



REGULAR PLANNING MEETING AGENDA
Monday, July 31, 2012
5:00 p.m.

- *Pledge of Allegiance*
- *Roll Call*
- 1. Minutes:**
 - 1.1. Approval of the June 25, 2012 minutes
- 2. New Business:**
 - 2.1. CUP 2012-04 Consideration and action on a request for approval of a Conditional Use Permit to allow Custom Exempt Meat Cutting, 4181 N 3800 E (Garet Jones, Applicant)
 - 2.2. ZTA 08-2012 Request to amend Chapter 18C (Agricultural, Landscape and Screening Design Standards) of the Weber County Zoning Ordinance by permitting the use of chain link fencing where it is currently a prohibited (fencing) material type (Ray Bowden, Applicant)
 - 2.3. ZTA 2010-16 Request to amend Chapter 18B (Commercial Valley Zones CV-1 and CV-2) of the Weber County Zoning Ordinance
- 3. Public Comments:**
- 4. Planning Commissioner's Remarks:**
- 5. Staff Communications:**
 - 5-1. Planning Director's Report
 - 5-2. Legal Counsel's Remarks
- 6. Adjourn**

The meeting will be held in the Weber County Commission Chambers, in the Weber Center, 1st Floor, 2380 Washington Blvd., Ogden, Utah.

The pre-meeting will held at 4:30 p.m., no decisions are made

In compliance with the American with Disabilities Act, persons needing auxiliary services for these meetings should call the Weber County Planning Commission at 801-399-8791

Minutes of the Ogden Valley Township Planning Commission meeting held June 25, 2012 in the Weber County Commission Chambers, commencing at 5:00 p.m.

Present: Kevin Parson, Chair; Greg Graves, Ann Miller, Pen Hollist, John Howell, Laura Warburton, Dennis Montgomery

Staff Present: Jim Gentry, Assistant Director; Scott Mendoza, Planner, Ben Hatfield, Planner

Pledge of Allegiance

Roll Call

1. Minutes:

- 1.1. Approval of the May 22, 2012 minutes

Chair Parson declared the minutes of the May 22, 2012 meeting approved as written

2. New Business:

- 2.1. USU Water Quality research report presentation by Darwin L. Sorensen, PhD, Research Professor, Utah State University

Darwin L. Sorensen indicated that this research project was funded from mineral lease appropriations to the Utah Water Research Laboratory at Utah State University by the state of Utah. Pineview Reservoir collects and can store more than 107,000 acre ft of water predominantly from the South, Middle and North Forks of the Ogden River. The reservoir has not lost much volume in 75 years. Data used in the development of the TMDL was extracted from public databases and from the records of reservoir management organizations including the Weber Basin Water Conservancy District. They studied the ground water from five wells, one in Huntsville.

Dr. Sorensen introduced Lindsey D. Carrigan who is working on her master's degree, Brady Worwood and Thomas Ruben. He will present work that Brady Worwood completed as part of his master's work. The data collection and analysis associated with the study has improved Pineview Reservoir's nutrient loading estimates and tested assumptions made during the total maximum daily load (TMDL) process. This report provides a description of in-reservoir processes affecting water quality. Data used in the development of the TMDL was extracted from public databases and from the records of reservoir management organizations including the Weber Basin Water Conservancy District, and the late Dr. Michael Miner.

The overall objectives of the project were to substantially improve the information available to water quality managers for Pineview Reservoir and contribute to the limnological understanding of bottom draw in the reservoir. The work reported focused on the following specific objectives:

1. Produce water and phosphorus budgets for Pineview Reservoir
2. Estimate mineral nitrogen loading to Pineview Reservoir
3. Evaluate internal cycling (loading) of phosphorus in Pineview Reservoir
4. Describe major phytoplankton genera and their dynamics in Pineview Reservoir
5. Describe chlorophyll A dynamics in the reservoir and determine the trophic state index from chlorophyll A data

A copy of the study can be found at <http://uwrl.usu.edu/documents/index.html>.

They found that this reservoir is in relatively in good condition but it is not as productive as they thought it would be. Some of the most widespread pollutants of concern entering collection and storage systems are nutrients, principally nitrogen (N) and phosphorus (P). In most cases, as nutrients increase in a water body so does biological activity. As nitrogen and phosphorus build up within a lake or reservoir from external sources, they can force a shift in the trophic status of the water-body, changing it from a less productive system to a eutrophic one. Internal cycling of N and P was the cause of the annually observed phytoplankton blooms (mainly in the fall) in the reservoir and iron played a major role in the nutrient cycle.

Commissioner Hollist said it is his understanding that some of the culinary water comes from wells below the surface of the water near Cemetery Point. Is this a fact and is it drawing from aquifers instead of absorption from the reservoir. Dr. Sorensen said there are wells built in the early 1930's before the construction of the first dam that are upstream into the reservoir that are owned by Ogden City. When the reservoir was first built, those wells were plugged and the water right was moved to the current well field at the end of Stringtown Road. It is clear that some of that water is coming through the sediment into those wells from Pineview Reservoir.

The North Fork contributes the largest fraction of nitrates going into the reservoir. The South Fork contributes the largest portion of phosphorous. Less than two percent of all the flow coming into the reservoir they estimate is ground water and 19% of all the nitrogen coming into the reservoir is from ground water. The reservoir provides many services; it is not eutrophic and it can be preserved with proper watershed management.

Commissioner Warburton indicated that this year the water right now is normally as low as it is in August and she wonders if that is healthy for the lake to have so much water so early to be dropped. Dr. Sorensen stated that he would anticipated that the phytoplankton bloom will occur earlier as the cold water on the bottom of the reservoir is being drawn off for use downstream. Irrigation is by far the largest user. Commissioner Warburton said than this means that they are low in water and Dr. Sorensen replied yes. Commissioner Warburton asked if the dam keeper is regulated by a board, and Dr. Sorensen replied that he is employed by the Pineview Water Users Association which is a consortium of irrigation companies in Weber and Box Elder counties.

Lindsey Carrigan indicated that most of the sources in the reservoir come from non-point sources or diffused sources. Her researched focused on identifying the non-point sources. This study attempted to quantify what those values may be.

Commissioner Hollist said if you have no point source, does that mean that there are no waste treatment systems in the Ogden Valley? Steve Clarke replied that there are but the effluent is diffused through the ground water. Commissioner Hollist asked if the diffused water becomes surface water lower or does it become ground water. Mrs. Carrigan replied that this question is difficult to answer. They saw a lot of exchange between surface water in the stream. The stream tend to be dominated by surface water input during the spring runoff period, but when they don't have those inputs from surface water the rivers are recharged through ground water. The north branch is dominated by the lower elevation water shed, and the south branch is dominated by the range land or higher elevation water shed.

Their analyses show that surface water transports the vast majority of N and P to the reservoir and, while some of the dissolved nutrients (soluble reactive phosphorus and nitrate nitrogen) in streams probably comes from contaminated ground water, overland flow and associated dissolved and particulate nutrients are the major sources. The majority of nutrient transport happens when most of the water is moving into the reservoir, i.e., during spring snow melt and rain events. The study has removed the uncertainty where measurements have been made in the past and greatly reduced the amount of guesswork needed—especially in the ground water component.

Based on what we now know, there are three major considerations or actions that are needed to protect Pineview Reservoir from further eutrophication:

1. Minimize particulate or sediment transport from valley floor lands especially during winter and spring snowmelt and rainfall events.
2. Minimize (optimize) fertilizer application to valley landscapes irrespective of land use because in verifying with the County Extension Agent, the impression is that nobody in the valley applies fertilizer at the suggested rate (it is relatively at a lower rate).
3. Recognize that nutrients, especially phosphorus, deposited into the reservoir sediments are likely to be cycled into and out of the water column for decades but some of the nutrients will be removed to downstream systems as water is withdrawn from the bottom of the reservoir.

Commissioner Hollist indicated they will be entering soon into a future planning exercise for Ogden Valley and they are looking at the population influx that they are expecting along the Wasatch Front by 2040. What have they been told that the Planning Commission need to plan or pay attention to for 2040 that they need to be thinking about as they enter this future planning drill. Dr. Sorensen indicated that he would agree that anything they can do to reduce nutrient flow into the watershed of Pineview Reservoir is worthwhile and that might include sewerage if appropriate treatment was available to remove nutrients. Commissioner Warburton indicated that in the Huntsville sewer study there was no proof that all the wells were affecting the water.

Steve Clarke said that the areas of concern in this study relative to sewer are the disproportionate share of nutrients coming in through the ground water compared to the surface water. One of the wells near Huntsville and a well in the North Fork area showed a high level of nutrients coming in through the ground water, although they do not know the exact contributor of those nutrients. They have 17 sewer districts in the valley, the largest of which is Wolf Creek, and the next is Power Mountain (which is a lagoon system). Huntsville is by far the town with the largest concentration of septic drain fields in a small area. While the study is not complete enough to show the cause and effect precisely, his judgment is that if they are planning high-density nodes in the valley, every effort should be made to treat that sewage as close as they can to mimic what Wolf Creek has done by injecting drinking water quality water into the ground from those nodes. Commissioner Hollist asked if that means they are somehow extracting the nutrients and they are exporting them. Mr. Clarke replied yes, they are transporting them in a truck. What they might want to do is to replant the buffer areas in the sensitive lands of the stream corridors.

Dr. Sorensen summarized the study’s findings at this time.

Commissioner Miller said it sounds like there are certain actions that people need to take in general to manage this resource. Dr. Sorensen replied that it would not take a lot of money to educate people in the best management practices so they can preserve this valuable resource.

Curtis Carrigan said it sounds like they are more worried about the erosion for the South Fork. The North Fork might have some ground water. Dr. Sorensen said in the spring time running events they may not even see any evidence, but the plant material and the fine clay site material is greatly enriched with phosphorus. It is erosion, but not the soil erosion you think about from the dust bowls of the 1930’s.

Commissioner Hollist thanked Dr. Sorensen and others for their presentation.

3. Public Comments: None

4. Planning Commissioner’s Remarks:

Commissioner Warburton said she spoke with someone at the Road Division and Nate Pierce, the Operations Director, regarding sub-standard roads. Mr. Pierce drove the substandard road that they referred to at the last meeting, and agreed that they need to be more specific and make it a little nicer by taking care of the ruts. She was very impressed and wanted to let the members know that the ordinance is under review.

5. Staff Communications:

- 5-1. Planning Director’s Report None
- 5-2. Legal Counsel’s Remarks None

6. Adjourn Adjourn for a Work Session

7. Work Session Agenda Items:

WS-1. Update & Discussion:

Weber County Zoning Ordinance chapters to be amended in conjunction with the Agri-Tourism Ordinance

Scott Mendoza presented a question regarding the county’s definition of subdivision lot of record and indicated that the Planning Office is to check whether lots are legal lots when someone wants to develop their property or issuing any permits. Any division done prior to 1966 (creation of zoning in the Ogden Valley) prior to zoning are legal. A division that happened to occur after 1992 by state code has to go through the subdivision process.

Weber County is not able to issue land use or building permits for parcels that are not legally created. Everything they have done for an agritourism ordinance basically is an incentive. What if a farmer in 1993 had 40 acres and in 1994, he divided that parcel into two 20-acre parcels, according to state code that needed to be done by a subdivision. To make that a legal lot, when they come in for an agritourism application, they need to verify that it is a legal lot.

Commissioner Warburton asked the steps to divide property? Scott said it has to be done by deed. Agriculture-only divisions would not be able to include non-agriculture purposes. His question is what they should do with these divisions. If he has a 100 acres, divided it three ways, and gave two to his sons in 1993 and he wants to keep his lot open for agritourism, staff needs to be able to verify that the divisions were legal. The State has said that if there is a division, it needed to be an agricultural division and only used for agriculture.

Option 1 is should they require a farmer do a one-lot subdivision that consists of 50 acres, or do they think that farmer would not want to bother to take advantage of the agritourism option as some of the options are tied to a certain acreage.

Commissioner Graves said he believes that they need to keep the options as simple as they can. Many farmers are not familiar with ordinance processes and they are confused by them. If it is a difficult process, they probably would not take advantage of the ordinance.

Option 2 is do they try to subdivide the developed portion and the benefit to that would be that it would be a small piece of property.

Option 3 would be to exempt agritourism from flat requirements via the creation of the plat requirement section of the ordinance.

Commissioner Warburton indicated that her preference would be the third option. Commissioner Warburton said as she reads it, Option 3 could possibly get them in trouble. Scott Mendoza said as he read State code his opinion is that it is very open and he asked Legal Counsel if they could interpret state code to mean that they can adjust their definition (which is risky).

Steve Clarke said he knew someone that thought he had a legal lot and came in to get a building permit, but he was denied.

Commissioner Warburton asked if the numbers in state code section 502, do the numbers work out, and Scott Mendoza replied the numbers follow greenbelt numbers. He believes that production has to do with its economic output. He is not concerned with those numbers.

Commissioner Hollist said what if they make it easy for them to get into the agritourism and they succeed and they have multiple profit centers coming out of a particular enterprise and if it changes hands to another buyer or another generation and it is still not a legal lot. Greg Graves said its use doesn't change—it is still "agritourism." Scott Mendoza said it would exempt from subdivision platting, however it would be approved. A development agreement would be on the chain of title and everyone would serve as a notice that it is an agri-tourism parcel.

Commissioner Warburton asked what if the owner was no longer able to continue the agri-tourism business and the café was still there, would the café need to be dismantled. Mr. Mendoza said they would have to have a use in there that meets zoning. This is not a way that he could circumvent the rules and just build his home. They have taken the loophole out that it has to meet zoning ordinance and subdivision ord. requirements.

SUMMARY: The members expressed that they are comfortable with Option 3.

The county allows agricultural divisions of land, but the ordinance has not been clear that such divisions could be done. This ordinance is the opportunity for more clarity.

Should they continue to allow divisions as from this date forward or should they make it retroactive. If so, what are the consequences? Scott indicated that it should be retroactive but the question is; "Do they want to develop accommodations for the future?" **SUMMARY:** Yes. Scott Mendoza said that he has not thought of any consequences at this point.

Commissioner Warburton asked if the planning division staff would police the ordinance and Scott replied yes.

To clarify an earlier statement for Steve Clarke, Commissioner Hollist said we want it easy for them to get in, but as the condition changes, then the statutes, ordinances and zoning applies in a different way.

SUMMARY: For agri-tourism they like the minimum standard to say if the division is "twice the size."

Commissioner Warburton said Linda Knudsen would be a great person to run the scenario by.

Commissioner Graves indicated that they need to keep the ordinance and process simple or the farmers will not take advantage of the agritourism option.

Commissioner Miller indicated that when you don't deal with regulations every day, it can be difficult to understand.

There Being No Further Business, the meeting was adjourned.

Respectfully Submitted,

Sherri L. Sillitoe, Secretary
Weber County Planning Division



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Consideration and action on a request for approval of a Conditional Use Permit to allow Custom Exempt Meat Cutting

Agenda Date: Tuesday, July 31, 2012

Applicant: Garet Jones

File Number: CUP 2012-04

Property Information

Approximate Address: 4181 North 3800 East

Project Area: 6.15 acres

Zoning: Agricultural (AV-3)

Existing Land Use: Agricultural / Residential

Proposed Land Use: Custom Exempt Meat Cutting

Parcel ID: 22-010-0001

Township, Range, Section: T7N, R1E, Section 20

Adjacent Land Use

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

Staff Information

Report Presenter: Jim Gentry
jgentry@co.weber.ut.us
801-399-8767

Report Reviewer: SW

Applicable Ordinances

- Zoning Ordinance Chapter 5B Agricultural (AV-3)
- Zoning Ordinance Chapter 22C (Conditional Use)
- Zoning Ordinance Chapter 24 Parking and Loading Space, Vehicle Traffic and Access Regulations
- Zoning Ordinance Chapter 32B Ogden Valley Signs
- Zoning Ordinance Chapter 36 Design Review

Background

The applicant is requesting approval of a Conditional Use Permit to establish a Custom Exempt Meat Cutting business at 4181 North 3800 East. State Code States "A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards." The property is zoned Agricultural AV-3 which lists custom exempt meat cutting as a conditional use with the following conditions:

- The use be allowed in a separate building with no outdoor storage
- The use is to be accessory to a dwelling on a 5-acre parcel
- Located with access to a collector or arterial road

The proposed site area contains approximately 6.15 acres with a dwelling and has access from 4100 North.

The petitioner was asked the following questions regarding the access:

The site plan shows an access to the building from 4100 North across the petitioner's property. How are you going to coordinate with the semi-truck drivers to ensure that this access is used? This access needs to have sufficient road base to prevent mud tracking on to 4100 North. How wide is this access? *The applicant responded to the questions as follows: We will talk with all truck drivers and we will coordinate all pickups. We will put down road base and can ensure that the drive is as wide as necessary.*

Another question included:

How many employees will be there as part of this operation? What will be your hours of operation? How will the product be delivered to your facility? How early and how late will you accept deliveries? *The applicant responded to the questions as follows: We will have around 2 employees that will work from 8:00 to 5:00pm. That will be the only time deliveries will be taken but employees may stay later or come earlier if work is needed to be done. People will deliver the animals in their own vehicles.*

The following question was asked regarding signs:

The site plan does not show any signs. Do you plan on placing a sign on the property? Any signs will have to comply with Chapter 32B Ogden Valley Signs. A permit will be needed for any signs. *The applicant responded to the question as follows: As of right now we are not planning on any signs. If we get a sign we will get the appropriate permit for it.*

The narrative states that the animal waste will be hauled away 2 to 5 times a week. The waste must be stored in the building and taken out when the waste trucks arrive on site to remove the waste. *The applicant responded as follows: The waste, depending on what type it is, will be legally and appropriately disposed of and stored inside until it is ready to be hauled away.*

The business license issued last year had all the signatures from the reviewing agencies. The business license was rescinded when it was determined the use was not allowed in the Agricultural AV-3 zone. The zoning issue has been resolved and a business license will be reissued. In talking with the Business License staff, no new approval signatures will be required and the applicant will have to pay the business license fee for 2012. Calls have been made to the reviewing agencies to see if they had any new concerns or issues that need to be addressed. Any concerns or issues are part of the conditions for approval.

The Engineering Division wants road base on the semi-truck access as well as a backing-up plan. The truck access appears to be some distance from the building. How is product moved from the building to the semi-trucks? The Weber Morgan Health Department reaffirmed that they have no issues with the waste water system and that the system would be sufficient for any new restrooms. The Health Department has also spoken with the State Division of Agriculture and they have no concerns. The applicant's permit with State Division of Agriculture will have to be renewed in a few months.

Summary of Planning Commission Considerations

1. Does the proposed use meet the requirements of applicable County Ordinances?
 - located on and with access directly from a collector or arterial road
 - the operation shall be located within a completely enclosed building with no outdoor storage
 - accessory to a dwelling
 - located on a 5 acre parcel
2. Are there any potentially detrimental effects that can be mitigated by imposing conditions of approval, and if so, what are the appropriate conditions?

In order for a conditional use permit to be approved it must meet the requirements listed under "Criteria for Issuance of Conditional Use Permit." The Planning Commission needs to determine if the proposed Custom Exempt Meat Cutting business meets these requirements. The applicant has provided a response to the criteria below which is attached as Exhibit B.

Chapter 22C-4

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:

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 Zoning Ordinance and other applicable agency standards for such use.

After reviewing this conditional use request staff has determined that the criteria listed above have been met in the following ways:

1. The proposed use meets the use, area, lot width, and setback requirements and the additional requirements established for custom exempt meat cutting as outlined in the Agricultural (AV-3) zone.
2. Noise: due to the material the building is constructed out of and because the building is partially buried, along with the type of equipment that is part of this operation, noise will be minimal.
3. Traffic: semi-trucks will be accessing the property from 4100 North which is an arterial road.
4. Smells: the ordinance requires that there is no outside storage. Animal waste will be stored inside the building and removed 2 to 5 five times a week or as needed. No decaying waste or long-term storage is allowed by the State Department of Agriculture and food.

Conformance to the General Plan

This petition is supported by the following goals and objectives of the General Plan:

Section 3.02 Vision: Maintain the Valley's Rural Atmosphere and Rural Lifestyle

Goal: Promote Agricultural Land

Objectives: Identify and promote prime agricultural land

Consider agricultural land in dedicated open space planning

Develop means to compensate property owners for the loss of development rights on agricultural land

Promote working farms as an integral part of the Valley's cultural heritage.

Goal: Recognize and respect private property rights

Objectives: Recognize private property rights in planning and development

Engage creative zoning solutions that protect private property rights while ensuring that development is compatible with the Valley's rural character

Develop a program to compensate landowners in the taking of property for public purposes

Goal: Require that development be compatible with the Valley's Rural Character and natural setting

Conditions of Approval

- Requirements of the Weber County Engineering Division
- Requirements of the Weber County Health Department
- Requirements of the Weber County Building Inspection Department
- Requirements of the Weber Fire District
- Requirements of the Weber County Zoning Ordinance
- Requirements of the Department of Agriculture

Staff Recommendation

Staff recommends approval of CUP 2010-22 for a Custom Exempt meat cutting facility subject to the requirements of staff and other review agencies. This recommendation is based on:

- The proposed use meets the requirements of the Agricultural AV-3 zone.
- The proposal is in conformance to the General Plan.
- The negative impacts have been "reasonably" mitigated.

Staff recommends approval with additional requirements:

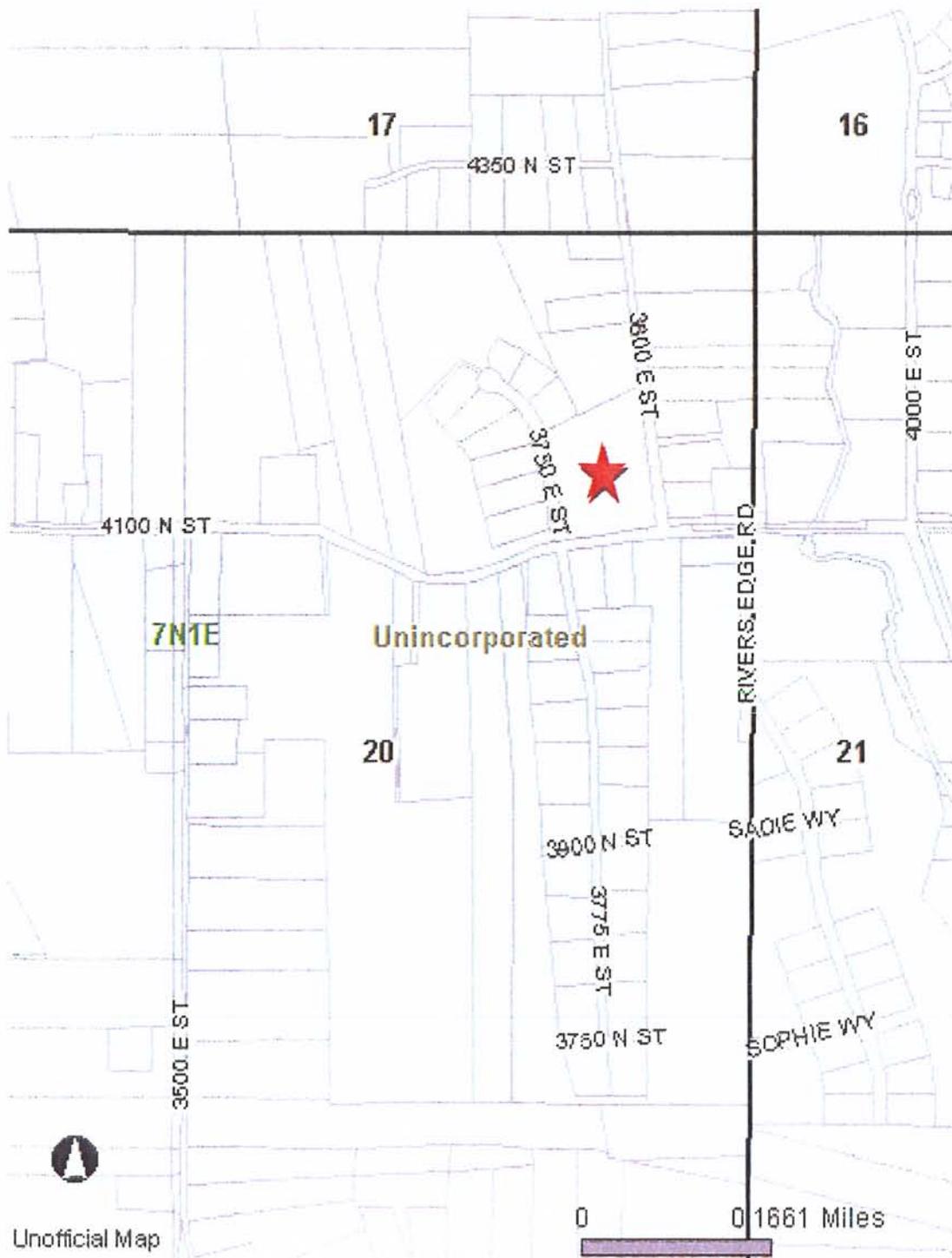
- Restroom facilities are installed
- The truck access has road base installed to prevent tracking onto 4100 North
- Finalizing any building permits.
- Backing up plan for the semi-trucks

The decision of the Planning Commission may be appealed to the County Commission by filing such appeal within 15 days after the written decision of the Planning Commission. A Conditional Use Permit may be revoked by the Planning Commission upon failure to comply with the conditional use permit.

Exhibits

- A. Site plan
- B. Applicant's narrative
- C. 2011 signed business license

Map 1



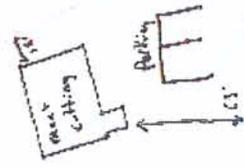
Unofficial Map

Map 2

221 BARRY 220100012

222690009
CREEK RIDGE LAND LLC

3788 JONES 220100001



Additional
Parking
if needed

3800 E ST



Truck Access →



STATE ROAD

High North

2011

Exhibit B

The mitigation of potentially detrimental effects is:

Noise- This will not be an issue because of the types of machines used and the unique construction of the building. The hamburger grinder is the only machine that is used and it is hard to hear if being used in the next room in a home. This building is 3-4 feet underground with 12 inch thick re-enforced concrete walls. No sound will escape the building at all. The one thing that is located next to the building is the air conditioning unit to keep the refrigerator cold. As everyone knows, because these are common on most homes and buildings, air conditioning units are not loud or disturbing to anyone.

Traffic- If there is any truck traffic it will be brought into the property from 4100. The road will never be blocked for more than a moment to turn into the parcel and its parking spaces. It would only be expected to see 6-8 semi-truck pickups a year. More parking spaces will be added from previous plan to accommodate parking needs.

Restrooms- Rest rooms will be constructed to accommodate the building as soon as a permit is issued.

Culinary water- Additional water shares have already been purchased from Weber Basin Water Conservancy District to accommodate this building from a nearby well. Testing for cleanliness and pressure have been done and approved.

Waste Water- Waste water disposal has already been examined for any impact to the soil by the appropriate county and state environmental agencies. A larger than required septic system has already been approved and installed at the site.

Animal waste- Depending on the amount of animals being cut and wrapped the animal waste will be hauled away 2-5 times a week, or as needed. No decaying waste or long term storage is allowed by the state Department of Agriculture and food. Cleanliness of the building and surrounding area will be paramount for the business to keep its permits and receive approval from the Dep. of Ag. State inspections are done on a scheduled program to maintain a clean and healthy environment.

Since the building is an underground structure, which will mitigate most potential impacts from noise, smell, and light, it makes this the perfect location for this proposed use. The standard setbacks for a building of this type seem definitely more than appropriate.



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Request to amend Chapter 18C (Architectural, Landscape and Screening Design Standards) of the Weber County Zoning Ordinance by permitting the use of chain link fencing where it is currently a prohibited (fencing) material type.

Agenda Date: Tuesday, July 31, 2012

Applicant: Ray Bowden; Applicant

File Number: ZTA 08-2012

Property Information

Approximate Address: NA

Project Area: NA

Zoning: NA

Existing Land Use: NA

Proposed Land Use: NA

Parcel ID: NA

Township, Range, Section: NA

Staff Information

Report Presenter: Scott Mendoza
smendoza@co.weber.ut.us
801-399-8769

Report Reviewer: RS

Background

The petitioner is requesting that Weber County amend Chapter 18C (Architectural, Landscape, and Screening Design Standards) of the Weber County Zoning Ordinance by permitting the use of chain link fencing where it is currently a prohibited (fencing) material type. For contextual reference, see Exhibit "F" for the existing Chapter (18C) in its entirety.

Currently, sub-section 18C-7(1)(A) of the Architectural, Landscape and Screening Design Chapter reads as follows:

18C-7. Minimum Standards - Screening and Buffering

1. *Screening Device Materials:*
 - A. *A non-plant material screening device may be constructed of textured, non-reflective metal, concrete, vinyl, wood, brick or stone. **Chain-link fencing shall not be allowed.** If painted or stained, the screening devices shall be of a neutral, muted earth tone color and have a non-reflective finish. This color shall be approved along with other colors during the Site Plan Review or Conditional Use Permit.*
 - B. *A combination of earth berming or mounds and plant materials may be used as a screening device, and is recommended where practicable.*

Below is the petitioner's request:

18C-7. Minimum Standards - Screening and Buffering

1. *Screening Device Materials:*
 - A. *A non-plant material screening device may be constructed of textured, non-reflective metal, concrete, vinyl, wood, brick or stone **including chain-link.** If painted or stained, the screening devices shall be of a neutral, muted earth tone color and have a non-reflective finish. This color shall be approved along with other colors during the Site Plan Review or Conditional Use Permit.*
 - B. *A combination of earth berming or mounds and plant materials may be used as a screening device, and is recommended where practicable.*

The intent of this proposed amendment is to allow chain link fencing materials within projects that are subject to the Ogden Valley's architectural and landscape design requirements. See Exhibit "A" for the Petitioner's request. See Exhibits "B, C, and D" for example ordinances from other resort towns and/or mountain communities with natural and historic resource preservation values. See Exhibit "E" for a general description of chain link fencing material provided by the U.S. Department of Transportation – Office of Planning, Environment & Realty.

Below is the purpose and intent statement for Chapter 18C:

18C-1. Purpose and Intent

The purpose and intent of the Architectural, Landscape, and Screening Design Standards is to preserve the rural, mountainous landscape that exists in the Ogden Valley, and also accommodate new growth in commercial and industrial uses. The design standards include the following specific purposes:

1. *Provide for commercial, industrial development that is aesthetically pleasing and compatible with the rural nature and natural setting of the Ogden Valley.*
2. *Provide a variety of colors, textures and forms in the environment that blend together in a harmonious manner.*
3. *Protect and preserve the appearance, character and public health, safety and welfare of the Ogden Valley.*
4. *Minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare and other objectionable activities or impacts conducted or created by an adjoining or nearby uses.*
5. *Help control erosion, absorb solar radiation, divert and control winds, provide shade, frame views and reduce heating and cooling costs.*
6. *Provide visual cues for circulation, screen unsightly or undesired views, and help minimize the adverse effects of large expanses of paving.*
7. *Promote the efficient use of water and conservation of natural resources.*

Summary of Planning Commission Considerations

The request has been made that Weber County make a policy decision; therefore, the Ogden Valley Planning Commission should consider the following:

- Does the proposed ordinance amendment meet the goals and objectives of the Ogden Valley General Plan?
- Has there been a change, as it relates to the value that past Commissioners have placed in the aesthetic qualities of building materials?

Conformance to the General Plan

The proposal to amend Chapter 18C, of the Weber County Zoning Ordinance, does not conform to the Ogden Valley General Plan, due to its contradiction with the following Plan statements:

- A vision described in the Ogden Valley General Plan is one that *"Maintains the Valley's rural atmosphere and rural lifestyle."* A prescribed objective, related to this vision, is to *"Encourage development that is compatible with cultural and historic resources."*
- The Ogden Valley General Plan discusses how the Valley's rural lifestyle and natural beauty adds to its unique characteristics. It states how it has an *"unspoiled character"* and *"unassuming charm"* which are recognized as qualities that should be protected, preserved, and fostered with foresight and wisdom.
- An important goal listed in the Ogden Valley General Plan is to *"Require that development be compatible with the Valley's rural character and natural setting."* The prescribed objective, related to this goal, is to *"Determine the types of residential and commercial building materials and design that are compatible with the Valley's rural character."*
- The Ogden Valley General Plan and the Weber County Zoning Ordinances, in general, are intended to protect and promote the general welfare, safety, health, convenience and economic prosperity of the residents of the County. In order to protect and promote these elements, referred to above, the General Plan places emphasis on project design, layout, and building materials; therefore, any construction materials that cannot be considered an aesthetic contribution should not be allowed.

Staff Recommendation

Based on the information submitted and guidance found in the Ogden Valley General Plan, the Planning Division Staff is recommending that the Ogden Valley Planning Commission deny the request to amend the Weber County Zoning Ordinance by permitting the use of chain link fencing where it is currently a prohibited (fencing) material type.

Exhibits

- A. Petitioner's Application/Request.
- B. Ordinance regulating chain link fencing – Town of Telluride, Colorado.
- C. Ordinance regulating chain link fencing – Park City Municipal Code.
- D. Ordinance regulating chain link fencing – Town of Hailey, Idaho.
- E. Description of chain link fencing – U.S. Department of Transportation, Office of Planning, Environment & Realty.
- F. Chapter 18C (Architectural, Landscape, and Screening Design Standards) of the Weber County Zoning Ordinance.

EXHIBIT "A"

Weber County General Plan or Text Amendment Application

Application submittals will be accepted by appointment only. (801) 399-8791. 2380 Washington Blvd. Suite 240, Ogden, UT 84401

Date Submitted G	Received By (Office Use) \$300 ⁰⁰ #881	Added to Map (Office Use) ZTA 2012-08
----------------------------	--	--

Property Owner Contact Information

Name of Property Owner(s) Ray Bowden		Mailing Address of Property Owner(s) 5393 East 3850 North Eden, UT 84310
Phone 801	Fax _____	
Email Address _____		Preferred Method of Written Correspondence <input type="checkbox"/> Email <input type="checkbox"/> Fax <input checked="" type="checkbox"/> Mail

Ordinance Proposal

Ordinance to be Amended
18C-7 The Arch

Describing the amendment and/or proposed changes to the ordinance:

1. Screening Device Materials:
 1. A non-plant material screening device may be constructed of textured, non-reflective metal, concrete, vinyl, wood, brick or stone **and chain link.** If painted or stained, the screening devices shall be of a neutral, muted earth tone color and have a non-reflective finish. This color shall be approved along with other colors during the Site Plan Review or Conditional Use Permit.
 2. A combination of earth berming or mounds and plant materials may be used as a screening device, and is recommended where practicable.
2. Parking areas shall be screened or buffered from view along all street rights-of-way or along any property line which is contiguous to a residential use or zoning district, or along those separated by an alley, as specified in this ordinance.
3. The side and rear screens or buffers of parking areas, whether plant material or non-living device, shall be a minimum of size (6) feet in height as measured from the parking surface. The first twenty-five feet of the side lot line screen or buffer, as measured from the street right-of-way, shall not exceed four (4) feet in height.
4. Loading, delivery and service docks or bays shall be located in the rear or side yards of the property and shall be screened from view from the street right-of-way by a screening device at least six (6) feet in height.
5. Mechanical equipment, whether roof or ground mounted shall be screened from street and residential district view by a screening device.
6. Trash dumpsters:
 1. Trash dumpsters shall be located in an area shown on the approved Site Plan. Specific approval of this item is required.
 2. All trash dumpsters shall be screened from street or public view by a six (6) foot screening device on three (3) sides. The fourth side shall be a gate constructed of opaque materials.
 3. The screening device for a metal dumpster shall be placed adjacent to or on a concrete pad six (6) inches in thickness. The concrete pad shall match the adjacent grade and paving and provide for positive drainage.
 4. All dumpster enclosures or screens shall be illustrated and submitted with the site plan for review and approval.

TOWN OF TELLURIDE
GENERAL STANDARDS FOR REVIEW

B. FENCE MATERIALS SHOULD BE SIMILAR TO THOSE USED TRADITIONALLY.

- 1) Appropriate materials for all locations are:
 - Painted wood pickets
 - Wrought iron or cast metal
 - Twisted, decorative wire
- 2) In addition, solid wood plank fences may be used in rear yards.
- 3) **Inappropriate materials are:**
 - Chain link
 - Slatted "snow" fences
 - Mesh "construction" fences

C. MINIMIZE THE HEIGHT OF RETAINING WALLS.

- 1) When feasible, contour the site to reduce the need for retaining walls.
- 2) Where a wall is necessary, limit its height to less than 30 inches, when feasible. Use a series of terraces with short walls where the overall retaining height must be greater.
- 3) If a fence is to be placed on top of a wall, the combined height should be in scale with walls and fences seen historically.

D. RETAINING WALL MATERIALS SHOULD APPEAR SIMILAR TO THOSE USED HISTORICALLY.

- 1) A simple wall of native rock is preferred. A dry stack design is appropriate.
- 2) Where mortar is used, it should appear similar to that used traditionally.
- 3) Alternative materials may be considered but they should convey the general scale, texture and character of rock walls. Appropriate materials are: Stone, brick and cast stone. Plain concrete walls may be used for low walls in side and rear yard conditions. Wood timbers also may be considered in rear yards and outside the historic district.

Refer to GS(12)(A) for retaining walls in steep hillsides.



Stone retaining walls should be similar in design and height to historic walls.

19. Policy: Exterior Lighting

The character and level of lighting is a special concern in the community. Exterior lighting should be a subordinate element so that the stars in the night sky are visible. Traditionally, exterior lights were simple in character. Most used incandescent lamps, which cast a color similar that of daylight. These were relatively low in intensity and were shielded with simple shade devices. This overall effect should be continued.

A. EXTERIOR LIGHTS SHALL BE SIMPLE IN CHARACTER AND SIMILAR IN COLOR AND INTENSITY TO THAT USED TRADITIONALLY.

- 1) The design of a fixture should be simple in form and detail. Designs similar in character to those used historically are encouraged.
- 2) Lights along alleys should be utilitarian in design.
- 3) All exterior light sources should have a low level of luminescence. Lamps with a maximum equivalent of a 40 watt incandescent bulb (490 lumens) are preferred for site lighting. Lower intensities should be used in architectural fixtures such as step lights.



The above photo of Main Street at night illustrates the use of subdued lighting along Colorado Avenue.



TITLE 15 - LAND MANAGEMENT CODE (LMC)
CHAPTER 5 - ARCHITECTURAL REVIEW

Chapter adopted by Ordinance No. 02-07

**CHAPTER 5 - ARCHITECTURAL
REVIEW**

15-5 -1. POLICY AND PURPOSE.

As a community dependent upon the tourism industry, the atmosphere and aesthetic features of the community take on an economic value for the residents and Property Owners of Park City.

It is in the best interests of the general welfare of the community to protect the aesthetic values of the community through the elimination of those architectural styles, and those Building materials, which, by their nature, are foreign to this Area, and this climate, and therefore tend to detract from the appearance of the community.

Most of Park City's Main Street and many homes in Park City's older neighborhoods are listed on the National Register of Historic Places as well as being locally designated as Historic Sites, which is a point of considerable importance to the tourism industry. New Development, while distinct from surrounding Historic Sites, should not detract from them. Park City is densely

developed due to the shortage of level, buildable land.

The effect of one Development is felt on the community as a whole. It is the policy of the City to foster good design within the constraints imposed by climate, land ownership patterns, and a Compatible architectural theme.

It is also the intent of this section to encourage lighting practices and systems which will minimize light pollution, glare, and light trespass; conserve energy and resources while maintaining night time safety, utility, and security; and curtail the degradation of the night time visual environment.

It is recognized that the topography, atmospheric conditions and resort nature of Park City are unique and valuable to the community. The enjoyment of a starry night is an experience the community desires to preserve. The City of Park City, through the provisions herein contained, promotes the reduction of light pollution that interferes with enjoyment of the night sky.

(Amended by Ord. Nos. 06-56; 09-23)

PARK CITY MUNICIPAL CODE - TITLE 15 LMC, Chapter 4 - Supplemental Regulations
15-4-2

Master Planned Development or Conditional Use permit. Prior to issuance of an Administrative Conditional Use permit the Property shall be posted and affected adjacent Property Owners shall be noticed ten (10) days prior to Final Action.

Any Fence or retaining wall greater than six feet (6') in height requires a Building Permit.

(B) RESTRICTIONS ON MATERIALS. Chain link Fences are prohibited in all zones with the following exceptions, which must be approved by the Planning Director.

- (1) For recreational facilities such as tennis courts,
- (2) As temporary limits of disturbance, fencing during construction as approved by the Planning Department.
- (3) Chain link Fences within the required Yard Areas may be permitted in other circumstances by the Planning Director when it is found that the Fence is necessary in the interest of security or public safety, and when the Fencing needs cannot be reasonably met with any other type of Fencing .

(C) BERMS. Berms within the required Yard Area may be constructed subject to the following:

- (1) Landscaping shall be

incorporated into the design of the berm and shall extend its entire length.

(2) Berms shall be designed with sufficient undulation to provide visual relief and shall meander for the entire length.

(3) Within Front Yard Areas berms may not be constructed to interfere with required sight distance and may not obstruct driver's line of sight from Streets and roads.

(Amended by Ord. Nos. 06-22; 07-25; 09-10)

15-4 - 3. HOME OCCUPATION.

A Home Occupation is a permitted Accessory Use, conducted and carried on entirely within a dwelling, or within an accessory Structure on the same Lot, by Persons residing in the dwelling, which Use is clearly incidental and secondary to the Use of the dwelling for dwelling purposes and does not change the residential character thereof.

Only those Persons making the home their primary residence may be employed in a Business operated from that home.

A Home Occupation shall not include the on-Site sale of goods or merchandise except those, which are produced on the premises, or those that are clearly Incidental Retail Sales, and shall not involve the Use of any outdoor yard space to conduct the Business, with the exception of permitted agricultural

ARTICLE VIII
FENCES, SIGNS

8.1 Fences.

8.1.1 General Provisions. The following requirements shall apply in all districts:

- a. No fence may be located, constructed, or maintained in such a way as to obstruct the view of intersections by motorists and pedestrians.
- b. Fences shall not be located within seventy five (75) feet of the centerline intersection of two (2) streets.
- c. No barbed wire or other sharp pointed metal fence and no electrically charged fence shall be permitted, unless after consideration, the Commission makes a determination that such materials are necessary for security purposes.
- d. A fence permit, issued by the Building Official, shall be required for all fences in all districts.

8.1.2 Specific Standards. The following provisions shall apply in addition to those specified in Section 8.1.1.

- a. Except as otherwise provided, for all uses in the LR, GR, LB and TN districts, fences shall not exceed four (4) feet in height when located within the required front yard setback and six (6) feet when located within the required side and rear yard setbacks.
- b. For all uses in the LI, TI, SCI-SO and B Districts, fences shall not exceed six (6) feet in height.
- c. For all uses in the SCI-I District or for Public Uses or Public Utility Facilities in all zoning districts, fences shall not exceed eight (8) feet in height.
- d. Arbors, trellises, entry arches and similar yard or landscape features may be permitted within a required yard setback provided they are not more than eight (8) feet high, five (5) feet wide and three (3) feet deep.
- e. Multiple features shall not be placed in a linear fashion for the purpose of creating a fence-like barrier.
- f. Chain link material is prohibited except for Public Uses or Public Utility Facilities with an approved Conditional Use Permit.
- g. For the purpose of applying the above height standards, the average height of the fence along any unbroken run may be used, provided the height at any point is not more than 10% greater than the maximum height.

(Ord. 1063 §1, 2010)

US Department of Transportation
Office of Planning, Environment, & Realty (HEP)

Recreational Trails Program

Type-III

Chain-Link

Chain-link fences are popular due to their effectiveness in keeping trail users off the tracks, relative low cost, and ease of maintenance. Chain-link fence may not be appropriate for rural areas where there is no history of trespassing, or for areas with a high history of trespassing, since it is very easy to cut and vandalize.

Most chain-link fences are visually unappealing -- and tend to project an image of an urban industrial environment. For this reason, trail designers should explore using other, more appealing types of fences whenever possible.

CHAPTER 18-C

ARCHITECTURAL, LANDSCAPE AND SCREENING
DESIGN STANDARDS

- 18C-1. Purpose and Intent
- 18C-2. Definitions
- 18C-3. Applicability
- 18C-4. Minimum Standards - Architectural
- 18C-5. Minimum Standards and Guidelines - General Landscape
- 18C-6. Minimum Standards – Landscape - Off-Street Parking
- 18C-7. Minimum Standards - Screening and Buffering
- 18C-8. Clear Sight Distance for Landscaping and Screening
- 18C-9. Landscape Plan

18C-1. Purpose and Intent

The purpose and intent of the Architectural, Landscape and Screening Design Standards is to preserve the rural, mountainous landscape that exists in the Ogden Valley, and also accommodate new growth in commercial and industrial uses. The design standards include the following specific purposes:

1. Provide for commercial, industrial development that is aesthetically pleasing and compatible with the rural nature and natural setting of the Ogden Valley.
2. Provide a variety of colors, textures and forms in the environment that blend together in a harmonious manner.
3. Protect and preserve the appearance, character and public health, safety and welfare of the Ogden Valley.
4. Minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare and other objectionable activities or impacts conducted or created by an adjoining or nearby uses.
5. Help control erosion, absorb solar radiation, divert and control winds, provide shade, frame views and reduce heating and cooling costs.
6. Provide visual cues for circulation, screen unsightly or undesired views, and help minimize the adverse effects of large expanses of paving.
7. Promote the efficient use of water and conservation of natural resources.

18C-2. Definitions

In interpreting the provisions hereof, and clarifying words, terms, phrases or parts thereof, the definitions provided in Chapter 1, Section 1-6 of this ordinance and the following definitions shall apply:

1. Earth-tone Colors: Non-bright colors representing natural, earth colors and values, including browns, black, grays, rusts, etc. White shall not be used as a predominant color, but may be used as an accent.
2. Awning/Canopy: Generally considered to be external window or door coverings having arched, domed, rounded or flat forms that are mounted above the window or door and extend beyond the structure facade. Some awning types, particularly canvas, may be retractable.

- 3. Hedge: A single or multi-row arrangement of continuous shrubs, designed to act as a screen or buffer. Hedges may be formal, requiring a uniform species, regular spacing, and uniform maintenance, or informal, variety of species, irregular spacing, maintenance specific to the shrubs used.
- 4. Landscaping: Improvements made to enhance the appearance of the land by planting, grading, and outdoor constructions. Planting materials shall include, but not be limited to, grass, perennials, herbs, ground covers, shrubs, vines, hedges, and trees. Other landscaping materials may include rocks, pebbles, sand, organic and inorganic mulches, top soil, gravel, timbers and mowstrips. Paving for sidewalks, parking and roads is not included.
- 5. Marquee: A permanent canopy, usually made of metal and glass, projecting over an entrance to a building or extending along and projecting beyond the building's facade and generally designed and constructed to provide protection against the weather.
- 6. Mowstrip: Divider material used to separate turf grass from other landscape types, often made of wood, concrete, brick, plastic or metal.
- 7. Mulch: Organic or inorganic matter used as a landscape covering over bare earth. Organic matter often used is chipped or shredded bark. Inorganic materials include gravel, rock or other rock products. Erosion matting, weed barriers or geotextile fabrics are not considered mulches.
- 8. Parkway: If curb and gutter is present, it is the area within the public right-of-way which lies between the back of curb and the sidewalk or, if the sidewalk is adjacent to the curb and gutter, it is the area between the sidewalk and the property line. In areas where no curb and gutter is present, it is the area between the edge of pavement and the property line.
- 9. Shrubs: Self-supporting, woody plant species without a trunk.
- 10. Trees: Self-supporting woody plants having a trunk and canopy.
- 11. Vines: Woody and herbaceous plants that generally grow by rambling over the ground or climbing on some structure for support.
- 12. Yurt: A yurt is a circular structure not more than 35 feet in diameter with a maximum building height of 20 feet, which consists of a fabric cover, tension band. And wood frame that includes a lattice wall, radial rafters, and a framed door. 2006-20

18C-3. Applicability

The Architectural, Landscape and Screening Design Standards, as set forth in this ordinance, shall apply to all commercial, industrial, manufacturing, public or quasi-public uses. It shall apply to multi-family dwellings of three (3) or more units, including townhouses, condominiums, apartments and Bed and Breakfast Inns. Single family residential use and its approved accessory uses, agricultural uses, parking or vehicular uses which are under, on or within buildings, and parking areas serving single-family and duplex uses shall be exempt. 2003-6

Yurts are exempt from the requirements of 18C-4B, but shall meet all other requirements of Chapter 18C. Yurts shall only be allowed in zones wherein their use is provided for as a Conditional Use in accordance with Chapter 22 C. 2006-20

18C-4. Minimum Standards - Architectural

The following Architectural Design Standards shall apply to exteriors of new and remodeled structures in the Ogden Valley area unless exempted in Section 18C-3 of this ordinance.

1. **Color:** External surfaces shall be predominantly natural, muted earth tones. White may be used as an accent color. Contrasting accent colors may be allowed by the Planning Commission. The roof of an addition to an existing structure, when matching existing colors, shall be exempt.
2. **Exposed fronts and street sides of buildings:** Exposed fronts and street sides of buildings shall be constructed of non-reflective materials and shall be textured concrete, brick, stone and/or natural wood/wood-like materials. Concrete masonry units or block CMU's shall not be considered acceptable materials unless it is specially colored and textured. Vinyl and/or aluminum siding shall not be acceptable.
3. **Glass:** Use of glass for displays and to allow visual access to interior spaces shall be allowed. Mirrored glazing is prohibited on any building. Tinted or solar absorption glazing may be used.
4. **Exposed Metal:** Exposed metal shall be painted, stained, or anodized in permitted colors and shall be non-reflective. Copper, brass and wrought iron may remain untreated and allowed to develop a natural patina.
5. **Awning and Canopies:** Awnings and canopies shall not be backlit or used for signage.
6. **Metal Windows:** Metal as a window framing support or mounting material shall be painted, stained, anodized or vinyl-clad in approved colors.
7. **Colored architectural elevations, colored signage plans and landscape plans shall be included with all Site Plan submittals.**
8. **Architectural detail shall be provided at focal points on all building facades, such as doorways, balconies, roof overhangs and dormers, such that monotonous horizontal lines greater than fifty (50) feet are avoided.**

18C-5. Minimum Standards and Guidelines - General Landscaping**2011-5**

1. All commercial sites shall have a minimum of twenty (20) percent of the total lot area landscaped and a minimum of eighty (80) percent of the landscaping shall be living plant materials.
2. All commercial sites shall provide a planting area, excluding sidewalk, of at least fifteen (15) feet in width along front and side property lines adjacent to street rights-of-way unless a zero foot setback and the applicant meeting the requirements of complete streets within the project limits. Side and rear property lines not adjacent to street rights-of-way shall have a planting area of not less than eight (8) feet in width.
3. A maximum of fifty (50) percent of the total landscaped area shall be planted in turf grass.
4. A minimum planting area of at least ten (10) feet in width shall be provided between any parking lot or sidewalk and the front of the building. Minimum planting areas of at least five (5) feet in width shall be provided along the sides and rear of the building except where service areas, docks and entrance points are located.
5. All parkways shall be landscaped with a native grass mixture that is low growing. Manual or automatic irrigation of parkway landscaping shall also be required. Irrigation equipment shall be located outside of the parkway. Parkway landscaping shall not be included in the total area and turf grass percentage requirements listed in A and C of Section 18C-5 of this ordinance.

6. All areas within the site which are not occupied by the primary and accessory uses, structures or parking areas, shall also be landscaped. This includes future expansion areas for either building or parking.
7. All elements of the Landscape Plan, including planting, irrigation, screening, and paving shall be installed as approved. If landscaping improvements are not to be completed until after the occupancy of the primary building, a financial guarantee, not to exceed one (1) year, shall be posted and approved by the County Attorney and the County Commissioners.
8. Plant Material:
- A. Quality; Plant materials used in conformance with the provisions of this ordinance shall be healthy and vigorous.
 - B. Size: Plant sizes at the time of installation shall be as follows:
 - 1. Deciduous trees: All deciduous trees shall have a minimum trunk size of two (2) inches caliper
 - 2. Evergreen trees: All evergreen trees shall have a minimum height of six (6) feet.
 - 3. Shrubs: All woody shrubs shall have a minimum height or spread of eighteen (18) inches, depending upon the plant's natural growth habit, unless otherwise specified. Plants in five (5) gallon containers will generally comply with this standard.
 - 4. Vines: All vines shall be five (5) gallon size minimum unless otherwise specified.
 - 5. Groundcovers: Areas in which groundcovers are specified in lieu of turf grass, in whole or in part, shall be planted densely enough such that the area will develop reasonably full and even coverage within two (2) growing seasons after planting.
 - 6. Turf Grass: Turf grass species shall be hardy to the Ogden Valley and be of the type normally specified for this area. Turf may be planted by sodding, plugging, sprigging or seeding. Application rates for plugs, sprigs and seed shall be high enough to provide even and uniform coverage of turf within one (1) growing season after planting. Turf areas where erosion is expected to occur under normal conditions, such as drainage swales and/or slopes greater than 30%, shall be planted exclusively with sod.
 - C. Selection: Plants used in conformance with the provisions of this Chapter shall be hardy and capable of withstanding the extremes of individual site microclimates typical of Ogden Valley. The use of drought tolerant and native plants is preferred within areas appropriate to site conditions.
 - D. Installation: All plant materials shall be installed in accordance with the current professional planting procedures.
 - E. Irrigation: All landscaped areas containing living plant material shall be provided with either a manual or automatic irrigation system.
9. Maintenance:
- A. Responsibility: The owner of the premises shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the site. Each owner is also responsible for maintenance of the parkway in front or to the side of the property.
 - B. Materials: All plant materials shall be maintained in good condition so as to present a health, neat and orderly appearance. All landscaped areas shall be kept free from weeds, dead plant material, refuse and/or debris.
 - C. Replacement: All dead or removed plants shall be replaced with the same type and size of plant material as originally specified on the approved landscape plan. No substitutions shall be allowed without prior approval of the Planning Commission Staff, whose decisions are appealable to the Planning Commission. Replacement shall be made within thirty (30) days of the plant's demise or removal. In cases where the thirty-day time limit for replacement extends beyond the normal growing season, replacement shall be made at the beginning of the following growing season.
 - D. Fences, walls and hedges: Fences, walls and hedges shall be maintained in good repair.
 - E. Irrigation Systems: Irrigation systems shall be maintained in good operating condition to promote water conservation.
10. Design Guidelines:

- A. Scale: The scale and nature of landscaping materials shall be appropriate to the size of the structures to be landscaped. Large buildings should generally be complemented by larger plants and planting beds.
- B. Selection: Plants shall be selected for form, texture, color, habit and adaptability to local conditions.
- C. Evergreens: Evergreen plant materials shall be incorporated into the landscape to provide some year round structure and enhance screening and buffering.
- D. Softening: Plants shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect and add variety.
- E. Mulch: Planting beds may be mulched with bark chips, decorative stone or similar materials. Mulch shall not be used as a substitute for plant material.
- F. Water Conservation: All irrigation systems shall be designed for efficient use of water. Use of qualified professional irrigation designers is recommended.
- G. Energy Conservation: Placement of plant materials shall be designed to reduce the energy requirements for heating and cooling of the development. Summer shade and blocking of winter winds should be considered.
- H. Berming: Earth berms and existing topographic features should be incorporated into the proposed landscape where appropriate to enhance screening and provide variety in the ground plane.
- I. Trails: Landscape and site design shall encourage pedestrian access and where applicable, accommodate condition of public pathways.

11. Manufacturing Sites Requiring Conditional Uses Permits:

A. In addition to the General Landscape requirements and where a proposed conditional use creates noise and/or dust emissions - through its manufacturing or loading/ transportation process greater than surrounding uses, a landscaped buffer shall be required along the affected area accommodating such uses. A landscaping buffer shall consist of a 4-foot or taller earthen berm incorporated into a 20 foot wide landscape area/strip. The berm shall be planted with a minimum of three (3) evergreen and three (3) deciduous trees per 50 lineal feet and shall be sized at a minimum of 6 feet in height for evergreen trees and 3-inch caliper for deciduous trees.

B. A mixture of shrubs shall also be planted on the berm with a minimum of 15 shrubs per 100 lineal feet of berm and have a minimum height of 36 inches at the time of installation.

2007-32

18C-6. Minimum Standards – Off-Street Parking

1. All off-street parking areas or other vehicular use areas which are twenty (20) feet or closer to any street right-of-way shall have a continuous landscape area between the edge of parking and the right-of-way. The minimum width of this landscape area shall be fifteen (15) feet. The minimum landscaping shall consist of the following:

- A. Trees shall be planted and spaced at the equivalent of one (1) tree per fifty (50) lineal feet or fraction thereof along the length of the landscape area. They may be spaced linearly or grouped in clusters. Tree size shall be a minimum of two (2) inch caliper.
- B. In addition to trees, an evergreen or deciduous shrub border or hedge shall be planted along one hundred (100) percent of the length of the landscaped area. Shrubs used shall not be less than eighteen (18) inches and not more than forty-eight (48) inches in height at maturity. The remainder of the planting area shall be landscaped with turf grass or groundcovers.

- C. A fence, permanent screen, or wall may also be installed within the landscaping area; however, the non-living screening device shall not exceed four (4) feet in height, and shall not replace the plant material requirement. The minimum plantings specified shall be installed on the street side of the screen. Additional plant materials may be planted on the parking area side of the screen.
2. Off-street parking or other vehicular use areas which are further than twenty (20) feet from any street right-of-way shall also have a continuous landscape area between the edge of parking and the right-of-way. The minimum landscaping shall consist of the following:
- A. Trees shall be planted and spaced at the equivalent of one (1) tree per fifty (50) linear feet or fraction thereof along the length of the landscape area. They may be spaced linearly or grouped in clusters. Tree size shall be a minimum of two (2) inch caliper.
- B. Earthen berms shall be constructed along the landscape area to provide some screening. Berm height may be continuous along the entire length, or vary somewhat to create variety. However, a maximum height of three (3) feet shall be maintained for at least seventy-five (75) percent of the entire length of the landscape area.
- C. In addition to trees, the landscape area shall be planted with low shrubs, groundcovers, or turf grass. The total combined height of earthen berms and plant materials, excluding trees, shall not exceed forty-eight (48) inches. Planting schemes which minimize turf use, and promote xeriscape or water-conserving principles are strongly encouraged. The limit of fifty (50) percent of the total site landscaping being turf grass shall still be applicable.
3. Parking areas within twelve (12) feet of a side or rear lot line shall have a continuous landscape area consisting of an evergreen and deciduous shrub border or hedge planted along one hundred (100) percent of the length of the landscaped area. The minimum width of this landscape area shall be eight (8) feet as specified in this ordinance. Shrubs used shall not be less than three (3) feet in height at maturity. Combinations of shrubs and permanent fences or screens may also be considered by the Planning Commission.
4. Necessary access ways from the public right-of-way through the continuous landscape area to the parking or other vehicular use areas shall be permitted. The width of said access ways, measured from back of curb to back of curb, or edge of pavement to edge of pavement if no curb is present) may be subtracted from the overall linear dimension used to determine the number of required trees.
5. All property lying between the right-of-way and the off-street parking area, including the required landscaped area, shall be landscaped with turf grass, shrubs and/or groundcovers.
6. Landscape exceptions:
- A. Existing hedges may be used to satisfy this landscaping requirement, provided they meet the specified requirements of this ordinance.
- B. Areas where the clear sight distance regulations of this ordinance apply
7. Parking areas having more than fifteen (15) spaces shall be required to provide interior landscaping within the boundaries of the parking lot or area that meets the following criteria:
- A. A minimum of five (5) percent of the interior area shall be landscaped. Landscaped areas located along the perimeter of the parking area beyond the curb or edge of pavement shall not be included as interior landscaping.
- B. Interior parking area shall be calculated by adding the total area of all parking stalls and adjacent driveway aisles. Excluded are access entrances/driveways and drop-off or service zones and their accompanying driveway aisles.
- C. Each separate interior landscaped area shall contain a minimum of one hundred twenty (120) square feet and shall have a minimum dimension of five (5) feet as measured from back of curb to back of curb, or from edge of pavement to edge of pavement. Landscaped areas shall be dispersed throughout the parking area to effectively break up the expanse of paving.

- D. Landscape treatment shall consist of one (1) tree per each one hundred twenty (120) square feet of the minimum required interior landscape area. A minimum of fifty (50) percent of the ground plane shall be planted with shrubs or groundcovers at the appropriate density to achieve complete coverage within two (2) years. Mature shrub or groundcover height shall not exceed four (4) feet as measured from the parking surface.
- E. Interior landscaped areas shall be protected by some type of permanent barriers.

18C-7. Minimum Standards - Screening and Buffering

- 1. Screening Device Materials:
 - A. A non-plant material screening device may be constructed of textured, non-reflective metal, concrete, vinyl, wood, brick or stone. Chain-link fencing shall not be allowed. If painted or stained, the screening devices shall be of a neutral, muted earth tone color and have a non-reflective finish. This color shall be approved along with other colors during the Site Plan Review or Conditional Use Permit.
 - B. A combination of earth berming or mounds and plant materials may be used as a screening device, and is recommended where practicable.
- 2. Parking areas shall be screened or buffered from view along all street rights-of-way or along any property line, which is contiguous to a residential use or zoning district, or along those separated by an alley, as specified in this ordinance.
- 3. The side and rear screens or buffers of parking areas, whether plant material or non-living device shall be a minimum of size (6) feet in height as measured from the parking surface. The first twenty-five feet of the side lot line screen or buffer, as measured from the street right-of-way, shall not exceed four (4) feet in height.
- 4. Loading, delivery and service docks or bays shall be located in the rear or side yards of the property and shall be screened from view from the street right-of-way by a screening device at least six (6) feet in height.
- 5. Mechanical equipment, whether roof or ground mounted shall be screened from street and residential district view by a screening device.
- 6. Trash dumpsters;
 - A. Trash dumpsters shall be located in an area shown on the approved Site Plan. Specific approval of this item is required.
 - B. All trash dumpsters shall be screened from street or public view by a six (6) foot screening device on three (3) sides. The fourth side shall be a gate constructed of opaque materials.
 - C. The screening device for a metal dumpster shall be placed adjacent to or on a concrete pad six (6) inches in thickness. The concrete pad shall match the adjacent grade and paving and provide for positive drainage.
 - D. All dumpster enclosures or screens shall be illustrated and submitted with the site plan for review and approval.

18C-8. Clear Sight Distance for Landscaping and Screening

When an access way intersects with a public right-of-way, or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping and screening within the triangular areas described below shall provide unobstructed cross-visibility at a level between two (2) and eight (8) feet in height. Trees may be planted inside the triangular areas, but shall be trimmed such that no limbs or foliage extend into the cross-visibility zone, and placed so as not to create a traffic hazard. Plant materials, excepting turf grass, shall not be located closer than three (3) feet from the edge of any access way pavement. The triangular areas referred to above are defined as follows:

1. The area of property on either side of an access way formed by the intersection of each side of the access way and the public right-of-way line. The two (2) sides of the triangle shall be ten (10) feet in length measured from the point of intersection and the third side (hypotenuse) being a line connecting the ends of these two sides.
2. The area of property located at a corner formed by the intersection of two (2) or more public rights-of-way. The two (2) sides of the triangle shall be formed by the street rights-of-way lines for a length of forty (40) feet back from their intersection and the third side being a line connecting the ends of these two sides.

18C-9. Landscape Plan

A landscape plan shall be required whenever landscaping or alteration of landscaping is required by this ordinance. Such landscape plans shall be drawn in conformance with the requirements specified in this chapter. Landscape plans shall be approved by the Planning Commission prior to the issuance of a building permit.

All Landscape plans submitted for approval shall contain the following information, unless specifically waived by the Planning Commission.

1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights-of-way, sidewalks, bicycle and/or equestrian paths, ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and playground equipment, all recreational facilities, and other freestanding structural features deemed necessary to accurately portray existing and proposed site characteristics.
2. The location, quantity, size and name (both botanical and common names) of all proposed plant material. Plant symbols representing trees and shrubs shall be shown on the plan at seventy-five (75) percent of mature size.
3. The location, size and common names of all existing plant material (including trees and other plants in the parkway) and whether they are to be retained or removed.
4. The location of existing buildings, structures, and trees on adjacent property within twenty (20) feet of the site. Where adjacent trees are growing in native or natural clumps or groves such that showing individual tree locations is impractical, canopy outlines are acceptable.
5. Existing and proposed grading of the site, indicating contours at a minimum of two (2) foot intervals. Show any walls or retaining structures proposed, along with their respective elevations. Proposed earth beaming shall be indicated using one (1) foot contour intervals.
6. Water efficient irrigation system (separate plan required). This system shall indicate the locations and types of all equipment, including sprinkler heads, control valves, quick-coupling valves, backflow prevention devices, time clock or controller, lateral lines, and main lines.

7. Summary data table indicating the area of the site in the following classifications:
 - A. Total area of the site
 - B. Total area and percentage of the site in landscape area
 - C. Total area and percentage of the site in turf grass.
-



Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Amendment to Chapter 18B (Commercial Valley Zones CV-1 and CV-2) of the Weber County Zoning Ordinance.
Agenda Date: Tuesday, July 31, 2012
Applicant: Staff
File Number: ZTA 2010-16

Property Information

Approximate Address: N/A
Project Area: N/A

Adjacent Land Use

North:	N/A	South:	N/A
East:	N/A	West:	N/A

Staff Information

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

Applicable Ordinances

- Chapter 18B (Commercial Valley Zones CV-1 and CV-2)

Background

Consistent with the Planning Division work program, planning staff is proposing several amendments to the Weber County Zoning Ordinance Chapter 18B (Commercial Valley Zones CV-1 and CV-2). This chapter deals with the requirements for both general and neighborhood commercial areas and uses in the Ogden Valley. A complete copy of the proposed ordinance is included as exhibit A.

In April and May of 2012 the Ogden Valley Planning Commission met to discuss these proposed amendments to the ordinance. It was felt that there needed to be a better understanding of the purpose of the zones, and what was intended as neighborhood commercial and general commercial zones. Examples of ordinances with a difference between General and Neighborhood based commercial zoning were discussed. Direction was given to staff to create a purpose and intent section that was similar to what existed in the ordinance. Yet use portions of the other examples to clarify the differences in the two zones. Direction was also given to retain the character particular to the Ogden Valley's current commercial uses and direction of the General Plan.

The following is the proposed amendment to the ordinance:

18B-1. Purpose and Intent

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

The CV-1 Zone (Neighborhood Commercial) has been established for the purpose of providing shopping facilities and services within neighborhoods in the Ogden Valley, primarily for the convenience of people living in a neighborhood. The types of goods and services which may be offered for sale have been limited to "convenience

goods" such as groceries, drugs, and personal services such as a barber and beauty shop, distinguished by the fact that the principal patronage of the establishments originates within the surrounding neighborhood. Consequently, other uses such as automobile sales, furniture, and other stores, in which the principal patronage originates outside the surrounding neighborhood, have been excluded from the CV-1 zone. The maximum size of a CV-1 zone node shall be approximately five (5) acres exclusive of minimum lot widths and areas.

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

Format modifications have been made to the Site Development Standards in 18B-2 to clarify that requirements are subject to each zone. The proposed amendment also would not allow a building in the zones to exceed 35 feet in height, even if proposed as a conditional use.

In all reviews that planning staff has had regarding portion 18B-4-1-B staff has determined that this requirement is not needed in the ordinance. In reviewing the uses allowed in the CV-1 zone many of them would desire to have some form of music or entertainment. Therefore, additional restriction upon those uses would be detrimental to their business.

The Planning Commission had suggested the first version shown below. This language is both grammatically incorrect and does not convey the sentiment of the Planning Commission regarding entertainment and music in the CV-1 zone versus the CV-2 zone.

Staff has tried to re-work the language to convey the message of the Planning Commission; however problems are foreseen by either proposal. The first being that electrically amplified music or entertainment could only occur in cafes, ice cream parlors, or restaurants. Therefore music or entertainment could not occur in desired uses such as in a dance studio, or in a rest home, or in a barber shop to name a few.

The other attempt to re-work 18B-4-1-B allows music or entertainment based only on who objects to it or not, rather than left up to the use. This would be difficult to enforce and is likely undesirable. Once again staff suggests that no regulation for music based on use in the CV-1 zone is needed in the ordinance, and that those uses in this zone are commercial and therefore may create more noise than uses in forest, agricultural, or residential zones.

Staff suggests that the following modifications be made to section 18B-4 Special Regulations.

18B-4. Special Regulations

1. Hereinafter specified permitted and conditional uses shall be allowed only when the following conditions are complied with:

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

A. ~~All uses shall be free from excessive odor, dust, smoke, or noise.~~

B. ~~In the CV-1 (neighborhood) Commercial Zone no electrically amplified outdoor entertainment, except recorded Music shall be permitted in cafes, cafeterias, ice cream parlors, or restaurants.~~

B. In the CV-1 zone, no electrically amplified music or entertainment shall be permitted except in cafes, ice cream parlors, or restaurants.

~~B. No electrically amplified music or entertainment shall be an objectionable nuisance. e.g. Music in cafes, ice cream parlors, or restaurants.~~

2. A car wash shall be allowed ~~permitted~~ subject to the following restrictions:
 - A. Operation or use shall be limited to the hours between 6:00 a.m. and 10:00 p.m. in the CV-1 zone. Zones only.
 - B. There shall not be more than four washing bays for a manual spray car wash in the CV-1 zone. Zones only.
- C. In both the CV-1 and CV-2 zones the off-street ~~Off-street~~ vehicle spaces or queues ~~storage~~ required shall be as follows:
 1. One bay car wash, four spaces in the approach lane
 2. Two bay car wash, three spaces in the approach lane for each wash bay
 3. Three or more bay car wash, two spaces in the approach lane for each wash bay
3. A Complete Street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility.

A complete street design is required when the front setback is less than 20 feet, and may include a 10 foot pathway, pedestrian lights, shade trees, clear view of intersection, and safe street crossings for pedestrians. The design is to be approved by the Planning Commission.

The focus by staff for this amendment was to update, remove if needed, and include if applicable, uses which appear to follow the desires of the General Plan and are current to business practices. Each use has been re-evaluated by staff with recommended changes as to whether they should be not allowed, allowed as a permitted use, or allowed as a conditional use.

Please refer to pages 3, 4, 5, and 6 of exhibit A for the proposed changes to the use chart. Since the last work session staff has suggested a few new uses, proposed a couple of deletions, and reworked some language amongst the uses for clarification.

Summary of Planning Commission Considerations

- Does this amendment make sense?
- Are the reasons for amending the ordinance clearly stated?
- Does the proposed amendment comply with the goals and objectives directed in the General Plan and its updated elements?

Conformance to the General Plan

The proposed ordinance amendment complies with the goals/objectives of the General Plan by:

- Promoting property rights in commercial zones by encouraging diversity in land use options.
- Clarifying the purposed and intent of commercial zone in the Ogden Valley.
- Empowering its citizenry to take part in decisions affecting the Ogden Valley by having commercial zoning options unique to the Ogden Valley and possibly not found in other parts of Weber County.
- Allowing residents to respect each others' privacy and property rights.
- Allowing uses which keeps pace with the Ogden Valley's modest growth and conforms to Ogden Valley's resource capabilities.
- Providing sufficient flexibility in the zoning ordinance to allow for creative solutions to development conflicts

Conditions of Approval

- N/A

Staff Recommendation

Staff recommends approval of the proposed amendments to Chapter 18B Commercial Valley Zones CV-1 and CV-2 Zone. If the Planning Commission agrees with the staff recommendation, approval of the amendments should be recommended to the County Commission.

Exhibits

- A. Proposed amendment to Chapter 18B (Commercial Valley Zones CV-1 and CV-2)

CHAPTER 18-B

COMMERCIAL VALLEY ZONES CV-1 and CV-2

- 18B-1. Purpose and Intent**
- 18B-2. Site Development Standards**
- 18B-3. Sign Regulations**
- 18B-4. Special Regulations**
- 18B-5. Uses**

18B-1. Purpose and Intent

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

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

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

18B-2. Site Development Standards	<u>CV-1 and CV-2</u>
1. Minimum Lot Area	none
2. Minimum Lot Width	none
3. Minimum Yard Setbacks	
A. Front	20 ft unless the requirements listed in (B-4) Special Regulations number 3 <u>is are</u> met.
B. Side	None, except 10 feet <u>where a building is adjacent to a forest, agricultural, or residential zone boundary</u>
C. Side facing street on corner lot	20 feet, unless the requirements listed in (B-4) Special Regulations number 3 are met.

- | | | |
|--------------------|----------------------|---|
| D. | Rear | None, except 10 feet where <u>a building rears-on is adjacent to a forest, agricultural, or residential zone boundary</u> |
| 4. Building Height | | |
| A. | Minimum | one story |
| B. | Maximum | <u>35 feet, in the CV-2 zone heights over 35 feet may be allowed as a Conditional Use</u>
Conditional Use required if over
<u>35 feet</u> |
| 5. | Maximum Lot Coverage | <u>Not over 60%</u> of lot area by buildings or accessory buildings |

18B-3. Sign Regulations

The height, size, and location of the permitted signs types shall be in accordance with the regulations set forth in Chapter 32B, Ogden Valley Signs, of this Ordinance.

18B-4. Special Regulations

1. Hereinafter specified permitted and conditional uses shall be allowed only when the following conditions are complied with:

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

~~A. All uses shall be free from excessive odor, dust, smoke, or noise.~~

~~B. In the CV-1 (neighborhood) Commercial Zone no electrically amplified outdoor entertainment, except recorded Music shall be permitted in cafes, cafeterias, ice cream parlors, or restaurants.~~

~~B. In the CV-1 zone, no electrically amplified music or entertainment shall be permitted except in cafes, ice cream parlors, or restaurants.~~

~~B. No electrically amplified music or entertainment shall be an objectionable nuisance, e.g. Music in cafes, ice cream parlors, or restaurants.~~

2. A car wash shall be allowed ~~permitted~~ subject to the following restrictions:
 - A. Operation or use shall be limited to the hours between 6:00 a.m. and 10:00 p.m. in the CV-1 zone. Zones only.
 - B. There shall not be more than four washing bays for a manual spray car wash in the CV-1 zone. Zones only.
 - C. In both the CV-1 and CV-2 zones the off-street Off-street vehicle spaces or queues storage required shall be as follows:
 1. One bay car wash, four spaces in the approach lane
 2. Two bay car wash, three spaces in the approach lane for each wash bay
 3. Three or more bay car wash, two spaces in the approach lane for each wash bay

Review July 31, 2012

3. A Complete Street is a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users including bicyclists, pedestrians, transit vehicles, and motorists, appropriate to the function and context of the facility.

A complete street design is required when the front setback is less than 20 feet, and may include a 10 foot pathway, pedestrian lights, shade trees, clear view of intersection, and safe street crossings for pedestrians. The design is to be approved by the Planning Commission.

18B-5. Uses

In the following list of possible uses, those designated in any zone as "P" will be a permitted use. Uses designated as "C" will be allowed only when authorized by a conditional use permit obtained as provided in Chapter 22C of this Zoning Ordinance. Uses designated "N" shall not be allowed in that zone.

<u>CV-1</u>	<u>CV-2</u>	
N	P	<u>Academies/ studios for dance, art, sports, etc.</u>
P	P	Accessory buildings and uses customarily incidental to a permitted <u>or conditional uses</u>
P	P	Altering, pressing and repairing of wearing apparel
N	C	Ambulance <u>Emergency Services</u> Base Stations
N	C	Animal hospital, <u>small animals only</u> and provided it is conducted within <u>completely an enclosed building</u>
N	P	Antique, import or souvenir shop
N	P	Archery shop and range, provided it is conducted within <u>completely an enclosed bldg. building</u>
N P	P	Art and artists <u>gallery or supply store</u>
P	P	Assisted living facility including convalescent or rest home
N	P	Athletic, <u>recreational equipment</u> , and sporting goods store <u>sales/ rentals</u> , excluding sale or repair of motor vehicles, motor boats or motors
N	P	Athletic Club
N	C	Auction establishment
N	C	Automobile repair including paint, body and fender, brake, muffler, upholstery, or transmission work provided it is conducted within <u>completely an enclosed building</u>
N	C	Automobile, new or used sales/service
N	P	Awning sales and service
P	P	Baby formula service
P C	P	Bakery <u>manufacture limited to goods retailed on premises</u>
P	P	Bank or financial institution <u>not including payday loan services</u>
P	P	Barber shop
N	P	Bath and massage establishment
P	P	Beauty shop
<u>P</u>	<u>P</u>	<u>Bed and Breakfast Dwelling</u>
N	P	Bed and Breakfast Inn
N	C	Bed and Breakfast Hotel
N	C	Beer parlor, <u>sale of draft beer</u>
<u>N</u>	<u>P</u>	<u>Brewery, micro in conjunction with a restaurant</u>
P	P	Bicycle sales and service
N	C	Billiard parlor
N	P	Blue printing or Photostatting
N	C	Boarding house
N	C	Boat sales and service
N	C	Boat and personal water craft rentals as an accessory use to Boat sales and service
N	C	Bookbinding
P	P	Book store, retail
N	C	Bowling alley
N	P	Bus Terminal
P	P	Business Office
<u>N</u>	<u>P</u>	<u>Butcher shop, excluding slaughtering</u>

Review July 31, 2012

<u>CV-1</u>	<u>CV-2</u>		
P	P	Cafe or cafeteria	
P	P	Camera store	
P	P	Candy store, confectionery	
N	P	Carpet, rug and linoleum service	
N	P	Car rental agency	
N	C	Car wash, laundry type automatic	
C	P	Car wash, manual spray	
N	P	Cash register sales and service	
N	P	Catering establishment	
C	P	China, crystal and silver shop	
P	P	Christmas tree sales	
<u>P</u>	<u>P</u>	<u>Church</u>	
N	C	Church, temporary revival	
N	C	Cleaning and dyeing establishment	
P	P	Clinics, medical or dental	
N	P	Clothing and accessory store	
N	P	Communication equipment building	
C	P	Convenience Store	
N	P	Costume rental	
P	P	Dairy products store	
N	C	Dance hall	
N	P	Data processing service and supplies	
C	P	Day Care Center	2001-6
P	P	Delicatessen	
N	P	Department store	
P	P	Detective agency	
N	P	Diaper service, including cleaning	
N	P	Drapery and curtain store	
P	P	Drug store	
P	P	Dry cleaning pickup station	
P	P	Dwelling unit as part of a commercial building for proprietor or employee who also serves as a night watchman provided that an additional 3,000 square feet of landscaped area is provided for the residential use.	2001-16
N	P	Educational institution	
N	P	Electrical and heating appliances and fixtures sales and service	
N	P	Electronic equipment sales and service	
N	P	Employment agency	
P	P	Fabric and textile store	
N	C	Farm implement sales	
<u>N</u>	<u>P</u>	<u>Feed and Seed store, retail</u>	
P	P	Five and ten cent	
<u>N</u>	<u>P</u>	<u>Flooring sales and service, carpet, rug and linoleum</u>	
N	P	Florist shop	
<u>N</u>	<u>P</u>	<u>Fitness, Athletic, Health, Recreation Center, or Gymnasium</u>	
P	P	Frozen food lockers, incidental to a grocery store or food business	
NP	P	Fruit and vegetable store or stand	
N	P	Furniture sales and repair	
N	P	Fur apparel sales, storage or repair	
C	P	Garden supplies and plant materials sales	
P	P	Gift store	
N	P	Glass sales and service	
CN	P	Government office buildings or uses, non-industrial	
N	P	Greenhouse and nursery; soil and lawn service	
NC	CP	Grocery store	
NP	P	Grooming for dogs, small animals	
NP	P	Gunsmith	

Review July 31, 2012

<u>CV-1</u>	<u>CV-2</u>		
N	P	Gymnasium	
N	P	Hardware store	
N	P	Health club	
P	P	Health food store	
P	P	Hobby and crafts store	
N	P	Hospital supplies	
N	C	Hotel	
N	P	House cleaning and repair	
N	P	House equipment display	
N	C	Household appliance sales and incidental service	
P	P	Ice cream parlor	
N	P	Insulation sales	
N	P	Insurance agency	
N P	P	Interior decorator and designing establishment	
N	P	Janitor service and supply	
P	P	Jewelry store sales and service	
N	P	Laboratory, dental or medical	
P	P	Laundry or dry cleaners, Laundromat type	
P	P	Laundromat	
N	P	Lawn mower sales and service	
N	P	Leather goods, sales and service	
N	P	Legal office	
P	P	Library	
N	P	Linen store	
N	C	Liquor store	
P	P	Locksmith	
N	P	Lodge or social hall	
N	P	Luggage store	
N	C	Manufacture of goods retailed on premises	
N	C	Meat, Custom <u>Exempt</u> cutting, <u>and wrapping, and processing of livestock and game, excluding slaughtering</u>	
P	P	Meat, fish and seafood store	
P	P	Medical office	
N	P	Medical supplies	
N	C	Miniature golf	
N	C	Mobile Home Sales	10-83
N	P	Monument works and sales	
N	C	Mortuary	
N	C	Motel	
N	C	Motorboat sales and service	
N	C	Motorcycle and motor scooters sales and service	
C	P	Museum	
N C	P	Music Store	
P	P	Needlework, embroidery or knitting store	
P	P	Newsstand	
P	P	Notion store	
N	P	Novelty store	
N	P	Office in which goods or merchandise are not commercially created, exchanged or sold	
N	P	Office supply	
N	P	Office machines sales and service	
P	P	Optometrist, optician or oculist	
N	C	Ornamental iron sales or repair	
N	P	Paint or wallpaper store	
N	P	Paperhanger shop	
P	P	Park and playground	
C	C	Parking lot or garage <u>as a main use for passenger automobiles</u>	

Review July 31, 2012

<u>CV-1</u>	<u>CV-2</u>	
N	P	Pest control and extermination
N	P	Pet and pet supply store
P	P	Pharmacy
P	P	Photographic supplies
P	P	Photo studio
P	P	Physician or surgeon
N	P	Pie manufacture
N	P	Plumbing shop
P	P	Popcorn or nut shop
C	P	Post office
<u>N</u>	<u>P</u>	<u>Pottery, sales and manufacture of crafts and tile</u>
N	CP	Printing, copy lithographing publishing or reproductions sales and services
N	C	Private Liquor Club
N	P	Professional office
C	C	Public Utilities Substation
P	P	Public Building
C	P	Radio and television sales and service
N	P	Radio, <u>or</u> television of FM broadcasting station
NC	P	Real estate agency
N	C	Reception center or wedding chapel
N	C	Recreation Center
N	C	Recreational vehicle storage
N	P	Rental, agency for home and garden equipment
PC	P	Restaurant
N	PC	Restaurant, drive-in
<u>N</u>	<u>C</u>	<u>Restaurant, drive-through</u>
N	C	Roller skating rink
N	P	Roofing sales or shop
N	P	Second-hand store
N	P	Seed and feed store, retail
P	P	Service station, automobile excluding body, and fender, and upholstery work
C	P	Service station, automobile with 1 bay automatic car wash as <u>an</u> accessory use
N	P	Sewing machine sales and service
P	P	Shoe repair or shoeshine shop
NC	P	Shoe store
<u>N</u>	<u>C</u>	<u>Snow plow and removal service</u>
<u>N</u>	<u>C</u>	<u>Snowmobile, ATV sales and repair</u>
<u>N</u>	<u>P</u>	<u>Spa</u>
N	C	Supermarket
NP	P	Tailor shop
N	C	Tavern, <u>Beer Pub</u>
P	P	Taxi cab stand
N	P	Taxidermist
P	P	Temporary building for uses incidental to construction work. Such buildings shall be removed upon the completion of the construction work.
N	P	Theater indoor
PN	P	Tobacco shop
P	P	Toy store, retail
N	C	Trade or industrial school
P	P	Travel agency
C	P	Upholstery shop
N	P	Vegetable store or stand
NP	CP	Vendor, Short Term (see definition under 1-6)
N	C	Ventilating equipment sales and service
P	P	Video sales and rental
N	P	Window washing establishment