

Comment [s16]: Rewritten and moved to the new section below. This is not a standard or requirement so it was pulled from the standards list and moved to the new section below.

The Planning Director, or his/her designee, may waive any of the above architectural and/or massing standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

(1) Explains their agreement to the waiver of any particular standard; and
(2) Certifies that, in the absence of the subject standard(s), the dwelling will be considered architecturally compatible with the surrounding neighborhood due to the integration and use of compensating materials and/or architectural features.

(Ord. of 1956, § 37-2; Ord. No. 2008-6)

Comment [s17]: Created new section to address exceptions.

Added requirements. Moved from subjective standard to more clear requirements.

CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

Sec. 108-15-1. - Codes and standards.

Any structure that is designed to be lived in by one family, and is located outside of a mobile or manufactured home park, camp, court, subdivision, or Planned Residential Unit Development (PRUD), shall meet all applicable standards and requirements including the International Building Code and those others listed below. If a structure, designed to be lived in by one family, is constructed as a mobile or manufactured home, it shall also meet all applicable standards and, if appropriate, be certified as meeting the U.S Department of Housing and Urban Development's (HUD) Manufactured Home Construction and Safety Standards including the clear display of all necessary signage, insignias, labels, tags and data plates.

(Ord. of 1956, § 37-1)

Sec. 108-15-2. - Other standards and requirements.

In addition to the above, the following standards and requirements shall also be met:

(1) Single-family dwellings shall be attached to a site-built permanent foundation which meets all applicable codes.

(2) Installation or transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches, shall be removed or hidden from view.

(3) Single-family dwellings shall have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement, stucco, masonite, metal, or vinyl.

(4) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a crawlspace area, shall have those walls anchored to the perimeter of the dwelling. The walls shall be constructed of or faced with the following:

   a. Concrete or masonry materials; or

   b. Weather resistant materials that aesthetically imitate concrete or masonry foundation materials; or

   c. Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling.

(5) Single-family dwellings shall be permanently connected to all required utilities.

(6) Single-family dwellings shall be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property.

(7) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, shall have a roof pitch of not less than a 2:12 ratio.

(8) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, shall have eaves that project a distance of not less than one foot as measured

from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers.

(9) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a County approved master planned community, or the Destination and Recreation Resort Zone, shall have a width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by indentifying the lesser of two dimensions when comparing a front elevation to a side elevation.

Sec. 108-15-3. - Exceptions.

The Planning Director, or his/her designee, may waive any of the above architectural and/or massing standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

(1) Explains their agreement to the waiver of any particular standard; and
(2) Certifies that, in the absence of the subject standard(s), the dwelling will be considered architecturally compatible with the surrounding neighborhood due to the integration and use of compensating materials and/or architectural features.

(Ord. of 1956, § 37-2; Ord. No. 2008-6)

CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

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

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

(Ord. of 1956, § 23-1; Ord. No. 2009-14)

Sec. 108-7-2. - Projections permitted into required yard setbacks.

Every part of a required yard setback shall be open to the sky, unobstructed except for accessory buildings meeting the required setbacks of the zone in which the building is located. Setbacks for all buildings are measured from the property line to the outermost surface of a building's foundation wall. However, the following projections into the required yard setbacks are permitted for single-family dwellings (including attached garages) only:

(1) Belt courses, sills, and lintels may project 18 inches into required front, rear and side yard setbacks.

(2) Cornices, eaves and gutters may project three feet into a required front yard setback, five feet into a required rear yard setback, and two feet into a required side yard setback.

(3) Outside stairways, fire escapes, flues, chimneys and fireplace structures not wider than eight feet measured along the wall of a building, may project not more than five feet into a required front yard setback, ten feet into a required rear yard setback, and three feet into a required side yard setback.

(4) Unwalled porches including roof-covered patios, terraces, and balconies may project five feet into a required front yard setback. Where the required rear yard setback is 30 feet or greater, a projection of ten feet into the rear yard setback is allowed. Where the required rear yard setback is less than 30 feet, a five-foot projection into the rear yard setback is allowed.

(5) Cantilevers may project no more than two feet into the required front and rear yard setback. Cantilevers are not allowed in the required side yard setback.

(Ord. of 1956, § 23-2; Ord. No. 1-2008; Ord. No. 2009-14)

Sec. 108-7-3. - Projections permitted into private rights-of-way.

When a two-family dwelling, three-family dwelling, four-family dwelling, multi-family dwelling, condominium, or commercial structure is proposed to be built, and where the County's development standards allow a zero front yard setback, projections into private rights-of-way may be permitted when the following standards and requirements are met:

(1) As determined by the Weber County Building Official, the appropriate building code shall be applied and all projections shall be demonstrated as compliant.

(2) A letter approving the projection(s), whether above grade or below, shall be provided by all utility service providers that have located utilities on the related side of the right-of

way or have plans, within two years, to locate utilities on the related side of the right-of-way.

(3) A letter of approving the projection(s), whether above grade or below, shall be provided by the owner of the right-of-way.

(4) Street improvements shall include high-back curb that separates pedestrian areas or sidewalks from street travel lanes.

(5) Pedestrian areas or sidewalks shall not be less than 4.5 feet in width.

Sec. 108-7-~~3~~4. - Fencing requirements.

(a) A wall, fence or hedge not exceeding four feet in height may be located and maintained anywhere on a lot except as required by section 108-7-7. A wall, fence, or hedge not more than six feet in height may be located anywhere on an interior lot except within the area comprising the required front yard setback. A wall, fence, or hedge not more than six feet in height may be located anywhere on a corner lot except within the areas comprising the required front yard setback and the required side yard setback which faces the street. A wall, fence, or hedge on a corner lot shall comply with the requirements of section 108-7-7

(b) Notwithstanding the requirements of subsection (a) of this section, residential subdivisions and projects may be encompassed in whole or in part by a perimeter fence of not more than six feet in height, subject to design review and provided that access to lots is allowed only from approved interior public or private streets that are part of the approved subdivision or project. In addition, a permanent means of landscaping and maintaining the parking strip between the fence and the street curb shall be provided.

(c) Where a retaining wall protects a cut below the natural grade, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall, or hedge, provided that in any event a protective fence or wall not more than four feet in height may be erected at the top of the retaining wall. These provisions shall comply with the requirements of section 108-7-7

(d) Fences for uses such as tennis or sport courts may be a maximum of 12 feet high, provided the fence meets all of the required setbacks for an accessory building in the zone in which it is located and a land use and building permit are obtained.

(e) The provisions of this section shall not apply to fences required by state law to surround and enclose public utility subdivisions and public schools.

(Ord. of 1956, § 23-3; Ord. No. 18-90; Ord. No. 2009-14)

Sec. 108-7-4. - Area of accessory building.

No accessory building or group of accessory buildings in any residential estates zone, cluster subdivision, or PRUD shall cover more than 25 percent of the rear yard.

(Ord. of 1956, § 23-4; Ord. No. 2009-14)

Sec. 108-7-~~5~~6. - Exceptions to height limitations.

(a) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limit of the zone in which they are located, but no space above the height limit shall be allowed for the purpose of providing additional floor space, and if in proximity to an airport, no heights exceptions are permitted above the maximum allowed under airport height regulations.

(b) All exceptions to height shall be subject to design review and all mechanical equipment shall be screened by materials consistent with those used on the exterior of the building.

(Ord. of 1956, § 23-5; Ord. No. 2009-14)

Sec. 108-7-~~6~~7. - Minimum height of dwelling.

No dwelling shall be erected to a height less than one story above natural grade.

(Ord. of 1956, § 23-6; Ord. No. 2009-14)

Sec. 108-7-~~7~~8. - Clear view of intersecting streets.

In all zones which require a front yard setback, no obstruction to view in excess of three feet in height shall be placed on any corner lot within the area designated as the clear view triangle, except those noted below. The clear view triangle is a triangular area formed by the front and side (street facing) property lines and a line connecting them at points 40 feet from their intersection.

(Ord. of 1956, § 23-7; Ord. No. 2009-14)

Sec. 108-7-~~8~~9. - Setbacks for animals and fowl.

No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling and not closer than 75 feet from any dwelling on an adjacent lot. Any barn, stable, coop, pen, corral, or enclosure for the housing or keeping of animals or fowl shall be kept, constructed, or maintained not less than 100 feet from a property line adjacent to a street and not less than 25 feet from any lot line.

(Ord. of 1956, § 23-8; Ord. No. 2009-14)

Sec. 108-7-~~9~~10. - Water and sewage requirements.

(a) In all cases, where a proposed building or use will involve the use of sewage facilities, and a public sewer is not available, and in all cases where a proposed supply of piped culinary water is not available, the sewage disposal and the domestic culinary water supply shall comply with requirements of the county board of health and/or state board of health and the application for a building and land use permit shall be accompanied by a certificate of approval from the board of health.

(b) Building permits shall not be issued by the building inspector or county official unless private water supply and private sewage disposal is approved in accordance with the requirements of subsection (a) of this section.

(Ord. of 1956, § 23-9; Ord. No. 4-83; Ord. No. 2009-14)

Weber County Planning Division

To: Ogden Valley and Western Weber Planning Commissions
From: Charles Ewert, AICP
Date: May 28, 2015
Subject: Weber County Land Use Code Revision Process: Conditional Use Code

Background. The Ogden Valley Planning Commission reviewed the proposed conditional use code in their May 5th meeting. The Western Weber Planning Commission reviewed the proposed conditional use code in their May 12th meeting. Both had comments and minor revisions. It was a first reading of the proposal. This presentation is the second reading of it during work session, prior to it being formally presented to the public for public comment, and to the Planning Commissions for final recommendation to the County Commission.

Analysis. The following are specific changes provided to the code as requested by each Planning Commission. The Planning Commission that requested the changes is denoted in the balloons in the right hand column of the text. The comments highlighted in yellow are changes that may require specific attention.

Conditional Use Definition. The definition of a conditional use permit will be replaced with the definitions from the State Code.

Land Use Authority. There was discussion with both Planning Commissions about their role in making determinations that other authorities may also have governing jurisdiction over. Even though the Planning Commission, acting as the Land Use Authority, has discretion to require more than the experts may recommend (for example: Fire Marshal, Sheriff, Engineer), it will not usually be a good idea. Your experts will help you determine the threshold of reasonable, credible, and applicable. They will help keep the Land Use Authority from straying into an area that goes "to far," or is arbitrary, capricious, or illegal. The revisions found in line 197-199 are on this point.

Water. The Ogden Valley Planning Commission had lengthy discussion about how water provisions may fit within the conditional use code. There is a desire to require evidence of "wet water" prior to CUP approval. To provide evidence of "wet water" the applicant will need to go to the expense of designing a culinary water system (which may involve drilling a well, designing a new system, designing an expansion to an existing system, etc.). This can become quite a costly expense to mandatorily require prior to the applicant having indication whether the use will be approved.

To be responsive to the Planning Commission's water concerns, the following revisions have been added. Lines 110-112 have been added to require the applicant to provide feasibility letters for both water and sewer. In lines 127-137 the Planning Commission will find that the water standard has been revised to include additional specificity. This specificity is taken in some form from the subdivision chapter. It allows the Planning Commission to apply a condition of approval that mandates that evidence of "wet water" is provided prior to the execution of the land use. Because evidence of "wet water" is already a requirement to obtain a building permit, this may turn out to be a redundant clause; however, if the condition is applied at conditional use permit, and it is later determined that there is an insufficient source of water, then the CUP is invalid, and no longer approved.

Evidence of "wet water" is necessary prior to building permit approval, but to require it before the applicant knows whether the use can be approved may be excessive.

Code drafting, generally. The proposal may still have some drafting and legal work before being adoption ready.

The proposed changes are attached in redlined (Exhibit A) and clean (Exhibit B) copies. For the redlined copies the following is the key to interpretation:

~~Red strikeout indicates text being deleted.~~
Blue underline indicates text being added.
~~Green strikeout indicates text moving to another location.~~
Green double underline indicates text being moved to this location.

Planning Commission Consideration. I respectfully request that the Planning Commission carefully consider the proposal, and provide me general direction as to needed changes prior to it being formally presented for review and recommendation to the County Commission.

Attachments. In the attached exhibits the planning Commission will find the documents as listed below. They are being provided for the Planning Commission's reference, and may prove useful during our discussion.

- Exhibit A: (Proposed) Conditional Use Code with Track Changes
- Exhibit B: (Proposed) Conditional Use Code without Track Changes
- Exhibit C: Weber County Land Use Code Revision Process Workflow

Exhibit A: Proposed Conditional Use Code Amendment -- With Track Changes

Sec. 101-1-7. - Definitions.

...

Use, conditional. ~~The term "conditional use" means a use, because of characteristics peculiar to it, or because of size, technological processes, or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control that mitigates or eliminates any detrimental impacts the use might have on the county, surrounding neighbors, or adjacent land uses and makes such uses consistent and compatible with other existing or permissible uses in the same districts, and assures that such uses shall not be adverse to the public interest.~~ "Conditional use" means a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Comment [c1]: Taken straight from state code.

...

CHAPTER 4. - CONDITIONAL USES

Sec. 108-4-1. - Purpose and intent.

(a) The purposes of this Chapter are to:

(1) provide for the intent of the respective zones, and to provide for the vision, goals, and objectives of the respective general plans, by specifying general standards that may be applied by the Land Use Authority to a use listed as a conditional use in this Land Use Code; and

(2) provide a reasonable process for the application for and timely review of a conditional use permit.

Comment [c2]: Future change: reference the new land use table here.

(b) The intent of providing conditional use regulations is to provide allowance for additional uses in each zone and give the Land Use Authority flexibility in applying reasonable conditions to effectively manage unique characteristics or detrimental effects of those uses, on a case by case basis. Conditions shall be related to the standards of this Chapter, or applicable requirements of this Land Use Code.

~~(a) The purpose of this chapter is to establish standards for land uses listed in each zone as a conditional use, and to provide for a reasonable application, review, and approval process for land uses that are specified as "conditional."~~

~~(b) Conditional uses are intended to allow greater flexibility by providing a wider variety of uses in a zone, while at the same time allowing conditions to be applied, due to their unique characteristics or potential impacts on surrounding uses. These may be appropriate only in certain locations and/or under specific conditions that mitigate potential impacts. If impacts cannot be mitigated, the conditional use may be deemed incompatible in some areas.~~

(Ord. of 1956, § 22C-1; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-2. - Conditional use permit.

Comment [c3]: See new CUP definition

(a) A conditional use permit shall be required for all uses listed as a conditional use in the Weber County Land Use Code. The conditional use permit shall list all conditions and requirements, based on applicable standards, determined appropriate to substantially mitigate the ~~impacts~~ detrimental effects created by the use in order to make it acceptable at the specific location.

(b) In the event a change is proposed from the conditions of the original approval, an amendment to the original conditional use permit shall be required.

~~(b)~~(c) A conditional use permit shall run with the property, unless the permit has expired, ~~or has~~ been revoked, or the use has been abandoned.

(Ord. of 1956, § 22C-2; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-3. ~~–~~ Application and ~~R~~review procedure.

Applications for a conditional use permit shall be submitted to the planning division.

(1) ~~An application shall include:~~The application shall include the information in the following list. For those applications where no changes are proposed to an existing site or structure, or where the application requirements are unnecessary to demonstrate compliance with applicable ordinances and standards, the application requirements may be modified or consolidated by the Planning Director or designee.

a. a~~A~~ completed application form signed by the property owner or certified agent;~~.~~

b. a~~A~~n application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application~~.~~

c. a~~A~~ written narrative ~~addressing the criteria of issuance section 108-4-4~~explaining the proposal. The narrative hall include, at a minimum, the following information:

1. the name of the project;
2. the name, home address, and, if applicable, business address, of the applicant;
3. as applicable, the name and business address of the project designer or engineer; and
4. ~~1.~~ a written explanation of how the proposal complies with the applicable standards of S~~s~~ection 108-4-4, and those applicable standards of Section 108-1 and Section 108-2; and

d. a d~~D~~etailed ~~location~~ vicinity map. The map shall include the following minimum information:

1. the name of the project;
2. a north arrow;
3. all significant natural and manmade features and existing structures within 200 feet of any portion of the proposed project area;
4. the property boundaries of the proposal; and
5. ~~2.~~ the names and site addresses of adjacent property owners; and

e. a site plan of the proposal. The site plan shall be designed to provide, at a minimum, the following information:

1. the name of the project;
2. the name, home, and if applicable, business address, of the applicant;
3. as applicable, the name and business address of the project designer or engineer;
4. the image shall be drawn to a scale that makes the project easily and clearly legible;
5. a north arrow pointing to the left or top of the sheet;
6. the boundary of the site, including any building pad, public and private easements, and other areas affected by the proposal;
7. the existing uses and ownership information for adjacent parcels;

Comment [c4]: Something that might change before final ordinance is brought to PC: Some of the application requirements are for commercial, industrial, multifamily, etc., and are too robust for other application types. I may move them into the design review chapter instead, and leave more general requirements here.

Comment [c5]: Check reference

Comment [c6]: Check reference

8. existing zoning;

9. total acreage of the entire affected property and, if the property is split by zoning, the total acreage of property in each zone;

10. the location and width of existing and proposed roads, driveways, and parking areas, as may be applicable;

11. the location of any existing and proposed manmade features, including, but not limited to, bridges, railroad tracks, trails and pathways, structures, and fences;

12. the existing and, if applicable, proposed culinary water, irrigation water, and sanitary sewer or septic infrastructure;

13. the existing and proposed topographic contours, including, if applicable, any details necessary to explain proposed grade changes, fills or excavations, or any other earth work, together with accompanied drainage plans, storm water pollution prevention plans, and revegetation plans, as may be applicable;

14. the location and type of existing landscaping and vegetation, and proposed changes thereto if any. If applicable, location and type of new landscaping and vegetation;

15. The location of flood plain boundaries, if applicable; and

~~3.~~16. Any other proposed site improvements showing details and other applicable design and architectural requirements specified in Section 108-1 and Section 108-2; and

~~Detailed building plans and site plans~~ ~~Detailed building plans and site plans specifications shall be drawn to scale including electronic copies showing details and other applicable zoning requirements as which are outlined in chapter 1 of this title, Design review, and chapter 2 of this title, Ogden Valley Architectural, Landscape and Screening Standards.~~

~~a. Accompanying documents including water and wastewater feasibility letters.~~

~~b. Any additional pertinent information needed to adequately describe the proposal.~~

f. culinary water and sanitary sewer or septic verification, as may be applicable for the specific use. Culinary water and sanitary sewer or septic verification shall include feasibility letters from the applicable water and sanitary sewer or septic entity or agency;

Comment [c7]: Water and sewer feasibility. See also beefed up water standard in 108-4-5.

g. ~~A requirement that the applicant submit~~ applicable impact studies or other technical studies that may be necessary to provide evidence of anticipated detrimental effects of the proposal or evidence of compliance with the applicable standards, as may be required by the Planning Director or County Engineer;~~regarding grading, drainage, traffic, geologic hazards, etc.~~ and

~~c.~~h. Any additional pertinent information needed to adequately describe the proposal, or provide evidence of compliance with the applicable standards, as determined by the Planning Director.

~~d.~~i. ~~For those applications where no changes are proposed to an existing structure, the application requirements may be modified by the planning director.~~

(2) Application submittal and review.

a. ~~The application review procedure for proposed conditional uses~~The County's review of a conditional use permit application ~~and the site plan will ensure~~is intended to verify

compliance with ~~all~~ applicable ordinances and provide appropriate and reasonable mitigation of anticipated detrimental effects.

b. The application review procedure ~~shall contain the following components~~is as follows:

1. Pre- application meeting. Prior to submission of a complete application, a~~A~~ pre-application meeting is required to be held with planning staff, in which an applicant will provide preliminary ~~site~~ plans ~~are reviewed and~~for planning staff to review and ~~discussed~~ discuss with the applicant. This meeting is intended to provide the applicant with a better understanding of the conditional use process and requirements in order to assist with the submission of a complete application.~~prior to finished plans being submitted for review;~~

2. Complete application submission. Upon assembling a complete application, the applicant may submit it for substantive review. Incomplete applications shall not be accepted. Staff will review the application for completeness. In the event the application is incomplete, staff will return it to the applicant with a list of deficiencies. ~~A review of the application for completeness;~~

3. Referral of the application to reviewers. Upon acceptance of an application, planning staff shall transmit it to applicable reviewers as may be determined necessary to verify compliance with the standards of this Chapter, or relevant requirements of any other Chapter of this Land Use Code.

4. Reviewer's recommendations. Within a reasonable timeframe, applicable reviewers shall forward to planning staff reasonable recommendations for conditions necessary to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

5. Planning staff review and recommendation to the Land Use Authority. Planning staff shall review the application, together with any reasonable recommendations from applicable reviewers, to determine compliance with this Land Use Code. Planning staff shall assemble a staff recommendation, with conditions and findings, for the application, then forward the recommendation with the application to the Land Use Authority for a final decision.

~~3.~~6. Land Use Authority review and decision. Upon receipt of the application and staff recommendation the Land Use Authority shall make final decision on whether the application complies with this Land Use Code, in accordance with the requirements of Section 108-4-4. Final decisions shall be accompanied by any applicable conditions, and relevant findings.

Comment [c8]: Check reference

7. The Planning Commission is the Land Use Authority for conditional use permits. De minimis revisions to a previously approved conditional use permit may be approved by the Planning Director provided it can be determined that the changes are slight, inconsequential, and not in violation of any substantive provision of this code. The planning director's written approval of a de minimis revision shall be appended to the written decision of the planning commission. Revisions that are de minimis shall not require public notice.

Comment [c9]: This is a placeholder until the Land Use Authority matrix is completed and the land use table is completed. It may change after that.

~~1. A review of the proposed site plan for compliance with applicable sections of the Land Use Code;~~

~~2. A review of the proposed use and site plan to ascertain potential negative impacts and whether reasonable conditions can be imposed to mitigate those impacts.~~

(Ord. of 1956, § 22C-3; Ord. No. 4-71; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-4. ~~–~~ Decision requirements. ~~Criteria for issuance of conditional use permit.~~

~~Conditional uses shall be approved on a case-by-case basis. The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:~~

(a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this Chapter, or relevant standards or requirements of any other Chapter of this Land Use Code. When considering any of the standards, the Land Use Authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

~~(1) Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.~~

~~(2) That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards for such use.~~

(Ord. of 1956, § 22C-4; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-5. – Conditional use standards.

The following is a list of standards that may be applied to a conditional use permit. The Land Use Authority may apply conditions of approval related to any of the below standards, provided that:

(1) credible evidence exists that the application of the standard is relevant to the use; and
(2) credible evidence exists that the conditions are reasonable and necessary to substantially mitigate detrimental effects of the use as specified in the standard.

The Land Use Authority shall refer to the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions.

(3) Standards relating to safety for persons and property.
   a. Mitigate injury, loss of life, property damage, or other disproportionate demand for services on applicable fire fighting agencies.
   b. Mitigate injury, loss of life, or other disproportionate demand for services on applicable emergency medical service agencies.
   c. Mitigate injury, loss of life, property damage, criminal activity, the need for added peace keeping activities, or other disproportionate demand for services on the County Sheriff's Office.

Comment [c10]: Definition of "mitigate";

1: to cause to become less harsh or hostile : mollify <aggressiveness may be *mitigated* or ... channeled — Ashley Montagu>
2a : to make less severe or painful : alleviate
b **:** extenuate

Comment [c11]: From State Code. UCA §17-27a-506.

In essence: find a way to enable the use, but mitigate the negative effects. Use standards to help mitigate the effects.

Comment [c12]: Straight from State Code. UCA §17-27a-506.

Comment [c13]: Asking the Planning Commission to allow the agency leads and other reviewers to help identify the trouble spots.

Comment [c14]: Examples of conditions for mitigation may include any reasonable method of fire hazard avoidance or fire fighting, including, but not limited to: coordination and cooperation with the local fire authorities, site design and layout; building, structure, or other facility design and layout; defensible space; ingress and egress; emergency evacuation; fire fighting facilities; fire flow capacity; fire apparatus access; fire fighting staging; and other related fire hazards mitigation as authorize by local, state, and federal laws.

Comment [c15]: Examples of conditions for mitigation may include coordination and cooperation with the fire and EMS agencies, and compensation for the need for additional fire and EMS presence beyond typical service levels.

Comment [c16]: Examples of conditions for mitigation may include coordination and cooperation with the Sheriff's Office, and compensation for the need for additional Sheriff's Deputy presence beyond typical service levels.

d. Mitigate injury, loss of life, or property damage of any known geologic hazard or flood hazard, if credible evidence of such a detrimental effect is present.

e. Mitigate the creation of traffic hazards and right-of-way conflicts, including mitigation of traffic hazards caused by:

1. the location, massing, size, or height of buildings, structures, and other facilities, including signage, fencing and landscaping;

2. the frequency of heavy truck traffic to and from the site (i.e. import and export of materials, deliveries, etc.) to minimize right-of-way conflicts with regular vehicle and pedestrian traffic.

f. Substantially mitigate the likelihood that the proposed use or facility may cause bodily injury or property damage to potential persons or property in the area.

(4) Standards relating to infrastructure, amenities, and services.

a. Mitigate undesirable vehicle or pedestrian traffic patterns or volumes.

b. Mitigate internal circulation inefficiencies and provide for adequate onsite parking given the unique specificities of the proposed use or the proposed site plan.

c. Mitigate material degradation of the level of service of any street.

d. Mitigate material degradation of the level of service of any storm water drainage facility or infrastructure, and adequately provide for storm water drainage from the site.

e. Mitigate material degradation of the level of service of any culinary and irrigation water facility or infrastructure, and, if applicable, provide adequate culinary and irrigation water service to the site. To help determine adequacy of culinary water provisions the Land Use Authority may require:

1. written verification that the culinary water source of any new public water system can meet the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department; or

2. a capacity assessment letter from the Utah Division of Drinking Water for the expansion of any existing public water system; or

3. written verification that the source of any well providing culinary water for the use meets the requirements of the Weber Morgan Health Department. This verification shall be based on a test of the new or existing well.

f. Mitigate material degradation of the level of service of any sanitary sewer service, and, if applicable, provide adequate sanitary sewer service to, or septic system on, the site.

g. Mitigate material degradation of the level of service of any other utility, and, if applicable, adequately provide such utility services to the site.

h. Mitigate material degradation of the level of service, functionality, capacity, or usability of the existing open spaces, public features, or recreational amenities in the area, and, if applicable, adequately provide additional open spaces, public features, or recreational amenities.

i. Mitigate any disproportionate demand for government services, generally.

(5) Standards relating to the environment.

a. Mitigate detrimental effects on the natural features of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, rivers and creeks, lakes, ponds, and reservoirs, wetlands, drainage ways, ground water protection, and slopes.

b. Mitigate detrimental effects on the natural environment of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, wildlife, air quality, water quality (including erosion control), local natural resources, natural vegetation (including protection against noxious or invasive species), and wildland areas.

(6) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.

a. Provided buffering, screening, or fencing of the use or site, or provide other landscape features, sufficient to mitigate the proximity of incompatible uses, objectionable site features, and disharmony with existing and future land uses in the area.

b. Providing hours of operation appropriate for the general nature and character of existing land uses in the area to mitigate conflict or incompatibility with surrounding uses by

Comment [c17]: Examples of conditions for mitigation may include appropriate design, construction, and location of structures, buildings and facilities.

Comment [18]: This standard is intended to be the "umbrella" standard to catch what the others do not. Much more difficult to track the outcomes, and the resulting conditions are going to be more difficult to defend without really good findings, but it may be useful when a proposal is presented that other standards do not catch.

Comment [c19]: Examples of conditions for mitigation: this may include provision for, relocation of, or protection of infrastructure or amenities. Mitigation may take into consideration the existing and, if applicable, proposed configuration and size of streets, driveways, driveway and parking lot approaches, parking lots and/or parking spaces, and pedestrian pathways. Mitigation may also consider peak traffic demands, and other applicable infrastructure constraints.

Comment [c20]: Examples of conditions for mitigation may include the provision for infrastructure or amenities for the reduction of vehicle and pedestrian conflicts; the provision of sufficient space for loading and unloading; the provision of sufficient space and access to waste collection facilities; and the provision for additional parking lot standards beyond those required in Section 108-8, including, but not limited to, number of parking spaces, parking space dimensions, parking lot isle dimensions, parking lot isle and driveway connections and configuration, and cross access easements or agreements for adjacent properties.

Comment [c21]: Beefed up water standards. May be revised pending formal health department review and Div, Drinking Water Review.

Comment [c22]: There can be a lot of subjectivity in this determination. Stick to the facts. Try not to be tempted to deny a permit because it does not comply with your interpretation of this. Try not to use this to overdesign the proposal so much that it is cost prohibitive. Instead, find reasonable ways to help the proposal fit in better. Look to existing design features in the area. Look to the design review standards for help. Strengthen the design review standards if necessary.

Comment [c23]: Consolidated the two landscape standards into one.

Comment [c24]: Rather than denying an application because "it doesn't fit," help it fit by requiring these types of site features.

Comment [c25]: Changed "unattractive" to "objectionable."

c. Provide reclamation, restoration, clean-up, or beautification of the site as the use evolves, or as the use is terminated, in order to mitigate aesthetic and nuisance effects.

d. Mitigate nuisance factors including, but not limited to, light and glare, noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, electromagnetic disturbances, and radiation, if credible evidence of such a nuisance is present.

e. Mitigate detrimental effects of the use considering the combined effect of it and other main uses on the property.

f. To the extent supported by law, mitigate other general detrimental effects in a manner that sustains the objectives and intentions of the County's general plan, future land use map (or proposed land use map) and this Land Use Code.

(7) Standards Relating to Performance.

a. Mitigate potential noncompliance or poor performance by providing appropriate performance measures, including, but not limited to, completion or performance bonds, completion agreements, and development agreements.

b. Mitigate potential noncompliance or poor performance by requiring regular review or monitoring of the use by an appropriately qualified professional.

(8) Standards Generally

a. Mitigate unsustainable effects on the economy of the surrounding area or County, generally, if credible evidence of such negative effects is present.

b. Provide appropriate mitigation of detrimental effects as provided elsewhere in this land use code in a manner that provides compliance with the provisions of the land use code, and any other federal, state, or local regulation, as may be applicable.

~~(1)~~(9) Voluntary contributions providing satisfactory compliance with applicable standards. When considering a conditional use the Land Use Authority has discretion to determine satisfactory compliance with any applicable standard, requirement, provision, or restriction of this Chapter if the applicant has voluntarily offered a more desirable alternative to mitigate the reasonably anticipated detrimental effects of the use than those otherwise specified here. The Land Use Authority may require a development agreement to execute the voluntary alternative.

Sec. 108-4-~~6~~5. - Appeal.

(a) ~~The decision of the planning commission~~Land Use Authority may be appealed to the ~~county commission~~Appeal Authority, in accordance with section 102-3 of this land use code, by filing such appeal within 15 days after the written decision of the ~~planning commission~~Land Use Authority.

(b) ~~The county commission~~Appeal Authority may uphold or reverse the decision of the ~~planning commission~~Land Use Authority and impose any additional conditions that it may deem necessary in granting an appeal. ~~The decision of the county commission shall be final.~~

(c) The Board of Adjustment is the Appeal Authority for conditional use permits.

~~A conditional use permit may be revoked by the planning commission upon failure to comply with the conditional use permit.~~

Comment [c26]: This is a placeholder until the Appeal Authority section has been re-written. It may change after that.

(Ord. of 1956, § 22C-5; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-~~7~~6. - Permit and improvement guarantee.

(a) Prior to the issuance of a conditional use permit the applicant shall submit the appropriate required letters and/or permits from the appropriate review agencies.

(b) Prior to the issuance of certificate of occupancy permit, a business license or any other permit required by the county, the developer shall deposit funds into an escrow account with the county engineering division for all off-site improvements and on-site landscaping, as may be allowed by law, as per the approved site plan, and for the completion of any ~~un~~incomplete~~d~~ improvements or conditions of approval.

(Ord. of 1956, § 22C-6; Ord. No. 4-71; Ord. No. 21-83; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-87. – Revocation and Eexpiration.

(a) A conditional use permit may be revoked by the Land Use Authority upon failure to comply with any applicable standard, requirement, provision, restriction, or condition of approval. A conditional use permit may also be revoked by the Land Use Authority if the use evolves to be more impactful than originally proposed, anticipated, evaluated or reviewed.

~~(a)~~(b) Unless there is substantial action under a conditional use permit within a maximum period of one year of its approval from the ~~planning commission~~Land Use Authority, the conditional use permit shall expire. The ~~planning commission~~Land Use Authority may grant a maximum extension of six months. Upon expiration of any extension of time granted by the planning commission, the approval for the conditional use permit shall expire and become null and void.

(Ord. of 1956, § 22C-7; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-98. - ~~Discontinued~~ Abandoned use.

When an approved conditional use has been discontinued and/or abandoned for a period of one year, the conditional use permit becomes null and void. In order to restore the conditional use, a new application shall be filed for review and consideration by the ~~planning commission~~Land Use Authority.

(Ord. of 1956, § 22C-8; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Comment [c27]: Need to specify revocation procedures. Will do in the administrative section 102-4 in another round of amendments.

Sec. 101-1-7. - Definitions.

...

Use, conditional. "Conditional use" means a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

...

CHAPTER 4. - CONDITIONAL USES

Sec. 108-4-1. - Purpose and intent.

(a) The purposes of this Chapter are to:

(1) provide for the intent of the respective zones, and to provide for the vision, goals, and objectives of the respective general plans, by specifying general standards that may be applied by the Land Use Authority to a use listed as a conditional use in this Land Use Code; and

(2) provide a reasonable process for the application for and timely review of a conditional use permit.

(b) The intent of providing conditional use regulations is to provide allowance for additional uses in each zone and give the Land Use Authority flexibility in applying reasonable conditions to effectively manage unique characteristics or detrimental effects of those uses, on a case by case basis. Conditions shall be related to the standards of this Chapter, or applicable requirements of this Land Use Code.

(Ord. of 1956, § 22C-1; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-2. - Conditional use permit.

(a) A conditional use permit shall be required for all uses listed as a conditional use in the Weber County Land Use Code. The conditional use permit shall list all conditions and requirements, based on applicable standards, determined appropriate to substantially mitigate the detrimental effects created by the use in order to make it acceptable at the specific location.

(b) In the event a change is proposed from the conditions of the original approval, an amendment to the original conditional use permit shall be required.

(c) A conditional use permit shall run with the property, unless the permit has expired. been revoked, or the use has been abandoned.

(Ord. of 1956, § 22C-2; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-3. – Application and review procedure.

Applications for a conditional use permit shall be submitted to the planning division.

(1) The application shall include the information in the following list. For those applications where no changes are proposed to an existing site or structure, or where the application requirements are unnecessary to demonstrate compliance with applicable ordinances and standards, the application requirements may be modified or consolidated by the Planning Director or designee.

a. a completed application form signed by the property owner or certified agent;

b. an application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application

c. a written narrative explaining the proposal. The narrative hall include, at a minimum, the following information:

1. the name of the project;
2. the name, home address, and, if applicable, business address, of the applicant;
3. as applicable, the name and business address of the project designer or engineer; and
4. a written explanation of how the proposal complies with the applicable standards of Section 108-4-4, and those applicable standards of Section 108-1 and Section 108-2; and

d. a detailed vicinity map. The map shall include the following minimum information:

1. the name of the project;
2. a north arrow;
3. all significant natural and manmade features and existing structures within 200 feet of any portion of the proposed project area;
4. the property boundaries of the proposal; and
5. the names and site addresses of adjacent property owners; and

e. a site plan of the proposal. The site plan shall be designed to provide, at a minimum, the following information:

1. the name of the project;
2. the name, home, and if applicable, business address, of the applicant;
3. as applicable, the name and business address of the project designer or engineer;
4. the image shall be drawn to a scale that makes the project easily and clearly legible;
5. a north arrow pointing to the left or top of the sheet;
6. the boundary of the site, including any building pad, public and private easements, and other areas affected by the proposal;
7. the existing uses and ownership information for adjacent parcels;
8. existing zoning;
9. total acreage of the entire affected property and, if the property is split by zoning, the total acreage of property in each zone;
10. the location and width of existing and proposed roads, driveways, and parking areas, as may be applicable;
11. the location of any existing and proposed manmade features, including, but not limited to, bridges, railroad tracks, trails and pathways, structures, and fences;
12. the existing and, if applicable, proposed culinary water, irrigation water, and sanitary sewer or septic infrastructure;
13. the existing and proposed topographic contours, including, if applicable, any details necessary to explain proposed grade changes, fills or excavations, or any other

earth work, together with accompanied drainage plans, storm water pollution prevention plans, and revegetation plans, as may be applicable;

14. the location and type of existing landscaping and vegetation, and proposed changes thereto if any. If applicable, location and type of new landscaping and vegetation;

15. The location of flood plain boundaries, if applicable; and

16. Any other proposed site improvements showing details and other applicable design and architectural requirements specified in Section 108-1 and Section 108-2; and

f. culinary water and sanitary sewer or septic verification, as may be applicable for the specific use. Culinary water and sanitary sewer or septic verification shall include feasibility letters from the applicable water and sanitary sewer or septic entity or agency;

g. applicable impact studies or other technical studies that may be necessary to provide evidence of anticipated detrimental effects of the proposal or evidence of compliance with the applicable standards, as may be required by the Planning Director or County Engineer; and

h. Any additional pertinent information needed to adequately describe the proposal, or provide evidence of compliance with the applicable standards, as determined by the Planning Director.

i.

(2) Application submittal and review.

a. The County's review of a conditional use permit application is intended to verify compliance with applicable ordinances and provide appropriate and reasonable mitigation of anticipated detrimental effects.

b. The application review procedure is as follows:

1. Pre- application meeting. Prior to submission of a complete application, a pre-application meeting is required to be held with planning staff, in which an applicant will provide preliminary plans for planning staff to review and discuss with the applicant. This meeting is intended to provide the applicant with a better understanding of the conditional use process and requirements in order to assist with the submission of a complete application.

2. Complete application submission. Upon assembling a complete application, the applicant may submit it for substantive review. Incomplete applications shall not be accepted. Staff will review the application for completeness. In the event the application is incomplete, staff will return it to the applicant with a list of deficiencies.

3. Referral of the application to reviewers. Upon acceptance of an application, planning staff shall transmit it to applicable reviewers as may be determined necessary to verify compliance with the standards of this Chapter, or relevant requirements of any other Chapter of this Land Use Code.

4. Reviewer's recommendations. Within a reasonable timeframe, applicable reviewers shall forward to planning staff reasonable recommendations for conditions necessary to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

5. Planning staff review and recommendation to the Land Use Authority. Planning staff shall review the application, together with any reasonable recommendations from applicable reviewers, to determine compliance with this Land Use Code. Planning staff shall assemble a staff recommendation, with conditions and findings, for the application, then forward the recommendation with the application to the Land Use Authority for a final decision.

6. Land Use Authority review and decision. Upon receipt of the application and staff recommendation the Land Use Authority shall make final decision on whether the application complies with this Land Use Code, in accordance with the requirements of Section 108-4-4. Final decisions shall be accompanied by any applicable conditions, and relevant findings.

7. The Planning Commission is the Land Use Authority for conditional use permits. De minimis revisions to a previously approved conditional use permit may be approved by the Planning Director provided it can be determined that the changes are slight, inconsequential, and not in violation of any substantive provision of this code. The planning director's written approval of a de minimis revision shall be appended to the written decision of the planning commission. Revisions that are de minimis shall not require public notice.

(Ord. of 1956, § 22C-3; Ord. No. 4-71; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-4. – Decision requirements.

(a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this Chapter, or relevant standards or requirements of any other Chapter of this Land Use Code. When considering any of the standards, the Land Use Authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

(Ord. of 1956, § 22C-4; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-5. – Conditional use standards.

The following is a list of standards that may be applied to a conditional use permit. The Land Use Authority may apply conditions of approval related to any of the below standards, provided that:

(1) credible evidence exists that the application of the standard is relevant to the use; and
(2) credible evidence exists that the conditions are reasonable and necessary to substantially mitigate detrimental effects of the use as specified in the standard.

The Land Use Authority shall refer to the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions.

(3) Standards relating to safety for persons and property.

a. Mitigate injury, loss of life, property damage, or other disproportionate demand for services on applicable fire fighting agencies.

b. Mitigate injury, loss of life, or other disproportionate demand for services on applicable emergency medical service agencies.

c. Mitigate injury, loss of life, property damage, criminal activity, the need for added peace keeping activities, or other disproportionate demand for services on the County Sheriff's Office.

d. Mitigate injury, loss of life, or property damage of any known geologic hazard or flood hazard, if credible evidence of such a detrimental effect is present.

e. Mitigate the creation of traffic hazards and right-of-way conflicts, including mitigation of traffic hazards caused by:

1. the location, massing, size, or height of buildings, structures, and other facilities, including signage, fencing and landscaping;
2. the frequency of heavy truck traffic to and from the site (i.e. import and export of materials, deliveries, etc.) to minimize right-of-way conflicts with regular vehicle and pedestrian traffic.

f. Substantially mitigate the likelihood that the proposed use or facility may cause bodily injury or property damage to potential persons or property in the area.

(4) Standards relating to infrastructure, amenities, and services.

a. Mitigate undesirable vehicle or pedestrian traffic patterns or volumes.

b. Mitigate internal circulation inefficiencies and provide for adequate onsite parking given the unique specificities of the proposed use or the proposed site plan.

c. Mitigate material degradation of the level of service of any street.

d. Mitigate material degradation of the level of service of any storm water drainage facility or infrastructure, and adequately provide for storm water drainage from the site.

c. Mitigate material degradation of the level of service of any culinary and irrigation water facility or infrastructure, and, if applicable, provide adequate culinary and irrigation water service to the site. To help determine adequacy of culinary water provisions the Land Use Authority may require:

1. written verification that the culinary water source of any new public water system can meet the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department; or
2. a capacity assessment letter from the Utah Division of Drinking Water for the expansion of any existing public water system; or
3. written verification that the source of any well providing culinary water for the use meets the requirements of the Weber Morgan Health Department. This verification shall be based on a test of the new or existing well.

e. Mitigate material degradation of the level of service of any sanitary sewer service, and, if applicable, provide adequate sanitary sewer service to, or septic system on, the site.

f. Mitigate material degradation of the level of service of any other utility, and, if applicable, adequately provide such utility services to the site.

g. Mitigate material degradation of the level of service, functionality, capacity, or usability of the existing open spaces, public features, or recreational amenities in the area, and, if applicable, adequately provide additional open spaces, public features, or recreational amenities.

h. Mitigate any disproportionate demand for government services, generally.

(5) Standards relating to the environment.

a. Mitigate detrimental effects on the natural features of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, rivers and creeks, lakes, ponds, and reservoirs, wetlands, drainage ways, ground water protection, and slopes.

b. Mitigate detrimental effects on the natural environment of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, wildlife, air quality, water quality (including erosion control), local natural resources, natural vegetation (including protection against noxious or invasive species), and wildland areas.

(6) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.
   a. Provided buffering, screening, or fencing of the use or site, or provide other landscape features, sufficient to mitigate the proximity of incompatible uses, objectionable site features, and disharmony with existing and future land uses in the area.
   b. Providing hours of operation appropriate for the general nature and character of existing land uses in the area to mitigate conflict or incompatibility with surrounding uses by
   c. Provide reclamation, restoration, clean-up, or beautification of the site as the use evolves, or as the use is terminated, in order to mitigate aesthetic and nuisance effects.
   d. Mitigate nuisance factors including, but not limited to, light and glare, noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, electromagnetic disturbances, and radiation, if credible evidence of such a nuisance is present.
   e. Mitigate detrimental effects of the use considering the combined effect of it and other main uses on the property.
   f. To the extent supported by law, mitigate other general detrimental effects in a manner that sustains the objectives and intentions of the County's general plan, future land use map (or proposed land use map) and this Land Use Code,

(7) Standards Relating to Performance.
   a. Mitigate potential noncompliance or poor performance by providing appropriate performance measures, including, but not limited to, completion or performance bonds, completion agreements, and development agreements.
   b. Mitigate potential noncompliance or poor performance by requiring regular review or monitoring of the use by an appropriately qualified professional.

(8) Standards Generally
   a. Mitigate unsustainable effects on the economy of the surrounding area or County, generally, if credible evidence of such negative effects is present.
   b. Provide appropriate mitigation of detrimental effects as provided elsewhere in this land use code in a manner that provides compliance with the provisions of the land use code, and any other federal, state, or local regulation, as may be applicable.

(9) Voluntary contributions providing satisfactory compliance with applicable standards. When considering a conditional use the Land Use Authority has discretion to determine satisfactory compliance with any applicable standard, requirement, provision, or restriction of this Chapter if the applicant has voluntarily offered a more desirable alternative to mitigate the reasonably anticipated detrimental effects of the use than those otherwise specified here. The Land Use Authority may require a development agreement to execute the voluntary alternative.

Sec. 108-4-6. - Appeal.

(a) Land Use Authority may be appealed to the Appeal Authority, in accordance with section 102-3 of this land use code, by filing such appeal within 15 days after the written decision of the Land Use Authority.

(b) Appeal Authority may uphold or reverse the decision of the Land Use Authority and impose any additional conditions that it may deem necessary in granting an appeal.

(c) The Board of Adjustment is the Appeal Authority for conditional use permits.

(Ord. of 1956, § 22C-5; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-7. - Permit and improvement guarantee.

(a) Prior to the issuance of a conditional use permit the applicant shall submit the appropriate required letters and/or permits from the appropriate review agencies.

(b) Prior to the issuance of certificate of occupancy permit, a business license or any other permit required by the county, the developer shall deposit funds into an escrow account with the county engineering division for all off-site improvements and on-site landscaping, as may be allowed by law,

as per the approved site plan, and for the completion of any incomplete improvements or conditions of approval.

(Ord. of 1956, § 22C-6; Ord. No. 4-71; Ord. No. 21-83; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-8. – Revocation and expiration.

(a) A conditional use permit may be revoked by the Land Use Authority upon failure to comply with any applicable standard, requirement, provision, restriction, or condition of approval. A conditional use permit may also be revoked by the Land Use Authority if the use evolves to be more impactful than originally proposed, anticipated, evaluated or reviewed.

(b) Unless there is substantial action under a conditional use permit within a maximum period of one year of its approval from the Land Use Authority, the conditional use permit shall expire. The Land Use Authority may grant a maximum extension of six months. Upon expiration of any extension of time granted by the planning commission, the approval for the conditional use permit shall expire and become null and void.

(Ord. of 1956, § 22C-7; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

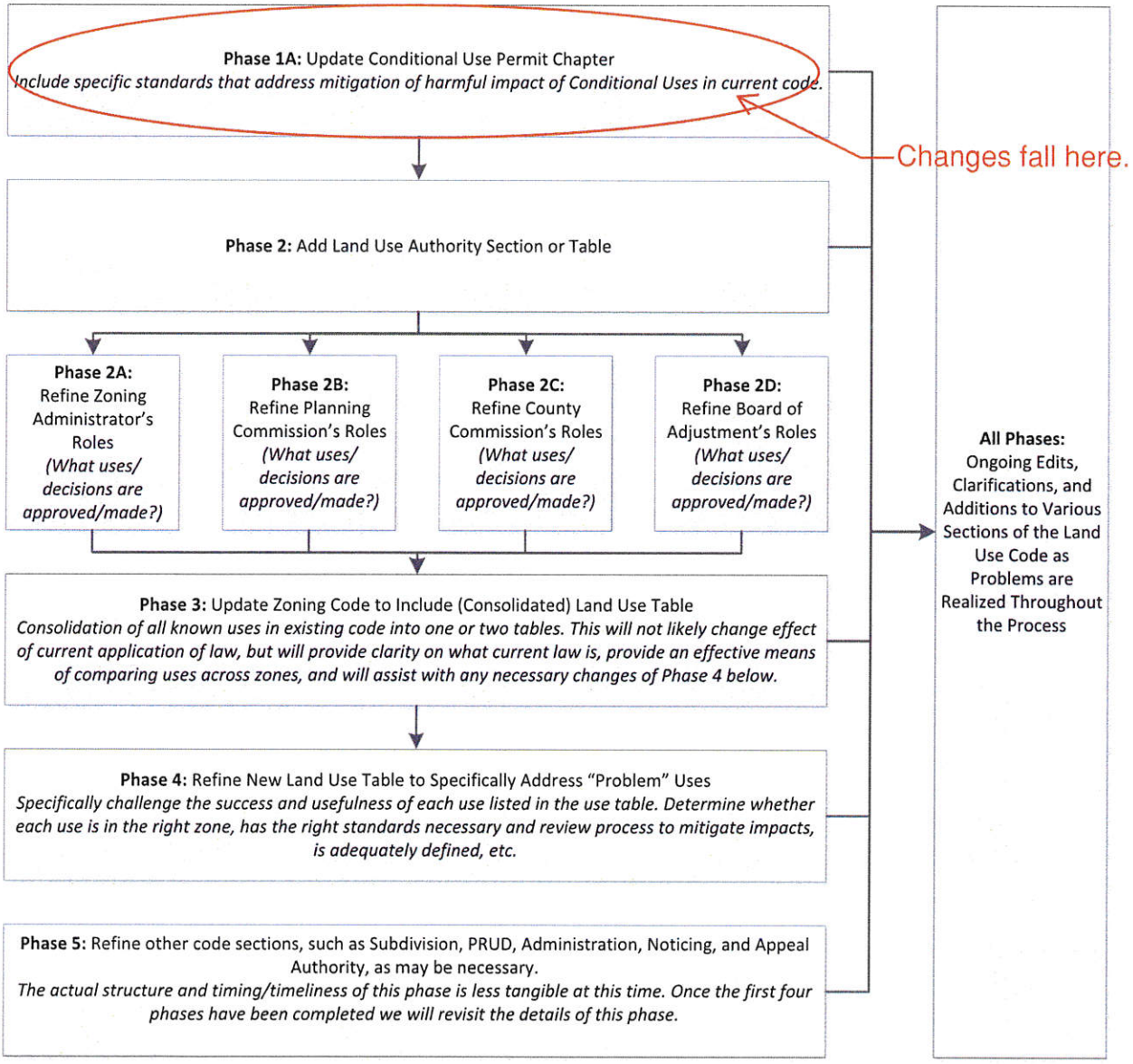
Sec. 108-4-9. - Abandoned use.

When an approved conditional use has been discontinued and/or abandoned for a period of one year, the conditional use permit becomes null and void. In order to restore the conditional use, a new application shall be filed for review and consideration by the Land Use Authority.

(Ord. of 1956, § 22C-8; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.



Weber County Planning Division

To: Ogden Valley and Western Weber Planning Commissions
From: Charles Ewert, AICP
Date: May 28, 2015
Subject: Weber County Land Use Code Revision Process: Conditional Use Code

Background. The Ogden Valley Planning Commission reviewed the proposed conditional use code in their May 5th meeting. The Western Weber Planning Commission reviewed the proposed conditional use code in their May 12th meeting. Both had comments and minor revisions. It was a first reading of the proposal. This presentation is the second reading of it during work session, prior to it being formally presented to the public for public comment, and to the Planning Commissions for final recommendation to the County Commission.

Analysis. The following are specific changes provided to the code as requested by each Planning Commission. The Planning Commission that requested the changes is denoted in the balloons in the right hand column of the text. The comments highlighted in yellow are changes that may require specific attention.

Conditional Use Definition. The definition of a conditional use permit will be replaced with the definitions from the State Code.

Land Use Authority. There was discussion with both Planning Commissions about their role in making determinations that other authorities may also have governing jurisdiction over. Even though the Planning Commission, acting as the Land Use Authority, has discretion to require more than the experts may recommend (for example: Fire Marshal, Sheriff, Engineer), it will not usually be a good idea. Your experts will help you determine the threshold of reasonable, credible, and applicable. They will help keep the Land Use Authority from straying into an area that goes "to far," or is arbitrary, capricious, or illegal. The revisions found in line 197-199 are on this point.

Water. The Ogden Valley Planning Commission had lengthy discussion about how water provisions may fit within the conditional use code. There is a desire to require evidence of "wet water" prior to CUP approval. To provide evidence of "wet water" the applicant will need to go to the expense of designing a culinary water system (which may involve drilling a well, designing a new system, designing an expansion to an existing system, etc.). This can become quite a costly expense to mandatorily require prior to the applicant having indication whether the use will be approved.

To be responsive to the Planning Commission's water concerns, the following revisions have been added. Lines 110-112 have been added to require the applicant to provide feasibility letters for both water and sewer. In lines 127-137 the Planning Commission will find that the water standard has been revised to include additional specificity. This specificity is taken in some form from the subdivision chapter. It allows the Planning Commission to apply a condition of approval that mandates that evidence of "wet water" is provided prior to the execution of the land use. Because evidence of "wet water" is already a requirement to obtain a building permit, this may turn out to be a redundant clause; however, if the condition is applied at conditional use permit, and it is later determined that there is an insufficient source of water, then the CUP is invalid, and no longer approved.

Evidence of "wet water" is necessary prior to building permit approval, but to require it before the applicant knows whether the use can be approved may be excessive.

Code drafting, generally. The proposal may still have some drafting and legal work before being adoption ready.

The proposed changes are attached in redlined (Exhibit A) and clean (Exhibit B) copies. For the redlined copies the following is the key to interpretation:

~~Red strikeout indicates text being deleted.~~
Blue underline indicates text being added.
~~Green strikeout indicates text moving to another location.~~
Green double underline indicates text being moved to this location.

Planning Commission Consideration. I respectfully request that the Planning Commission carefully consider the proposal, and provide me general direction as to needed changes prior to it being formally presented for review and recommendation to the County Commission.

Attachments. In the attached exhibits the planning Commission will find the documents as listed below. They are being provided for the Planning Commission's reference, and may prove useful during our discussion.

- Exhibit A: (Proposed) Conditional Use Code with Track Changes
- Exhibit B: (Proposed) Conditional Use Code without Track Changes
- Exhibit C: Weber County Land Use Code Revision Process Workflow

Exhibit A: Proposed Conditional Use Code Amendment -- With Track Changes

Sec. 101-1-7. - Definitions.

...

Use, conditional. ~~The term "conditional use" means a use, because of characteristics peculiar to it, or because of size, technological processes, or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control that mitigates or eliminates any detrimental impacts the use might have on the county, surrounding neighbors, or adjacent land uses and makes such uses consistent and compatible with other existing or permissible uses in the same districts, and assures that such uses shall not be adverse to the public interest.~~ "Conditional use" means a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

Comment [c1]: Taken straight from state code.

...

CHAPTER 4. - CONDITIONAL USES

Sec. 108-4-1. - Purpose and intent.

(a) The purposes of this Chapter are to:

(1) provide for the intent of the respective zones, and to provide for the vision, goals, and objectives of the respective general plans, by specifying general standards that may be applied by the Land Use Authority to a use listed as a conditional use in this Land Use Code; and

(2) provide a reasonable process for the application for and timely review of a conditional use permit.

Comment [c2]: Future change: reference the new land use table here.

(b) The intent of providing conditional use regulations is to provide allowance for additional uses in each zone and give the Land Use Authority flexibility in applying reasonable conditions to effectively manage unique characteristics or detrimental effects of those uses, on a case by case basis. Conditions shall be related to the standards of this Chapter, or applicable requirements of this Land Use Code.

~~(a) The purpose of this chapter is to establish standards for land uses listed in each zone as a conditional use, and to provide for a reasonable application, review, and approval process for land uses that are specified as "conditional."~~

~~(b) Conditional uses are intended to allow greater flexibility by providing a wider variety of uses in a zone, while at the same time allowing conditions to be applied, due to their unique characteristics or potential impacts on surrounding uses. These may be appropriate only in certain locations and/or under specific conditions that mitigate potential impacts. If impacts cannot be mitigated, the conditional use may be deemed incompatible in some areas.~~

(Ord. of 1956, § 22C-1; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-2. - Conditional use permit.

Comment [c3]: See new CUP definition

(a) A conditional use permit shall be required for all uses listed as a conditional use in the Weber County Land Use Code. The conditional use permit shall list all conditions and requirements, based on applicable standards, determined appropriate to substantially mitigate the ~~impacts~~ detrimental effects created by the use in order to make it acceptable at the specific location.

(b) In the event a change is proposed from the conditions of the original approval, an amendment to the original conditional use permit shall be required.

~~(b)~~(c) A conditional use permit shall run with the property, unless the permit has expired, ~~or has~~ been revoked, or the use has been abandoned.

(Ord. of 1956, § 22C-2; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-3. ~~–~~ Application and ~~R~~review procedure.

Applications for a conditional use permit shall be submitted to the planning division.

(1) ~~An application shall include:~~The application shall include the information in the following list. For those applications where no changes are proposed to an existing site or structure, or where the application requirements are unnecessary to demonstrate compliance with applicable ordinances and standards, the application requirements may be modified or consolidated by the Planning Director or designee.

a. a~~A~~ completed application form signed by the property owner or certified agent;~~.~~

b. a~~A~~n application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application~~.~~

c. a~~A~~ written narrative ~~addressing the criteria of issuance section 108-4-4~~explaining the proposal. The narrative hall include, at a minimum, the following information:

1. the name of the project;
2. the name, home address, and, if applicable, business address, of the applicant;
3. as applicable, the name and business address of the project designer or engineer; and
4. ~~1.~~ a written explanation of how the proposal complies with the applicable standards of S~~s~~ection 108-4-4, and those applicable standards of Section 108-1 and Section 108-2; and

d. a d~~D~~etailed ~~location~~ vicinity map. The map shall include the following minimum information:

1. the name of the project;
2. a north arrow;
3. all significant natural and manmade features and existing structures within 200 feet of any portion of the proposed project area;
4. the property boundaries of the proposal; and
5. ~~2.~~ the names and site addresses of adjacent property owners; and

e. a site plan of the proposal. The site plan shall be designed to provide, at a minimum, the following information:

1. the name of the project;
2. the name, home, and if applicable, business address, of the applicant;
3. as applicable, the name and business address of the project designer or engineer;
4. the image shall be drawn to a scale that makes the project easily and clearly legible;
5. a north arrow pointing to the left or top of the sheet;
6. the boundary of the site, including any building pad, public and private easements, and other areas affected by the proposal;
7. the existing uses and ownership information for adjacent parcels;

Comment [c4]: Something that might change before final ordinance is brought to PC: Some of the application requirements are for commercial, industrial, multifamily, etc., and are too robust for other application types. I may move them into the design review chapter instead, and leave more general requirements here.

Comment [c5]: Check reference

Comment [c6]: Check reference

8. existing zoning;

9. total acreage of the entire affected property and, if the property is split by zoning, the total acreage of property in each zone;

10. the location and width of existing and proposed roads, driveways, and parking areas, as may be applicable;

11. the location of any existing and proposed manmade features, including, but not limited to, bridges, railroad tracks, trails and pathways, structures, and fences;

12. the existing and, if applicable, proposed culinary water, irrigation water, and sanitary sewer or septic infrastructure;

13. the existing and proposed topographic contours, including, if applicable, any details necessary to explain proposed grade changes, fills or excavations, or any other earth work, together with accompanied drainage plans, storm water pollution prevention plans, and revegetation plans, as may be applicable;

14. the location and type of existing landscaping and vegetation, and proposed changes thereto if any. If applicable, location and type of new landscaping and vegetation;

15. The location of flood plain boundaries, if applicable; and

~~3.~~16. Any other proposed site improvements showing details and other applicable design and architectural requirements specified in Section 108-1 and Section 108-2; and

~~Detailed building plans and site plans~~ Detailed building plans and site plans specifications ~~shall be drawn to scale including electronic copies showing details and other applicable zoning requirements as which are outlined in chapter 1 of this title, Design review, and chapter 2 of this title, Ogden Valley Architectural, Landscape and Screening Standards.~~

~~a. Accompanying documents including water and wastewater feasibility letters.~~

~~b. Any additional pertinent information needed to adequately describe the proposal.~~

f. culinary water and sanitary sewer or septic verification, as may be applicable for the specific use. Culinary water and sanitary sewer or septic verification shall include feasibility letters from the applicable water and sanitary sewer or septic entity or agency;

g. ~~A requirement that the applicant submit~~ applicable impact studies or other technical studies that may be necessary to provide evidence of anticipated detrimental effects of the proposal or evidence of compliance with the applicable standards, as may be required by the Planning Director or County Engineer;~~regarding grading, drainage, traffic, geologic hazards, etc.~~ and

~~c.~~h. Any additional pertinent information needed to adequately describe the proposal, or provide evidence of compliance with the applicable standards, as determined by the Planning Director.

~~d.~~i. ~~For those applications where no changes are proposed to an existing structure, the application requirements may be modified by the planning director.~~

(2) Application submittal and review.

a. ~~The application review procedure for proposed conditional uses~~The County's review of a conditional use permit application ~~and the site plan will ensure~~is intended to verify

Comment [c7]: Water and sewer feasibility. See also beefed up water standard in 108-4-5.

compliance with ~~all~~ applicable ordinances and provide appropriate and reasonable mitigation of anticipated detrimental effects.

b. The application review procedure ~~shall contain the following components~~is as follows:

1. Pre- application meeting. Prior to submission of a complete application, a~~A~~ pre-application meeting is required to be held with planning staff, in which an applicant will provide preliminary ~~site~~ plans ~~are reviewed and~~for planning staff to review and ~~discussed~~ discuss with the applicant. This meeting is intended to provide the applicant with a better understanding of the conditional use process and requirements in order to assist with the submission of a complete application.~~prior to finished plans being submitted for review;~~

2. Complete application submission. Upon assembling a complete application, the applicant may submit it for substantive review. Incomplete applications shall not be accepted. Staff will review the application for completeness. In the event the application is incomplete, staff will return it to the applicant with a list of deficiencies. ~~A review of the application for completeness;~~

3. Referral of the application to reviewers. Upon acceptance of an application, planning staff shall transmit it to applicable reviewers as may be determined necessary to verify compliance with the standards of this Chapter, or relevant requirements of any other Chapter of this Land Use Code.

4. Reviewer's recommendations. Within a reasonable timeframe, applicable reviewers shall forward to planning staff reasonable recommendations for conditions necessary to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

5. Planning staff review and recommendation to the Land Use Authority. Planning staff shall review the application, together with any reasonable recommendations from applicable reviewers, to determine compliance with this Land Use Code. Planning staff shall assemble a staff recommendation, with conditions and findings, for the application, then forward the recommendation with the application to the Land Use Authority for a final decision.

~~3.~~6. Land Use Authority review and decision. Upon receipt of the application and staff recommendation the Land Use Authority shall make final decision on whether the application complies with this Land Use Code, in accordance with the requirements of Section 108-4-4. Final decisions shall be accompanied by any applicable conditions, and relevant findings.

Comment [c8]: Check reference

7. The Planning Commission is the Land Use Authority for conditional use permits. De minimis revisions to a previously approved conditional use permit may be approved by the Planning Director provided it can be determined that the changes are slight, inconsequential, and not in violation of any substantive provision of this code. The planning director's written approval of a de minimis revision shall be appended to the written decision of the planning commission. Revisions that are de minimis shall not require public notice.

Comment [c9]: This is a placeholder until the Land Use Authority matrix is completed and the land use table is completed. It may change after that.

~~1. A review of the proposed site plan for compliance with applicable sections of the Land Use Code;~~

~~2. A review of the proposed use and site plan to ascertain potential negative impacts and whether reasonable conditions can be imposed to mitigate those impacts.~~

(Ord. of 1956, § 22C-3; Ord. No. 4-71; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-4. ~~–~~ Decision requirements. ~~Criteria for issuance of conditional use permit.~~

~~Conditional uses shall be approved on a case-by-case basis. The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:~~

(a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this Chapter, or relevant standards or requirements of any other Chapter of this Land Use Code. When considering any of the standards, the Land Use Authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

~~(1) Reasonably anticipated detrimental effects of a proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts are odor, vibration, light, dust, smoke, or noise.~~

~~(2) That the proposed use will comply with the regulations and conditions specified in the Land Use Code and other applicable agency standards for such use.~~

(Ord. of 1956, § 22C-4; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-5. – Conditional use standards.

The following is a list of standards that may be applied to a conditional use permit. The Land Use Authority may apply conditions of approval related to any of the below standards, provided that:

(1) credible evidence exists that the application of the standard is relevant to the use; and
(2) credible evidence exists that the conditions are reasonable and necessary to substantially mitigate detrimental effects of the use as specified in the standard.

The Land Use Authority shall refer to the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions.

(3) Standards relating to safety for persons and property.
   a. Mitigate injury, loss of life, property damage, or other disproportionate demand for services on applicable fire fighting agencies.
   b. Mitigate injury, loss of life, or other disproportionate demand for services on applicable emergency medical service agencies.
   c. Mitigate injury, loss of life, property damage, criminal activity, the need for added peace keeping activities, or other disproportionate demand for services on the County Sheriff's Office.

Comment [c10]: Definition of "mitigate";

1: to cause to become less harsh or hostile : mollify <aggressiveness may be *mitigated* or … channeled — Ashley Montagu>
2a : to make less severe or painful : alleviate
b **:** extenuate

Comment [c11]: From State Code. UCA §17-27a-506.

In essence: find a way to enable the use, but mitigate the negative effects. Use standards to help mitigate the effects.

Comment [c12]: Straight from State Code. UCA §17-27a-506.

Comment [c13]: Asking the Planning Commission to allow the agency leads and other reviewers to help identify the trouble spots.

Comment [c14]: Examples of conditions for mitigation may include any reasonable method of fire hazard avoidance or fire fighting, including, but not limited to: coordination and cooperation with the local fire authorities, site design and layout; building, structure, or other facility design and layout; defensible space; ingress and egress; emergency evacuation; fire fighting facilities; fire flow capacity; fire apparatus access; fire fighting staging; and other related fire hazards mitigation as authorize by local, state, and federal laws.

Comment [c15]: Examples of conditions for mitigation may include coordination and cooperation with the fire and EMS agencies, and compensation for the need for additional fire and EMS presence beyond typical service levels.

Comment [c16]: Examples of conditions for mitigation may include coordination and cooperation with the Sheriff's Office, and compensation for the need for additional Sheriff's Deputy presence beyond typical service levels.

d. Mitigate injury, loss of life, or property damage of any known geologic hazard or flood hazard, if credible evidence of such a detrimental effect is present.

e. Mitigate the creation of traffic hazards and right-of-way conflicts, including mitigation of traffic hazards caused by:

1. the location, massing, size, or height of buildings, structures, and other facilities, including signage, fencing and landscaping;
2. the frequency of heavy truck traffic to and from the site (i.e. import and export of materials, deliveries, etc.) to minimize right-of-way conflicts with regular vehicle and pedestrian traffic.

f. Substantially mitigate the likelihood that the proposed use or facility may cause bodily injury or property damage to potential persons or property in the area.

(4) Standards relating to infrastructure, amenities, and services.

a. Mitigate undesirable vehicle or pedestrian traffic patterns or volumes.

b. Mitigate internal circulation inefficiencies and provide for adequate onsite parking given the unique specificities of the proposed use or the proposed site plan.

c. Mitigate material degradation of the level of service of any street.

d. Mitigate material degradation of the level of service of any storm water drainage facility or infrastructure, and adequately provide for storm water drainage from the site.

e. Mitigate material degradation of the level of service of any culinary and irrigation water facility or infrastructure, and, if applicable, provide adequate culinary and irrigation water service to the site. To help determine adequacy of culinary water provisions the Land Use Authority may require:

1. written verification that the culinary water source of any new public water system can meet the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department; or
2. a capacity assessment letter from the Utah Division of Drinking Water for the expansion of any existing public water system; or
3. written verification that the source of any well providing culinary water for the use meets the requirements of the Weber Morgan Health Department. This verification shall be based on a test of the new or existing well.

e. Mitigate material degradation of the level of service of any sanitary sewer service, and, if applicable, provide adequate sanitary sewer service to, or septic system on, the site.

f. Mitigate material degradation of the level of service of any other utility, and, if applicable, adequately provide such utility services to the site.

g. Mitigate material degradation of the level of service, functionality, capacity, or usability of the existing open spaces, public features, or recreational amenities in the area, and, if applicable, adequately provide additional open spaces, public features, or recreational amenities.

h. Mitigate any disproportionate demand for government services, generally.

(5) Standards relating to the environment.

a. Mitigate detrimental effects on the natural features of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, rivers and creeks, lakes, ponds, and reservoirs, wetlands, drainage ways, ground water protection, and slopes.

b. Mitigate detrimental effects on the natural environment of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, wildlife, air quality, water quality (including erosion control), local natural resources, natural vegetation (including protection against noxious or invasive species), and wildland areas.

(6) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.

a. Provided buffering, screening, or fencing of the use or site, or provide other landscape features, sufficient to mitigate the proximity of incompatible uses, objectionable site features, and disharmony with existing and future land uses in the area.

b. Providing hours of operation appropriate for the general nature and character of existing land uses in the area to mitigate conflict or incompatibility with surrounding uses by

Comment [c17]: Examples of conditions for mitigation may include appropriate design, construction, and location of structures, buildings and facilities.

Comment [18]: This standard is intended to be the "umbrella" standard to catch what the others do not. Much more difficult to track the outcomes, and the resulting conditions are going to be more difficult to defend without really good findings, but it may be useful when a proposal is presented that other standards do not catch.

Comment [c19]: Examples of conditions for mitigation: this may include provision for, relocation of, or protection of infrastructure or amenities. Mitigation may take into consideration the existing and, if applicable, proposed configuration and size of streets, driveways, driveway and parking lot approaches, parking lots and/or parking spaces, and pedestrian pathways. Mitigation may also consider peak traffic demands, and other applicable infrastructure constraints.

Comment [c20]: Examples of conditions for mitigation may include the provision for infrastructure or amenities for the reduction of vehicle and pedestrian conflicts; the provision of sufficient space for loading and unloading; the provision of sufficient space and access to waste collection facilities; and the provision for additional parking lot standards beyond those required in Section 108-8, including, but not limited to, number of parking spaces, parking space dimensions, parking lot isle dimensions, parking lot isle and driveway connections and configuration, and cross access easements or agreements for adjacent properties.

Comment [c21]: Beefed up water standards. May be revised pending formal health department review and Div, Drinking Water Review.

Comment [c22]: There can be a lot of subjectivity in this determination. Stick to the facts. Try not to be tempted to deny a permit because it does not comply with your interpretation of this. Try not to use this to overdesign the proposal so much that it is cost prohibitive. Instead, find reasonable ways to help the proposal fit in better. Look to existing design features in the area. Look to the design review standards for help. Strengthen the design review standards if necessary.

Comment [c23]: Consolidated the two landscape standards into one.

Comment [c24]: Rather than denying an application because "it doesn't fit," help it fit by requiring these types of site features.

Comment [c25]: Changed "unattractive" to "objectionable."

c. Provide reclamation, restoration, clean-up, or beautification of the site as the use evolves, or as the use is terminated, in order to mitigate aesthetic and nuisance effects.

d. Mitigate nuisance factors including, but not limited to, light and glare, noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, electromagnetic disturbances, and radiation, if credible evidence of such a nuisance is present.

e. Mitigate detrimental effects of the use considering the combined effect of it and other main uses on the property.

f. To the extent supported by law, mitigate other general detrimental effects in a manner that sustains the objectives and intentions of the County's general plan, future land use map (or proposed land use map) and this Land Use Code.

(7) Standards Relating to Performance.

a. Mitigate potential noncompliance or poor performance by providing appropriate performance measures, including, but not limited to, completion or performance bonds, completion agreements, and development agreements.

b. Mitigate potential noncompliance or poor performance by requiring regular review or monitoring of the use by an appropriately qualified professional.

(8) Standards Generally

a. Mitigate unsustainable effects on the economy of the surrounding area or County, generally, if credible evidence of such negative effects is present.

b. Provide appropriate mitigation of detrimental effects as provided elsewhere in this land use code in a manner that provides compliance with the provisions of the land use code, and any other federal, state, or local regulation, as may be applicable.

~~(1)~~(9) Voluntary contributions providing satisfactory compliance with applicable standards. When considering a conditional use the Land Use Authority has discretion to determine satisfactory compliance with any applicable standard, requirement, provision, or restriction of this Chapter if the applicant has voluntarily offered a more desirable alternative to mitigate the reasonably anticipated detrimental effects of the use than those otherwise specified here. The Land Use Authority may require a development agreement to execute the voluntary alternative.

Sec. 108-4-6~~5~~. - Appeal.

(a) ~~The decision of the planning commission~~Land Use Authority may be appealed to the ~~county commission~~Appeal Authority, in accordance with section 102-3 of this land use code, by filing such appeal within 15 days after the written decision of the ~~planning commission~~Land Use Authority.

(b) ~~The county commission~~Appeal Authority may uphold or reverse the decision of the ~~planning commission~~Land Use Authority and impose any additional conditions that it may deem necessary in granting an appeal. ~~The decision of the county commission shall be final.~~

(c) The Board of Adjustment is the Appeal Authority for conditional use permits.

~~A conditional use permit may be revoked by the planning commission upon failure to comply with the conditional use permit.~~

Comment [c26]: This is a placeholder until the Appeal Authority section has been re-written. It may change after that.

(Ord. of 1956, § 22C-5; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-7~~6~~. - Permit and improvement guarantee.

(a) Prior to the issuance of a conditional use permit the applicant shall submit the appropriate required letters and/or permits from the appropriate review agencies.

(b) Prior to the issuance of certificate of occupancy permit, a business license or any other permit required by the county, the developer shall deposit funds into an escrow account with the county engineering division for all off-site improvements and on-site landscaping, as may be allowed by law, as per the approved site plan, and for the completion of any ~~un~~incomplete~~d~~ improvements or conditions of approval.

(Ord. of 1956, § 22C-6; Ord. No. 4-71; Ord. No. 21-83; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-87. -- Revocation and Eexpiration.

(a) A conditional use permit may be revoked by the Land Use Authority upon failure to comply with any applicable standard, requirement, provision, restriction, or condition of approval. A conditional use permit may also be revoked by the Land Use Authority if the use evolves to be more impactful than originally proposed, anticipated, evaluated or reviewed.

~~(a)~~(b) Unless there is substantial action under a conditional use permit within a maximum period of one year of its approval from the ~~planning commission~~Land Use Authority, the conditional use permit shall expire. The ~~planning commission~~Land Use Authority may grant a maximum extension of six months. Upon expiration of any extension of time granted by the planning commission, the approval for the conditional use permit shall expire and become null and void.

(Ord. of 1956, § 22C-7; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-98. - ~~Discontinued~~ Abandoned use.

When an approved conditional use has been discontinued and/or abandoned for a period of one year, the conditional use permit becomes null and void. In order to restore the conditional use, a new application shall be filed for review and consideration by the ~~planning commission~~Land Use Authority.

(Ord. of 1956, § 22C-8; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Comment [c27]: Need to specify revocation procedures. Will do in the administrative section 102-4 in another round of amendments.

Sec. 101-1-7. - Definitions.

...

Use, conditional. "Conditional use" means a land use that, because of its unique characteristics or potential impact on the county, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

...

CHAPTER 4. - CONDITIONAL USES

Sec. 108-4-1. - Purpose and intent.

(a) The purposes of this Chapter are to:

(1) provide for the intent of the respective zones, and to provide for the vision, goals, and objectives of the respective general plans, by specifying general standards that may be applied by the Land Use Authority to a use listed as a conditional use in this Land Use Code; and

(2) provide a reasonable process for the application for and timely review of a conditional use permit.

(b) The intent of providing conditional use regulations is to provide allowance for additional uses in each zone and give the Land Use Authority flexibility in applying reasonable conditions to effectively manage unique characteristics or detrimental effects of those uses, on a case by case basis. Conditions shall be related to the standards of this Chapter, or applicable requirements of this Land Use Code.

(Ord. of 1956, § 22C-1; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-2. - Conditional use permit.

(a) A conditional use permit shall be required for all uses listed as a conditional use in the Weber County Land Use Code. The conditional use permit shall list all conditions and requirements, based on applicable standards, determined appropriate to substantially mitigate the detrimental effects created by the use in order to make it acceptable at the specific location.

(b) In the event a change is proposed from the conditions of the original approval, an amendment to the original conditional use permit shall be required.

(c) A conditional use permit shall run with the property, unless the permit has expired. been revoked, or the use has been abandoned.

(Ord. of 1956, § 22C-2; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-3. – Application and review procedure.

Applications for a conditional use permit shall be submitted to the planning division.

(1) The application shall include the information in the following list. For those applications where no changes are proposed to an existing site or structure, or where the application requirements are unnecessary to demonstrate compliance with applicable ordinances and standards, the application requirements may be modified or consolidated by the Planning Director or designee.

a. a completed application form signed by the property owner or certified agent;

b. an application fee. The payment of a partial application fee, or the submittal of plans for a pre-submittal review, does not constitute a complete application

c. a written narrative explaining the proposal. The narrative hall include, at a minimum, the following information:

1. the name of the project;
2. the name, home address, and, if applicable, business address, of the applicant;
3. as applicable, the name and business address of the project designer or engineer; and
4. a written explanation of how the proposal complies with the applicable standards of Section 108-4-4, and those applicable standards of Section 108-1 and Section 108-2; and

d. a detailed vicinity map. The map shall include the following minimum information:

1. the name of the project;
2. a north arrow;
3. all significant natural and manmade features and existing structures within 200 feet of any portion of the proposed project area;
4. the property boundaries of the proposal; and
5. the names and site addresses of adjacent property owners; and

e. a site plan of the proposal. The site plan shall be designed to provide, at a minimum, the following information:

1. the name of the project;
2. the name, home, and if applicable, business address, of the applicant;
3. as applicable, the name and business address of the project designer or engineer;
4. the image shall be drawn to a scale that makes the project easily and clearly legible;
5. a north arrow pointing to the left or top of the sheet;
6. the boundary of the site, including any building pad, public and private easements, and other areas affected by the proposal;
7. the existing uses and ownership information for adjacent parcels;
8. existing zoning;
9. total acreage of the entire affected property and, if the property is split by zoning, the total acreage of property in each zone;
10. the location and width of existing and proposed roads, driveways, and parking areas, as may be applicable;
11. the location of any existing and proposed manmade features, including, but not limited to, bridges, railroad tracks, trails and pathways, structures, and fences;
12. the existing and, if applicable, proposed culinary water, irrigation water, and sanitary sewer or septic infrastructure;
13. the existing and proposed topographic contours, including, if applicable, any details necessary to explain proposed grade changes, fills or excavations, or any other

earth work, together with accompanied drainage plans, storm water pollution prevention plans, and revegetation plans, as may be applicable;

14. the location and type of existing landscaping and vegetation, and proposed changes thereto if any. If applicable, location and type of new landscaping and vegetation;

15. The location of flood plain boundaries, if applicable; and

16. Any other proposed site improvements showing details and other applicable design and architectural requirements specified in Section 108-1 and Section 108-2; and

f. culinary water and sanitary sewer or septic verification, as may be applicable for the specific use. Culinary water and sanitary sewer or septic verification shall include feasibility letters from the applicable water and sanitary sewer or septic entity or agency;

g. applicable impact studies or other technical studies that may be necessary to provide evidence of anticipated detrimental effects of the proposal or evidence of compliance with the applicable standards, as may be required by the Planning Director or County Engineer; and

h. Any additional pertinent information needed to adequately describe the proposal, or provide evidence of compliance with the applicable standards, as determined by the Planning Director.

i.

(2) Application submittal and review.

a. The County's review of a conditional use permit application is intended to verify compliance with applicable ordinances and provide appropriate and reasonable mitigation of anticipated detrimental effects.

b. The application review procedure is as follows:

1. Pre- application meeting. Prior to submission of a complete application, a pre-application meeting is required to be held with planning staff, in which an applicant will provide preliminary plans for planning staff to review and discuss with the applicant. This meeting is intended to provide the applicant with a better understanding of the conditional use process and requirements in order to assist with the submission of a complete application.

2. Complete application submission. Upon assembling a complete application, the applicant may submit it for substantive review. Incomplete applications shall not be accepted. Staff will review the application for completeness. In the event the application is incomplete, staff will return it to the applicant with a list of deficiencies.

3. Referral of the application to reviewers. Upon acceptance of an application, planning staff shall transmit it to applicable reviewers as may be determined necessary to verify compliance with the standards of this Chapter, or relevant requirements of any other Chapter of this Land Use Code.

4. Reviewer's recommendations. Within a reasonable timeframe, applicable reviewers shall forward to planning staff reasonable recommendations for conditions necessary to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

5. Planning staff review and recommendation to the Land Use Authority. Planning staff shall review the application, together with any reasonable recommendations from applicable reviewers, to determine compliance with this Land Use Code. Planning staff shall assemble a staff recommendation, with conditions and findings, for the application, then forward the recommendation with the application to the Land Use Authority for a final decision.

6. Land Use Authority review and decision. Upon receipt of the application and staff recommendation the Land Use Authority shall make final decision on whether the application complies with this Land Use Code, in accordance with the requirements of Section 108-4-4. Final decisions shall be accompanied by any applicable conditions, and relevant findings.

7. The Planning Commission is the Land Use Authority for conditional use permits. De minimis revisions to a previously approved conditional use permit may be approved by the Planning Director provided it can be determined that the changes are slight, inconsequential, and not in violation of any substantive provision of this code. The planning director's written approval of a de minimis revision shall be appended to the written decision of the planning commission. Revisions that are de minimis shall not require public notice.

(Ord. of 1956, § 22C-3; Ord. No. 4-71; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-4. – Decision requirements.

(a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to substantially mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the standards of this Chapter, or relevant standards or requirements of any other Chapter of this Land Use Code. When considering any of the standards, the Land Use Authority shall consider the reasonably anticipated detrimental effects of the proposed use in the context of current conditions and, to the extent supported by law, the policy recommendations of the applicable general plan.

(b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

(Ord. of 1956, § 22C-4; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-5. – Conditional use standards.

The following is a list of standards that may be applied to a conditional use permit. The Land Use Authority may apply conditions of approval related to any of the below standards, provided that:

(1) credible evidence exists that the application of the standard is relevant to the use; and
(2) credible evidence exists that the conditions are reasonable and necessary to substantially mitigate detrimental effects of the use as specified in the standard.

The Land Use Authority shall refer to the expertise and experience of applicable reviewers and qualified professionals to help determine credible evidence, relevant standards, and reasonable conditions.

(3) Standards relating to safety for persons and property.

a. Mitigate injury, loss of life, property damage, or other disproportionate demand for services on applicable fire fighting agencies.

b. Mitigate injury, loss of life, or other disproportionate demand for services on applicable emergency medical service agencies.

c. Mitigate injury, loss of life, property damage, criminal activity, the need for added peace keeping activities, or other disproportionate demand for services on the County Sheriff's Office.

d. Mitigate injury, loss of life, or property damage of any known geologic hazard or flood hazard, if credible evidence of such a detrimental effect is present.

e. Mitigate the creation of traffic hazards and right-of-way conflicts, including mitigation of traffic hazards caused by:

1. the location, massing, size, or height of buildings, structures, and other facilities, including signage, fencing and landscaping;
2. the frequency of heavy truck traffic to and from the site (i.e. import and export of materials, deliveries, etc.) to minimize right-of-way conflicts with regular vehicle and pedestrian traffic.

f. Substantially mitigate the likelihood that the proposed use or facility may cause bodily injury or property damage to potential persons or property in the area.

(4) Standards relating to infrastructure, amenities, and services.

a. Mitigate undesirable vehicle or pedestrian traffic patterns or volumes.

b. Mitigate internal circulation inefficiencies and provide for adequate onsite parking given the unique specificities of the proposed use or the proposed site plan.

c. Mitigate material degradation of the level of service of any street.

d. Mitigate material degradation of the level of service of any storm water drainage facility or infrastructure, and adequately provide for storm water drainage from the site.

e. Mitigate material degradation of the level of service of any culinary and irrigation water facility or infrastructure, and, if applicable, provide adequate culinary and irrigation water service to the site. To help determine adequacy of culinary water provisions the Land Use Authority may require:

1. written verification that the culinary water source of any new public water system can meet the requirements of the Utah Division of Drinking Water and/or the Weber Morgan Health Department; or
2. a capacity assessment letter from the Utah Division of Drinking Water for the expansion of any existing public water system; or
3. written verification that the source of any well providing culinary water for the use meets the requirements of the Weber Morgan Health Department. This verification shall be based on a test of the new or existing well.

e. Mitigate material degradation of the level of service of any sanitary sewer service, and, if applicable, provide adequate sanitary sewer service to, or septic system on, the site.

f. Mitigate material degradation of the level of service of any other utility, and, if applicable, adequately provide such utility services to the site.

g. Mitigate material degradation of the level of service, functionality, capacity, or usability of the existing open spaces, public features, or recreational amenities in the area, and, if applicable, adequately provide additional open spaces, public features, or recreational amenities.

h. Mitigate any disproportionate demand for government services, generally.

(5) Standards relating to the environment.

a. Mitigate detrimental effects on the natural features of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, rivers and creeks, lakes, ponds, and reservoirs, wetlands, drainage ways, ground water protection, and slopes.

b. Mitigate detrimental effects on the natural environment of the site, and the surrounding affected areas, if credible evidence of such a detrimental effect is present; including, but not limited to, wildlife, air quality, water quality (including erosion control), local natural resources, natural vegetation (including protection against noxious or invasive species), and wildland areas.

(6) Standards relating to the current qualities and characteristics of the surrounding area and compliance with the intent of the general plan.

a. Provided buffering, screening, or fencing of the use or site, or provide other landscape features, sufficient to mitigate the proximity of incompatible uses, objectionable site features, and disharmony with existing and future land uses in the area.

b. Providing hours of operation appropriate for the general nature and character of existing land uses in the area to mitigate conflict or incompatibility with surrounding uses by

c. Provide reclamation, restoration, clean-up, or beautification of the site as the use evolves, or as the use is terminated, in order to mitigate aesthetic and nuisance effects.

d. Mitigate nuisance factors including, but not limited to, light and glare, noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, electromagnetic disturbances, and radiation, if credible evidence of such a nuisance is present.

e. Mitigate detrimental effects of the use considering the combined effect of it and other main uses on the property.

f. To the extent supported by law, mitigate other general detrimental effects in a manner that sustains the objectives and intentions of the County's general plan, future land use map (or proposed land use map) and this Land Use Code,

(7) Standards Relating to Performance.

a. Mitigate potential noncompliance or poor performance by providing appropriate performance measures, including, but not limited to, completion or performance bonds, completion agreements, and development agreements.

b. Mitigate potential noncompliance or poor performance by requiring regular review or monitoring of the use by an appropriately qualified professional.

(8) Standards Generally

a. Mitigate unsustainable effects on the economy of the surrounding area or County, generally, if credible evidence of such negative effects is present.

b. Provide appropriate mitigation of detrimental effects as provided elsewhere in this land use code in a manner that provides compliance with the provisions of the land use code, and any other federal, state, or local regulation, as may be applicable.

(9) Voluntary contributions providing satisfactory compliance with applicable standards. When considering a conditional use the Land Use Authority has discretion to determine satisfactory compliance with any applicable standard, requirement, provision, or restriction of this Chapter if the applicant has voluntarily offered a more desirable alternative to mitigate the reasonably anticipated detrimental effects of the use than those otherwise specified here. The Land Use Authority may require a development agreement to execute the voluntary alternative.

Sec. 108-4-6. - Appeal.

(a) Land Use Authority may be appealed to the Appeal Authority, in accordance with section 102-3 of this land use code, by filing such appeal within 15 days after the written decision of the Land Use Authority.

(b) Appeal Authority may uphold or reverse the decision of the Land Use Authority and impose any additional conditions that it may deem necessary in granting an appeal.

(c) The Board of Adjustment is the Appeal Authority for conditional use permits.

(Ord. of 1956, § 22C-5; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-7. - Permit and improvement guarantee.

(a) Prior to the issuance of a conditional use permit the applicant shall submit the appropriate required letters and/or permits from the appropriate review agencies.

(b) Prior to the issuance of certificate of occupancy permit, a business license or any other permit required by the county, the developer shall deposit funds into an escrow account with the county engineering division for all off-site improvements and on-site landscaping, as may be allowed by law,

as per the approved site plan, and for the completion of any incomplete improvements or conditions of approval.

(Ord. of 1956, § 22C-6; Ord. No. 4-71; Ord. No. 21-83; Ord. No. 2002-20; Ord. No. 2010-26, 11-16-2010)

Sec. 108-4-8. – Revocation and expiration.

(a) A conditional use permit may be revoked by the Land Use Authority upon failure to comply with any applicable standard, requirement, provision, restriction, or condition of approval. A conditional use permit may also be revoked by the Land Use Authority if the use evolves to be more impactful than originally proposed, anticipated, evaluated or reviewed.

(b) Unless there is substantial action under a conditional use permit within a maximum period of one year of its approval from the Land Use Authority, the conditional use permit shall expire. The Land Use Authority may grant a maximum extension of six months. Upon expiration of any extension of time granted by the planning commission, the approval for the conditional use permit shall expire and become null and void.

(Ord. of 1956, § 22C-7; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

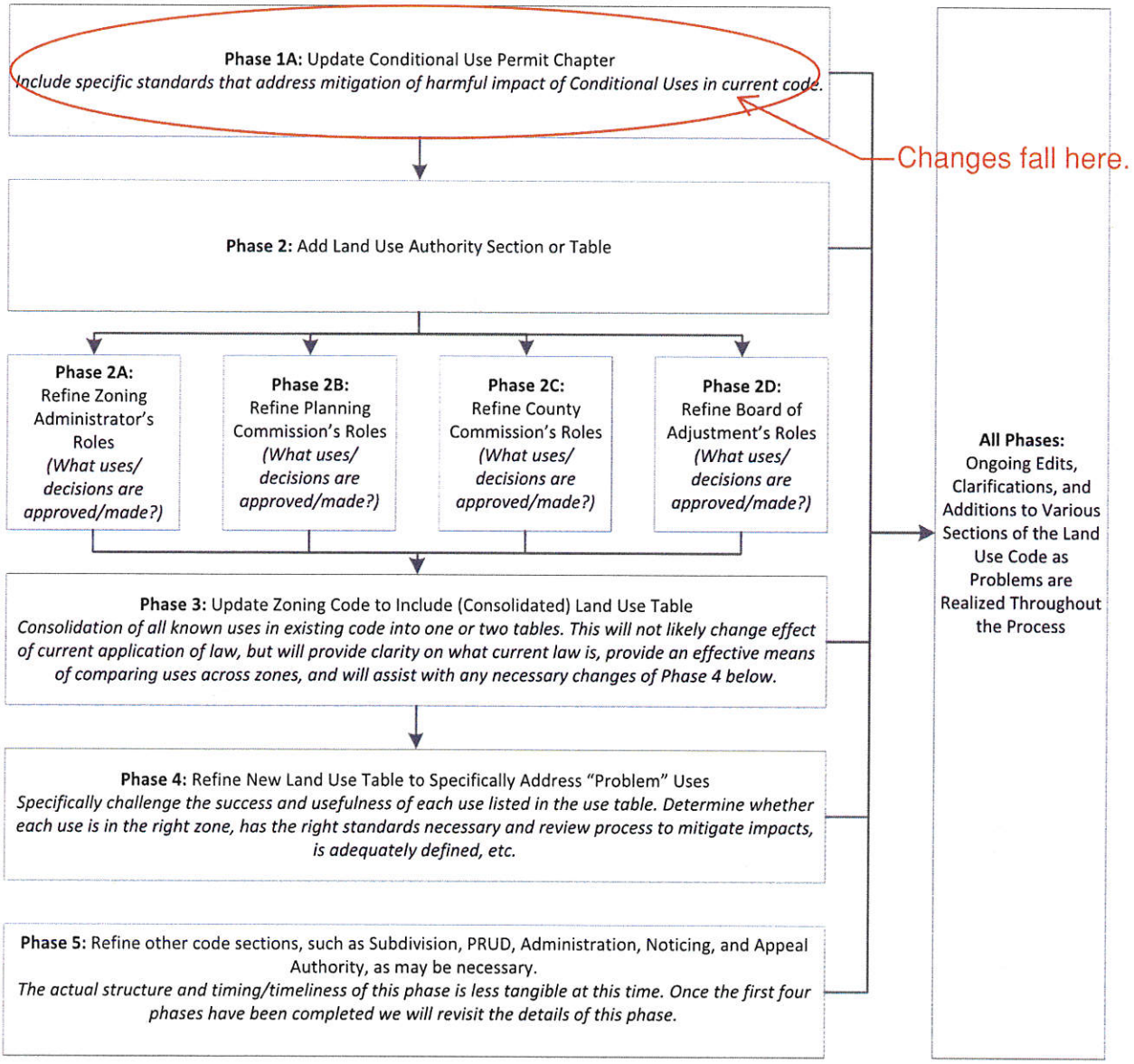
Sec. 108-4-9. - Abandoned use.

When an approved conditional use has been discontinued and/or abandoned for a period of one year, the conditional use permit becomes null and void. In order to restore the conditional use, a new application shall be filed for review and consideration by the Land Use Authority.

(Ord. of 1956, § 22C-8; Ord. No. 4-71; Ord. No. 2010-26, 11-16-2010)

Weber County Land Use Code Revision Process Workflow

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.



Weber County Planning Division

To: Ogden Valley and Western Weber Planning Commission
From: Charles Ewert, AICP
Date: May 18, 2015
Subject: Request to consider a land use code amendment to the Home Occupation Chapter

Summary. Mr. and Mrs. Thomassen are requesting an ordinance change to allow certain athletic instruction activities to occur on their residential property in the A-1 zone in Western Weber County. After considering their request staff concluded the best way for the code to be amended to accommodate the request whilst minimizing the potential effects of full scale recreational facilities in residential areas is to address the use as a home occupation. Through regulations of a home occupation the County can provide regulating provisions to keep the use from turning into a full scale commercial activity. The attached proposal (Exhibit A and Exhibit B) is intended to do that.

Currently, home occupations are only allowed to use 400 square feet or less of the home, and may not be conducted outside the home. This proposal, if approved, would allow yard area and accessory buildings to be used for athletic instruction activities related to a home occupation. It is a shift from current policy, but appears to be keeping with the County Commission's desire to support economic development and small business ventures.

Background. The Thomassen's own a five acre residential property in Western Weber County in the A-1 zone (on 3500 West). There is a swimming pool and a large accessory building with an indoor basketball court and indoor batting cage currently on their property. They would like the opportunity to provide athletic instruction in those facilities. They approached staff several weeks ago to discuss the idea, and then subsequently filed an application to amend the Land Use Code.

Proposal. The proposal, as written by staff, is to amend the home occupation code to allow athletic instruction to occur outside a residence in yard area or inside accessory structures. There are also other administrative and clarifying changes to the code. The changes specific to athletic instruction can be reviewed in the paragraph starting on line 72 of the attached Exhibit A, and the paragraph starting on line 97 of the attached Exhibit A.

The remaining changes show staff's proposal for other administrative and clarifying amendments to the home occupation code. The administrative and clarifications amendments should not prolong getting the applicants an answer to their request, so if any of these other proposed changes create a need for more review time than the request would otherwise merit they should be abandoned for now and addressed at another time.

Policy analysis. It is currently conceivably possible for athletic instruction to occur within a residence, provided the home owner can comply with requirements and standards of the home occupation code. These kinds of activities are limited to 400 square feet of the home (smaller if the main floor area is less than 1600 square feet) and may not be conducted outside. The policy shift in this proposal is to allow it to also

occur outside the residence, in yard area and in accessory buildings. Under current laws, a person desiring to teach swimming lesson in their private pool, tennis lessons on their backyard tennis court, or, in the case of the applicant, basketball lessons in their accessory building, is not allowed to do so if it is done for remuneration.

If this proposal is adopted, athletic instruction will be the only home occupation that is permitted to be conducted outside the home.

The home occupation code is written to limit certain detrimental effects of uses incompatible with residential neighborhoods, whilst still permitting commercial ventures on a small enough scale so as not to cause a nuisance or deteriorate the residential character or quality of the neighborhood. By restricting home occupations to a portion of the residence the current code seeks to limit the detriments of commercial or industrial uses in areas otherwise residential. These detriments may include hours of business operation, parking and general circulation to and from the site, deliveries, noises, smells, sights, lighting, etc.

Prohibiting any home occupation activity outside the residence is certainly an effective way to minimize the effects of commercial and industrial uses in residential areas; however, it is too restrictive for small athletic instruction activities that cannot be done inside. This proposal seeks ways to create other limitations for this type of home occupations rather than restricting it to the inside of the residence.

This proposal is keeping with the general directives from the County Commission regarding economic development. The specific nature of this proposal has not yet been presented to them, but they have requested that we consider economic development opportunities in all of our considerations, when possible. Expanding the allowed home occupation uses to include outdoor athletic instruction can help foster the innovative and entrepreneurial culture that supports start up businesses. It also seems to generally support Weber County as an outdoor recreation leader.

The limitations imposed on the proposed athletic instruction uses will help keep it compatible with the residential nature of the surrounding area. As with any home occupation, if at some point the occupation gets so big that it cannot comply with the standards of the ordinance the business owner will need to seek an appropriate business site elsewhere.

Staff reached out to other counties to see who else allows home occupation activities to occur outside the main home. All had limitations and certain processes, but it appears that Cache County, Box Elder County, Morgan County, and Summit County allow some yard area to be used for a home occupation. Davis County and Wasatch County do not. We did not hear back from Salt Lake County.

Technical analysis. The proposed changes are attached in redlined (Exhibit A) and clean (Exhibit B) copies. For the redlined copies the following is the key to interpretation:

~~Red strikeout indicates text being deleted.~~
Blue underline indicates text being added.

~~Green strikeout indicates text moving to another location.~~
Green double underline indicates text being moved to this location.

The current code gives a list of examples of home occupations that are prohibited, and a list of examples of home occupations that are permitted. These lists of examples do not work when trying to determine whether a use that is not listed is permitted or prohibited. Typically a home occupation codes will specifically list prohibited home occupations, and leave the permitted home occupations open ended, but regulated by requirements and standards. This proposal makes this change. Some of the new standards (line 109-112 of Exhibit A) are derived from the current list of examples of permitted home occupations (line 30-41. The Planning Commission should review the list of proposed prohibited home occupations to determine whether it is sufficiently complete (line 18-27 of Exhibit A). This list was derived after review of other jurisdiction's home occupation codes.

The current code also confuses requirements with standards. The proposal separates the two into different sections. This is of minimal consequence, and mostly preferential. It helps the appearance and presentation of the code. The requirements and standards are not changing.

The extent of the home occupation (line 61 of Exhibit A) is proposed to be modified a little. It currently indicates that the home occupation can only comprise a maximum of 400 square feet or 25 percent of the ground floor area of the home (line 70-71 of Exhibit A), whichever is lesser. The proposal modifies this to indicate a maximum of 400 square feet or 25 percent of the total floor area of the home (line 63-64 of Exhibit A). This change gives a little more flexibility for those homes that have smaller (less than 1600 square feet) ground floors.

The current home occupation code has three separate locations where it regulates parking. These standards have been consolidated (line 89-100 of Exhibit A). One change to the parking standards is a little more flexibility with required spaces when the home occupation involves non driver-age persons (line 92-93 of Exhibit A). Also, staff noted that the loading and unloading requirements for large truck deliveries under the current code are missing. This new standard has been provided (line 97-100 of Exhibit A).

Group instruction is currently listed as an example of an allowed home occupation, and is limited to no more than one per month. The Planning Commission should determine whether this is sufficient.

The new standards for athletic instruction can be found starting on line 114 of Exhibit A.

- It limits the home occupation to eight persons at a time, not including employees. This limit is not scientific, but rather a reflection of limitations found elsewhere in the code (see daycare limitations). This will help cut down on vehicle traffic to and from the site, and reduce the parking needs.
- The proposal also provides a minimum area of the lot that outdoor athletic instruction can occur on. The three acre minimum limitation is also not scientific, but it does help ensure an appropriate acreage to help provide the neighborhood with a degree of separation from the use.
- The proposal prohibits events that may draw crowds.

- The proposal requires all athletic instruction activities to remain instructional, and prohibits it from turning into a general recreation center.

Planning Commission Consideration. Please come to the meeting prepared to discuss the proposed changes. Staff and the applicant will be seeking the Planning Commission's opinion, and soliciting needed changes to make the ordinance change supportable.

Attachments:

- Exhibit A: Proposed changes [redlined] – home occupation code
- Exhibit B: Proposed changes [clean] – home occupation code

Exhibit A: Proposed Changes [Redlined] – Home Occupation Code

CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY OUTDOOR SALES; FARMER'S MARKETS

FOOTNOTE(S):

--- (1) ---

Editor's note—This chapter originally pertained solely to home occupations and was derived from Ord. of 1956, chapter 34. It was replaced in its entirety by Ord. No. 2011-17, passed 10-11-2011.

Sec. 108-13-1. - Purpose and intent.

(a) The purpose and intent of this chapter is to allow persons residing in dwellings in zones in which home occupations are permited ~~in residential, forest, and agricultural zones~~, to provide a service, operate certain kinds of small businesses, or maintain a professional, or business office while not changing the character of the neighborhood.

(b) This chapter also addresses short term vendors, temporary outdoor sales, and farmers markets.

(Ord. No. 2011-17, § 1(34-1), 10-11-2011)

Sec. 108-13-2. - Home occupations.

(a) Use regulations. Home occupations are allowed in specified zones in accordance with the ~~regulations and restrictions~~provisions of this ordinance.

(1) The following uses are ~~not allowed~~ prohibited as home occupations~~, i.e.,~~:

a. tanning salons;

b. ~~and~~ body art or tattoo parlors~~;~~.

c. clinics and hospital;

d. animal and veterinary clinic;

e. restaurant;

f. auto, truck, and recreational vehicle repair or sales;

g. ambulance service; or

h. Sexually oriented businesses.

i. OTHERS?

(2) Home occupations not prohibited shall be allowed provided compliance with the requirements and standards listed in this chapter.

~~(1) The following uses are examples of allowable home occupations:~~

~~1. Barber with not more than 2 stations on the premises.~~

~~2. Business office to include book keeping and phone calls.~~

~~3. Child day care of not more than eight children, including care giver's children under six years of age.~~

~~4. Computer information services.~~

Comment [c1]: Home occs are also allowed in the DRR-1 zone and M-X zones. Maybe re-write for any zone allowing residential uses.

Comment [c2]: Marked for future change: Reference land use table here.

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Comment [c3]: Need list of prohibited home occ uses.

Comment [c4]: Remove the list of examples and rely on impact standards.

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~~5. Group instruction or motivational meetings as a forum for sales presentations held not more than once every month.~~

~~6. Massage therapy salons.~~

~~7. Musical instruction.~~

~~8. Nail salons.~~

~~(2) Phone-order or mail order services.~~

(b) Requirements~~Required conditions~~. A home occupation ~~must~~shall ~~meet~~ comply with ~~all of~~ the following ~~conditions and~~ requirements:

(1) An application for a land use permit with a site plan depicting the site boundaries and relevant buildings or facilities onsite ~~is~~ shall be required in order to verify zoning requirements. ~~and setbacks.~~

~~(1)~~(2) The property owner's written authorization shall be submitted as part of the application for the home occupation.~~.~~

(3) The home occupation shall obtain an annual business license.

~~9.~~(c) Standards. A home occupation shall comply with the following standards:

~~(2)~~(1) A home occupation ~~may~~ shall only be carried on ~~in a dwelling unit~~ by the resident(s) who ~~actually~~ reside on the premises; except that two non-resident employees may be allowed ~~having~~ provided ~~complied~~ the lot size is a minimum of one acre.~~with the following standards:~~

~~a. The minimum lot size shall be one acre.~~

~~b. Parking standards will comply with chapter 24 the parking ordinance for residential dwellings and in addition shall require one parking space for each non-resident employee and one for each visiting clientele.~~

~~(3)~~(2) The home occupation shall retain the general character and appearance of a residential dwelling and not change the general character of the neighborhood except for approved signage and vehicle parking~~.~~

(3) The extent of a ~~H~~home occupation~~s~~ shall be ~~allowed provided that the home occupation is limited in extent,~~ incidental and secondary to the use of the ~~dwelling unit~~property for residential purposes~~, and~~. The home occupation shall not occupy more than 400 square feet or 25 percent, whichever is less, of the total floor area of the home. This does not apply to a child day care.

(4) The home occupation shall~~does~~ not substantially increase the demand for services in excess of those usually and customarily provided for residential uses. It shall not substantially increase foot and vehicular traffic, parking, noises, lighting, vibration, smoke, or anything else that is uncommon to the established character of the neighborhood to such a degree as to constitute ~~an annoyance~~a nuisance to the residents of the immediate area.

~~(5) The home occupation shall not occupy more than 400 square feet or 25 percent, whichever is less, of the ground floor area of the home. This does not apply for child day care.~~

~~(6)~~(5) The home occupation shall only be carried on inside a dwelling unit. The home occupation shall not use any space in an attached or unattached garage, accessory building, yard or any space on the premises outside of the dwelling, except for child day care or athletic instruction activities. ~~Child day care may have an outdoor yard space.~~ A child day care may have outdoor facilities for outdoor play. Athletic instruction may have athletic facilities outdoors or in accessory buildings.

~~(7) The home occupation must obtain an annual business license.~~

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Comment [c5]: A little different. Allows smaller homes a little more square footage for the home occ.

~~(8)~~(6) The home occupation shall not be open to the public at times earlier than 8:00 a.m. or later than 9:00 p.m. The hours of operation for child day care shall not begin any earlier than 6:00 a.m., or operate later than 10:00 p.m. seven days a week.

~~(9)~~(7) Home occupations with visiting clientele will be subject to the following standards:

~~a. Parking standards will comply with chapter 24 the parking ordinance for residential dwellings and in addition shall require one parking space for each visiting clientele.~~

~~b.~~a. No more than one home occupation with visiting clientele shall be permitted within any single dwelling.

~~c.~~b. No home occupation with visiting clientele shall be allowed in multi-family dwelling units consisting of four units or more.

(8) Home occupations shall provide adequate off-street parking for residential dwellings, as specified in Title 108, C~~c~~hapter ~~24 of the Weber County Zoning Ordinance~~Eight of this Land Use Code, and in compliance with the following:~~.~~

a. One parking space shall be required for each driver-age patron or clientele, or one space per two nondriver-age patrons or clientele.

b. One parking space shall be required for each non-resident employee.

c. The parking area for patrons, clientele, or non-resident employees shall be substantially screened from view from the adjoining properties.

d. Large truck deliveries, except for parcel delivery service at times and in intervals typical for a normal residential use, shall be limited to one delivery per week between the hours of 8:00 am and 5:00 pm. A loading and unloading area, adequately sized for the type of truck, shall be provided on the site. No loading or unload shall be permitted in the right-of-way.

Comment [c6]: New standard.

(9) There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of the premises of tractor trailers, semi-trucks, or other heavy equipment used in an off-premise business for which the dwelling is being used as a home occupation office except that not more than one truck of one-ton capacity or less may be parked on premise during off work hours at night. A work trailer up to 22 feet in length may be parked at night as part of the home occupation business. All trucks and trailers used as part of the home occupation business shall be licensed and registered, and parked in accordance with Title 108, Chapter Eight of this Land Use Code~~chapter 24 of the Weber County Zoning Ordinance~~.

(10) Barber or beautician services shall be limited to two stations per residence.

(11) Child day care, preschool, or instructional activities, including music lessons, shall be limited to eight children or pupils at any one time.

(12) Group instruction, motivational, or sales presentations shall be limited to one meeting per month.

Comment [c7]: Too much? Too little?

~~(10)~~(13) Athletic instruction shall be limited to eight nonresident, nonemployee persons at any one time, including observers, with a maximum of 16 nonresident, nonemployee persons per day. It shall require a minimum lot size of three acres if conducted outdoors or in an accessory building. It shall not include recitals, competitions, performances, and shall not permit general recreational activities without the athletic instruction.

Comment [c8]: This is where athletic instruction is being introduced.

~~(11)~~(14) The home occupation approval may be revoked by the ~~planning commission~~Planning Director if the home occupation does not remain in compliance with this chapter.

~~(12)~~(15) ~~The property owner's written authorization shall be submitted as part of the application for home occupation.~~

~~(13)~~(16) Home occupations that require bodily contact with patrons or equipment that create a potential for contamination between residents and clients are not allowed~~, e.g., tanning salons and tattoo parlors.~~.

(d) Home occupation signsSigns. One flat sign or name plate not exceeding two square feet attached to the house or mail box may be permitted. A land use permit is required for the sign. Any modification made to the permitted sign requires a new land use permit. No freestanding or banner signs shall be permitted.

~~(c)~~(e) Inspections. Inspection during reasonable hours by county officials may occur as necessary to assure compliance with these regulations.

(Ord. No. 2011-17, § 1(34-2), 10-11-2011)

Exhibit B: Proposed Changes [Clean] – Home Occupation Code

CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY OUTDOOR SALES; FARMER'S MARKETS

FOOTNOTE(S):

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f. auto, truck, and recreational vehicle repair or sales;

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i. OTHERS?

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(b) Requirements. A home occupation shall comply with the following requirements:

(1) An application for a land use permit with a site plan depicting the site boundaries and relevant buildings or facilities onsite shall be required in order to verify zoning requirements.

(2) The property owner's written authorization shall be submitted as part of the application for the home occupation.

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(c) Standards. A home occupation shall comply with the following standards:

(1) A home occupation shall only be carried on by the resident(s) who reside on the premises; except that two non-resident employees may be allowed provided the lot size is a minimum of one acre.

(2) The home occupation shall retain the general character and appearance of a residential dwelling and not change the general character of the neighborhood except for approved signage and vehicle parking;

(3) The extent of a home occupation shall be incidental and secondary to the use of the property for residential purposes. The home occupation shall not occupy more than 400 square feet or 25 percent, whichever is less, of the total floor area of the home. This does not apply to a child day care.

Comment [c2]: A little different. Allows smaller homes a little more square footage for the home occ.

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