



## PLANNING MEMORANDUM

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To: Planning Commission  
From: Trevor Cahoon, Community Services Director  
Re: Title 10 Chapter 7: Conditional Use Permit Amendments

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### **ACTION**

Administrative Action: Public Hearing and Recommendation on Conditional Use Permits

### **ORDINANCE REVIEW**

The Code Committee has reviewed and considered the proposed Conditional Use Code, which aims to provide a comprehensive framework for the administration and regulation of conditional use permits in South Weber City. The new code has been drafted to align with the goals and objectives of our general plan and zoning regulations while addressing the unique needs and circumstances of our community.

The adoption of the new Conditional Use Code will ensure a transparent and consistent process for evaluating and granting conditional use permits, promoting responsible development, and preserving the quality of life for our residents. The code includes clear guidelines, standards, and criteria that applicants must meet, fostering predictability and fairness in decision-making.

The proposed Conditional Use Code has undergone extensive review and input from various stakeholders, including planning staff, legal counsel, and community members. The code has been designed to strike a balance between supporting appropriate land uses and protecting the interests and concerns of the community.

A major portion of discussion would be on whether we want to include the Articles in the new ordinance. The purpose of the articles are to help dictate which conditions to directly apply to specific uses. With the updated code being more effective at providing direct tools for the creation of conditions it may be appropriate to eliminate some or all of the identified articles.

It is staff's recommendation that the articles which dictate twin homes and two-family dwellings would be best served to be included in the individual zones. This way we can dictate in what zones those uses are found and how they can be applied to each zone. Planned Unit Developments has always been a tricky section to implement, upon review staff would recommend creating an overlay zone that a landowner would need to apply for specifically to get the density bonus rather than be provided as a conditional use to apply for.

We would like to remove these provisions from the Conditional Use and then bring the other edits back to the planning commission in a later meeting to finalize these items.

### **BACKGROUND**

Conditional use permits play a crucial role in land use planning, allowing for the controlled and regulated use of specific properties within a municipality. These permits are granted for land uses that may not be

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appropriate in all zoning districts but can be approved under certain conditions to ensure compatibility with the surrounding area.

Conditional use permits provide flexibility for landowners and developers while maintaining the integrity of zoning regulations and safeguarding the public interest. They allow for unique or specialized land uses that may provide benefits to the community but require additional scrutiny to ensure they meet specific criteria and standards.

### **LIMITATIONS ON CONDITIONAL USE IN UTAH**

In the state of Utah, conditional use permits are subject to certain limitations and guidelines. The Utah State Code establishes a framework for the granting and administration of conditional use permits. Key limitations and considerations in Utah include:

**Compatibility:** Conditional uses must be compatible with the surrounding area and adhere to the objectives of the applicable zoning district.

**Public Hearing:** Before granting a conditional use permit, a public hearing must be held to provide an opportunity for public input and address any concerns or objections from affected parties.

**Findings of Fact:** The Planning Commission must make specific findings of fact to demonstrate that the proposed conditional use meets the necessary criteria and will not be detrimental to the public health, safety, or welfare.

**Conditions and Restrictions:** Conditional use permits may be subject to conditions or restrictions imposed by the Planning Commission to ensure compliance with relevant regulations and minimize potential adverse impacts on the community.

**Revocation:** If the conditions set forth in the conditional use permit are not adhered to, or if the use becomes detrimental to the public interest, the Planning Commission has the authority to revoke the permit.

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## Conditional Use Ordinance (DRAFT)

<b>10-7</b>	<b>Conditional Uses</b>
<b>10-7-1</b>	<b>Purpose</b>
<b>10-7-2</b>	<b>Authority</b>
<b>10-7-3</b>	<b>Initiation</b>
<b>10-7-4</b>	<b>Standards</b>
<b>10-7-5</b>	<b>Application Requirements</b>
<b>10-7-6</b>	<b>Conditional Use Application Requirements</b>
<b>10-7-7</b>	<b>Approval Standards for A Conditional Use Application</b>
<b>10-7-8</b>	<b>Reasonable Conditions for A Conditional Use Authorized</b>
<b>10-7-9</b>	<b>Required Findings for Approval or Denial of a Conditional Use Application</b>
<b>10-7-10</b>	<b>Effect of Approval of a Conditional Use Application</b>
<b>10-7-11</b>	<b>Appeals</b>
<b>10-7-12</b>	<b>Revocation or Modification of a Conditional Use Approval</b>
<b>10-7-13</b>	<b>Conditional Use Approval Amendment</b>
<b>10-7-14</b>	<b>Expiration of a Conditional Use Approval</b>

### **10-7-1**      **Purpose**

The purpose of a conditional use application is to request land uses that, because of the unique characteristics or potential impact of the land use on the City, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts. This chapter identifies and provides the procedures for the review, approval, and appeal of conditional use applications.

### **10-7-2**      **Authority**

With the exception of applications to allow a short-term rental, the Planning Commission is hereby authorized to review and to render a decision for all conditional use applications in residential zones. The Planning Commission shall review and make a recommendation to the City Council on all conditional use applications in non-residential zones and for short-term rentals. The City Council is hereby authorized to make the final review and to render a decision for all conditional use applications in non-residential zones and for short-term rentals, in accordance with the requirements of this chapter.

### **10-7-3**      **Initiation**

All requests to establish a conditional use, as identified in the Land Use Matrix, shall be made on an application form provided by the city. A property owner or an agent of the property owner may present a conditional use application for review and decision. A lessee of the property owner may present a conditional use application for review and decision only if such application is accompanied by a property owner affidavit of authorization.

**10-7-4      Standards & Conditions**

The Planning Commission or City Council shall approve an application for a conditional use if the proposed use complies with the requirements of the underlying zone(s) and reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the following standards and conditions:

- A.      Compatibility with or impact to neighboring properties:
  - 1.      Location within zone: The placement of conditional uses only in specific areas of a zoning district (i.e., along an arterial or collector street).
  - 2.      Site Configuration: Size, configuration, and location of the site, and proposed site plan layout.
  - 3.      Screening: The screening of yards or other areas as protection from certain land uses and activities.
  - 4.      Height: Limitations or controls on the location, height, and materials of walls, fences, hedges, and screen plantings to ensure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.
  - 5.      Setbacks: The relocation of proposed or existing structures as necessary to provide for street widening or street placement within the area under application, as provided in the General Plan, adequate sight distances for general safety, groundwater control, or similar issues.
  - 6.      Density/Intensity/Livability: Modification to allowed population density and intensity of land use and activities where land capability and/or vicinity relationships make it appropriate to do so to protect health, safety, and welfare; and  
  
            The provision of useable open space, public features, and recreational amenities to serve the uses and activities on the site.
  
- B.      Safety of persons and property:
  - 1.      Flooding: Building elevation and grading plans which will prevent or minimize flood water damage, where property may be subject to flooding.
  - 2.      Attractive Nuisances: The relocation, covering, or fencing of irrigation ditches, drainage channels, and other potential attractive nuisances existing on or adjacent to the property.

3. Setbacks: Increased setback distances from lot lines where it is determined to be necessary to ensure public safety and to ensure compatibility with the intended characteristics of the zoning district, or where the lot abuts an arterial or collector street.
4. Fault Lines: Appropriate design, construction, and location of structures, buildings, and facilities in relation to an earthquake fault which may exist on the property, and limitations and/or restrictions to use and/or location of use due to special site conditions, including but not limited to, geologically hazardous areas, flood plains, fault zones, and landslide areas other than may be required by the sensitive lands overlay development regulations.
5. Signs and similar structures: Limitations and control of the number, location, color, size, height, lighting, and landscaping of signs and structures in relation to the creation of traffic hazards.
6. Loading Zones: Plans for the location, arrangement, and dimensions of truck loading and unloading facilities.
7. Street Features: Construction of curbs, gutters, drainage culverts, sidewalks, streets, fire hydrants, and street lighting.

C. Health and Sanitation:

1. Water: A guarantee of sufficient water to serve the intended land use and a water-delivery system to meet the needs of the proposed use and development.
2. Wastewater: A wastewater-disposal system and a solid waste-disposal system to meet the needs of the proposed use and development.
3. Utilities: Construction of water mains, sewer mains, and drainage facilities serving the proposed use, in sizes necessary to protect existing utility users in the zoning district and to provide for an orderly development of land.
4. Trash Collection: Provision of appropriate storage and collection areas for trash and refuse generated by the use and development.
5. Snow Removal: Sufficient space on the property to manage and store snow during the winter season

D. Environment:

1. Sensitive Areas: Limitations and/or restrictions on the use and/or location of uses in sensitive areas due to soils capabilities, wildlife, and plant life.

2. Pollution: Processes/designs for the control, elimination, or prevention of land, water, or air pollution.
  3. Erosion: The prevention of soil erosion.
  4. Odors: The control of objectionable odors.
  5. Noise: The control of objectionable noise; and  
Fencing, screening and landscape treatments and other features designed to protect adjoining property owners from noise.
  6. Dust: The prevention of dust or debris.
  7. Light: No light pollution.
  8. Nuisance: Measures directed at minimizing or eliminating potential nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.
  9. Natural Conditions: Measures designed to protect the natural features of the site, including wetlands and drainage ways, around water protection, wildlife habitat, historic and archeological site protection, and other natural site features.
- E. Traffic, Circulation, and Parking:
1. Traffic: The proposed use and development shall not generate enough traffic to be detrimental to the immediate neighborhood, overload the carrying capacity for which local streets were designed, shall not reduce the performance of existing roads from their current level of service, and shall provide safe site ingress and egress to existing and proposed roads and streets.
  2. Circulation: Internal traffic circulation shall not adversely affect adjacent residential properties. The site shall provide sufficient circulation to manage loading and unloading, deliveries, and queuing of vehicles without such activities leaving the site and impacting adjacent roads.
  3. Parking: Parking facilities shall not adversely affect neighboring properties, shall be effectively screened from adjacent residential properties. The relationship of structures and parking shall be complimentary to the aesthetics of the general area. The location and amount of off-street parking and loading areas shall be sufficient to serve the proposed use and development. There shall be sufficient parking to serve the proposed use and development and to store snow removed from the parking areas during winter months.

**10-7-5 Application Requirements**

Applications for a conditional use are required to comply with all requirements of this chapter and this ordinance, and including the requirements for a building permit, as applicable, and all other applicable requirements. All conditional use applications shall be determined complete by the City Manager or designee before they may be considered by the Planning Commission or City Council.

**10-7-6 Conditional Use Application Requirements**

All conditional use applications shall be submitted to the City Manager or designee. Applications shall be provided in electronic PDF format and, as directed by the City Manager or designee, shall include any of the following information:

- A. A completed application form, as provided by the city.
- B. Title report and survey of the subject property.
- C. Proposed plans, including a site plan, elevation drawings and building renderings which display the following information:
  - 1. Property boundaries and the location of all existing and proposed buildings on the subject property and buildings located within three-hundred (300) feet of the subject property.
  - 2. Building setbacks, heights and lot coverage dimensions to demonstrate compliance with dimensional standards of the site's zoning district.
  - 3. The location of all fences and walls, identifying proposed height, materials, and colors shall be shown.
  - 4. Landscape plan(s) shall be provided, prepared by a registered landscape architect, identifying all proposed landscape, screening and buffering features, plant materials and sizes.
  - 5. Proposed vehicular and bicycle parking, loading, and traffic circulation plan. This plan must consider snow removal and storage during winter months.
  - 6. The location of all existing and proposed roads and streets serving the property, and including any permits as required by Davis County or the Utah Department of Transportation.
  - 7. All public and private rights-of-way and easements located on, or adjacent to the property, proposed to be continued, created, relocated, or abandoned shall be shown.

8. The location and dimension of all existing natural property features including existing vegetation, wetlands, streams, drainage ways, flood plains, waterbodies, and wildlife habitat areas.
  9. Existing topography of the property, including the existing grade, and identifying the proposed finished grade of the site shown.
  10. The location and dimension of all trails, sidewalks and biking facilities.
  11. All existing and proposed utilities, including culinary water, secondary water, sanitary sewer, storm drainage, power, gas, and telephone lines and facilities, streets and roads with design plans for any new water, sewer and storm drainage lines and facilities, as applicable, streets and roads, meeting the design and construction requirements of the city, or other agencies, as applicable, and prepared by a licensed engineer, at a scale acceptable to the City. Access to all utilities and points of utilities connections shall be shown.
  12. Building plans and drawings shall be provided, as required, to meet the adopted building code. The exterior elevations of every side of all proposed buildings and structures shall be provided, clearly showing proposed building materials and colors proposed for all exterior building facades.
  13. Lighting plan showing identifying proposed site and building lighting, type, design, location, intensity, height, and direction of all site and building lighting. All lighting shall be dark-sky compliant, utilize a full cut-off design, and be directed downward and away from any adjacent residential uses.
  14. The location of all associated mechanical and ancillary equipment shall be provided, including any screening treatments proposed. The location and dimensions of all proposed solid waste collection areas and storage areas, including the proposed method of screening shall be identified.
  15. An erosion control plan with Information identifying proposed temporary and permanent erosion control measures.
  16. Information shall be provided identifying the phases of construction, a construction schedule, and a list of all permits necessary for the proposed use(s).
- D. A narrative, accompanied by necessary tables and other information, describing the proposed conditional use application, to assist city staff, Planning Commission, and City Council in reviewing the conditional use application identifying the following:
1. A calculation, identifying all pervious and impervious areas.
  2. A description of all proposed uses and buildings, including the total site area



and building square footage, by building.

3. Projected increase in traffic trips.
  4. Projected water and sewer demand.
  5. How the proposed use, and accompanying site and building plans comply with the general plan.
- E. Proposed materials board displaying all building, sign and fencing materials and colors.
- F. If required by staff, the Planning Commission, the City Council, or the City Engineer, a traffic impact analysis will be required. At a minimum, unless additional information is required, a traffic impact analysis shall be prepared by a licensed engineer and include the following information:
1. Projected traffic from the proposed development project,
  2. The area within the general vicinity of the proposed project as outlined by the City Engineer,
  3. Potential traffic to be generated by other undeveloped sites within the established study boundaries, and
  4. Recommendations of land use and/or appropriate traffic engineering modifications to mitigate traffic impacts and maintain an acceptable level of service.

**10-7-7 Approval Standards for A Conditional Use Application**

The City shall review the conditional use application and determine if the application, from the materials presented by the applicant complies with the following:

- A. The proposed use is consistent with the General Plan.
- B. The proposed use is an allowed conditional use within the zoning district.
- C. The proposed conditional use and the accompanying site plan complies with all requirements of the zoning district, as applicable, including minimum area, front, rear and side-yard setbacks, building and structure height, and all other requirements applicable in the zoning district.
- D. Complies with all site plan requirements.
- E. Complies with all applicable dedication requirements of the city and provides the

necessary infrastructure, as required.

- F. The proposed conditional use meets, and will be conducted in compliance with the requirements of this ordinance, all other applicable land use ordinances, and all applicable federal, state, or local requirements.
- G. The property on which the conditional use is proposed is of adequate size to permit the conduct of the proposed conditional use in a manner that will not be detrimental to adjoining and surrounding properties.

**10-7-8 Reasonable Conditions for a Conditional Use Authorized**

The City is authorized to impose such reasonable requirements and conditions with respect to location, construction, maintenance, operation, site planning, traffic control, hours of operation, and other items for the Conditional Use deemed necessary for the protection of adjacent properties and the public interest. Among other conditions deemed appropriate by the City, these conditions may include but shall not be limited to:

- A. Size, configuration, and location of the site, and proposed site plan layout.
- B. Proposed site ingress and egress to existing and proposed roads and streets.
- C. The provision of public facilities and amenities, including roads and streets, culinary water, sanitary sewer, storm drainage, public safety and fire protection, and other utilities.
- D. The location and amount of off-street parking and loading areas.
- E. Site circulation pattern for vehicular and pedestrian traffic.
- F. Building size and location, building design and exterior building features.
- G. The location and design of all site features, including proposed signage, lighting, and refuse collection.
- H. The provision of usable open space, public features, and recreational amenities.
- I. Fencing, screening and landscape treatments and other features designed to increase the attractiveness of the site and protect adjoining property owners from noise and visual impacts.
- J. Measures directed at minimizing or eliminating potential nuisance factors including, but not limited to noise, vibrations, smoke, dust, dirt, odors, gases, noxious matter, heat, glare, electromagnetic disturbances, and radiation.
- K. Measures designed to protect the natural features of the site, including wetlands and

drainage ways, around water protection, wildlife habitat, historic and archeological site protection, and other natural site features.

- L. The regulation of operating hours for activities affecting normal schedules and functions.
- M. Identifying a time for regular review and monitoring, as determined necessary, to ensure the Conditional Use continues to operate in compliance with all conditions and requirements of approval.
- N. Such other conditions determined reasonable and necessary by the Planning Commission or City Council to allow the operation of the proposed conditional use, at the proposed location in compliance with the requirements of this Ordinance.

**10-7-9 Required Findings for Approval or Denial of a Conditional Use Application**

- A. If the Planning Commission or City Council finds that the Conditional Use Application complies with all the requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Conditional Use Application shall be approved, with or without reasonable conditions necessary to comply with this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances. Following the approval of a Conditional Use Application, with or without conditions, a Building Permit Application may be reviewed, and a Building Permit issued if such application is found to comply with the Building Code, as adopted.
- B. If the Planning Commission or City Council finds that the Conditional Use Application does not comply with all the requirements of this Ordinance, the adopted Building Codes, and all other applicable Land Use Ordinances, the Conditional Use Application shall be denied and no Approval, Permit, or License issued by the city, including a Building Permit.

**10-7-10 Effect of Approval of a Conditional Use Application**

Approval of a Conditional Use Application by the Planning Commission or City Council shall authorize the establishment of the approved use, subject to any use or site plan reasonable conditions. Approval of a Conditional Use Application shall not be deemed an Approval of any other Application, Permit, or License.

**10-7-11 Appeals**

Any person aggrieved by a decision of the Planning Commission or City Council regarding a Conditional Use Application may appeal the decision, as provided by Title 10, Chapter 4 of City Code.

**10-7-12 Revocation or Modification Of A Conditional Use Approval**

- A. A Conditional Use approved in accordance with the provisions of this Ordinance may be revoked by the same body that made the approval – the Planning Commission or City Council – if any of the conditions of approval are not met, or if the permit is used to violate any law or Ordinance.
  
- B. The City Manager or designee shall notify the approved Conditional Use holder by certified mail of any violation, or if a violation exists in any conditions of approval. If no attempt to correct the violation is made within ten (10) days after notification, the Conditional Use approval may be revoked by the Planning Commission or City Council, if the Planning Commission or City Council finds that one or more of the following circumstances exists:
  - 1. The Conditional Use approval was obtained in a fraudulent manner.
  - 2. The use for which the approval was granted has now ceased for at least six (6) consecutive calendar months.
  - 3. One (1) or more of the conditions of approval have not been met.
  - 4. Additionally, the Planning Commission or City Council, following a public hearing, may modify the conditions under which the use approval was originally approved if the Planning Commission or City Council finds that the use or related development constitutes or is creating a nuisance.

**10-7-13 Conditional Use Approval Amendment**

The procedure for amending any Conditional Use Application approval shall be the same procedure as required to approve the Conditional Use Application.

**10-7-14 Expiration of a Conditional Use Approval**

A Conditional Use Application approval shall expire and shall be invalid if a building, activity, construction, or occupancy, as authorized by the approval, is not commenced within one hundred eighty (180) days from the date of approval. If work has not commenced, or a use established within one-hundred eighty (180) days from date of approval, the approval shall be void and a new Conditional Use Application required. Upon receipt of a written request submitted at least thirty (30) days before the expiration of a conditional use permit approval and showing good cause for the failure to commence work, the City Manager may extend the expiration period by up to six (6) months.

**10-7-15 Decision Document**

Every decision document granting a conditional use permit shall include the following, as applicable:

- A. Heading. A heading containing:
  - 1. The name of the issuing authority;

2. The title of the document, clearly indicating that it is a decision document granting a conditional use permit; and
  3. The date of issuance.
- B. Project Details. A concise description of the project or activity for which the conditional use permit is being granted shall be provided. The description should encompass the following information:
1. Location of the project or property;
  2. Purpose of the proposed conditional use; and
  3. The scope and scale of the conditional use.
- C. Background and Purpose. An explanation of the background and purpose of the conditional use permit, addressing:
1. The legal or regulatory basis for granting the conditional use permit; and
  2. The criteria and considerations used to evaluate permit applications.
- D. Findings. The decision document shall summarize the findings of the evaluation process, demonstrating that the proposed use meets the necessary conditions for approval. The findings shall include:
1. Reference to specific criteria or standards outlined in municipal code; and
  2. Justification for the approval based on the compliance of the proposed use with the specified criteria.
- E. Conditions and Limitations: The conditions and limitations imposed on the conditional use permit. The conditions and limitations shall be:
1. Directly related to mitigating potential impacts or ensuring compliance with regulations; and
  2. Reasonable and enforceable.
- F. Duration and Renewal. The decision document shall specify:
1. The duration of the conditional use permit, including the start and end dates; and
  2. Any requirements or criteria for permit renewal, if applicable.
- G. Compliance and Monitoring. An outline of the following:
1. Requirements for compliance with the conditions specified in the permit;
  2. Monitoring or reporting obligations imposed on the permit holder; and
  3. Consequences of non-compliance.
- H. Signatures and Approvals. Spaces for the signatures of the issuing authority, relevant officials, or decision-making bodies involved in the permit approval process.
- I. Attachments. Relevant supporting documents, maps, plans, or reports shall be annexed to the decision document.

~~ARTICLE A. IN-HOME DAYCARE CENTERS AND PRESCHOOLS  
SECTION:~~

~~10-7A-1: Scope~~

~~10-7A-2: Business License Required~~

~~10-7A-3: Conditions Required~~

~~10-7A-4: Renewal Of Permit~~

~~10-7A-1: SCOPE:~~

~~In home daycare centers and preschools may be approved as a conditional use in all Residential and Agricultural Zones in the City. (Ord. 02-7, 5-28-2002)~~

~~10-7A-2: BUSINESS LICENSE REQUIRED:~~

~~A conditional use permit is required in addition to and before a business license is issued, and the granting of said permit shall not relieve the permittee of any licensing requirement of the City, the State or any other public agency. (Ord. 02-7, 5-28-2002)~~

~~10-7A-3: CONDITIONS REQUIRED:~~

~~The following conditions shall be imposed upon and observed at all times by the recipient of a conditional use permit for an in-home daycare center or preschool:~~

~~—A. Employment Restricted To Family Members: Only family members related by blood, marriage or adoption to bona fide residents of the dwelling unit may be employed on the premises by the preschool or daycare. Only one part-time employee in addition to the bona fide residents may work in connection with the in-home daycare center or preschool at any time.~~

~~—B. Incidental And Secondary Use: Each in-home daycare center or preschool use shall be clearly incidental and secondary to the residential use of the property and shall not physically change the dwelling to the extent that it would alter the residential character of the dwelling or the residential atmosphere of the neighborhood in which it is located. An in-home preschool or daycare shall not unreasonably disturb the neighborhood by reason of color, design, material, construction, odors, lighting, sounds, noise or vibrations.~~

~~—C. Conducted Within Primary Structure: Each in-home daycare center or preschool shall be conducted principally within the primary structure on the premises.~~

~~—D. Signs: Class 2 signs shall be permitted and shall comply with all regulations of chapter 9 of this title.~~

~~—E. Traffic: Each in-home daycare center or preschool shall generate no greater vehicular traffic than is commonly associated with the neighborhood in which it is located. There shall be no heavy trucks, delivery or service vehicles. The use shall not occupy the garage area required for two (2) parking spaces.~~

~~—F. Parking: All vehicles of customers and residents shall be parked in authorized portions of the lot.~~

~~—G. Code Conformance: There shall be complete conformity with Fire, Building, Plumbing, Electrical and Health Codes and to all County ordinances.~~

~~—H. Special Recommended Conditions: Any special condition made of record in the conditional use permit to carry out the intent of this chapter shall be met.~~

~~—I. Annual Premises Inspection: An annual inspection of the premises by the Fire Department shall be required before the conditional use permit may be issued or renewed.~~

~~—J. Floor Plan And Site Plan: A floor plan and a site plan showing the areas within the home-~~

~~and yard to be used for the daycare center or preschool shall be provided. This may be a simple single line drawing.~~

~~—K.— State Requirements: The business shall comply with all State of Utah requirements for daycares and preschools. (Ord. 19-13, 5-21-2019)~~

#### ~~10-7A-4: RENEWAL OF PERMIT:~~

~~Conditional use permits for in-home daycare centers and preschools shall be valid for one year unless a lesser time is specified, and shall be renewable at the time the business license is renewed. Conditional use permits may be renewed by designated City staff without additional review unless otherwise specified by the approving staff on the permit, provided there have been no reported violations, complaints or detrimental matters which might require reconsideration of the permit. If the permit is not renewed, then the applicant desiring a permit shall follow the same procedure required for an initial application. (Ord. 19-13, 5-21-2019)~~

### ~~ARTICLE B. SERVICE ACCESSORY USES~~

#### ~~SECTION:~~

~~10-7B-1: Scope~~

~~10-7B-2: Business License Required~~

~~10-7B-3: Conditions Required~~

#### ~~10-7B-1: SCOPE:~~

~~Under controlled conditions, certain occupational and business uses may be allowed in the A and R-L zones which would not be allowed as home occupations. (Ord. 2002-4, 3-26-2002)~~

#### ~~10-7B-2: BUSINESS LICENSE REQUIRED:~~

~~A service accessory conditional use permit is required in addition to and before a business license is issued and the granting of said permit shall not relieve the permittee of any licensing requirement of the city, the state or any other public agency. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

#### ~~10-7B-3: CONDITIONS REQUIRED:~~

~~Neither the planning commission or the city council shall authorize a conditional use permit unless evidence is presented to establish:~~

~~—A.— Incidental Use: That the proposed use of the land is clearly incidental to the primary function of the uses permitted within the zone and all zone requirements are met.~~

~~—B.— Residence On Premises: That the owner, proprietor or chief executive officer of the business or corporation will be living on the same premises as the service accessory use.~~

~~—C.— Nonenclosed Areas: In the case of nonenclosed areas:~~

~~—1.— Storage; Screening: The storage, repair or welding of any equipment (motorized or nonmotorized) shall be confined in an area not to exceed one-half (1/2) acre. A six foot (6') high solid screen fence shall be built around the perimeter of the storage area. In lieu of a solid screen fence, landscaping that would grow at least to the height of a six foot (6') fence could be substituted if such landscaping is permanently sprinkled and maintained.~~

~~—2.— Setback: A fifty foot (50') setback of the fence storage area from any property line must be maintained. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~—D.— Enclosed Building: In the case of an enclosed accessory building, required setbacks shall~~

conform to the zone regulations for accessory buildings. However, sufficient distance must be maintained along property lines so that landscaping can be planted along all exterior walls of the structure. Such landscaping shall be installed and permanently irrigated as a condition for a service accessory use permit in all R-L zones. All structures shall be built of permanent materials and up to code. Exterior finishes must be of a neutral color. (Ord. 2002-4, 3-26-2002)

—E. Parking: Storage areas shall not prohibit adequate parking for the residence.

—F. Lot Area: All lots on which a service accessory use is located must be one acre or larger.

—G. Access: Access to heavy equipment storage areas shall be within one hundred feet (100') of a collector road.

—H. Lighting: Storage areas shall not be lit to a greater intensity than that normally used to illuminate the exterior of houses. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)

#### ARTICLE C. TWIN HOMES

##### SECTION:

10-7C-1: Scope

10-7C-2: Conditions Required

10-7C-3: Building Standards And Special Conditions

##### 10-7C-1: SCOPE:

Twin homes are allowed as an alternative to single family detached dwellings as a conditional use in the R-L zone. (Ord. 2002-4, 3-26-2002)

##### 10-7C-2: CONDITIONS REQUIRED:

The planning commission or city council shall not approve a twin home unless the following conditions are met: (Ord. 96-1, 9-10-1996, eff. 9-12-1996)

—A. Zone: The dwelling is located in an R-L zone. (Ord. 2002-4, 3-26-2002)

—B. Lot Area: Each dwelling shall have a minimum lot area attributable to it of at least one-half (1/2) of the minimum lot area required in the zone for a single family dwelling.

—C. Side Yards: Side yards shall be at least ten feet (10').

—D. Site Plan: The application shall be accompanied by a site plan showing buildings, landscaping, parking and any other information required by the planning commission or the city council. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)

##### 10-7C-3: BUILDING STANDARDS AND SPECIAL CONDITIONS:

Dwellings shall meet all of the building codes of the city and must have separate utility lines, meters and shut off valves for each dwelling; also, a separate sewer line and water line. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)

#### ARTICLE D. PLANNED DWELLING GROUPS

##### SECTION:

10-7D-1: Scope

10-7D-2: Lot Area

10-7D-3: Yard Requirements

10-7D-4: Entrance

##### 10-7D-1: SCOPE:

Commented [TC1]: Add to Applicable Zoning Text



~~A planned dwelling group may be approved, provided the project conforms to all of the following conditions and requirements. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)~~

~~10-7D-2: LOT AREA:~~

~~The area of the lot on which the planned dwelling group may be erected shall be at least equal to the aggregate of the lot areas otherwise required in the zoning district in which it is located for the dwelling type. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)~~

~~10-7D-3: YARD REQUIREMENTS:~~

~~No building in a planned dwelling group shall be closer to any lot line than the front, side or rear yard requirements of the district in which it is located. Buildings within a planned dwelling group shall be arranged so that the distances between buildings is the same as the sum of the yards that would be required if they were on separate lots with the front yard being toward the front of the building, the rear yard being toward the rear of the building and the side yards being on the sides of the building. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)~~

~~10-7D-4: ENTRANCE:~~

~~Every dwelling within a planned dwelling group shall have an entrance within sixty feet (60') of the parking spaces designated for the use of the occupants of the dwelling. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)~~

~~ARTICLE E. GROUP HOMES~~

~~SECTION:~~

~~10-7E-1: Required Conditions~~

~~10-7E-1: REQUIRED CONDITIONS:~~

~~A residential facility for handicapped or elderly persons is allowed as a conditional use in any zone where residential dwellings are allowed. A permit may be issued to those facilities which meet the following requirements:~~

- ~~—A. Building, Safety And Health Regulations: The facility meets all City building, safety and health ordinances applicable to similar dwellings.~~
- ~~—B. Proper Supervision: The operator of the facility provides assurance that the residents of the facility will be properly supervised on a twenty four (24) hour basis.~~
- ~~—C. Structural Or Landscaping Alteration Unnecessary: The facility is capable of use as a residential facility for handicapped persons or elderly persons without structural or landscaping alteration that will change the structure's character.~~
- ~~—D. Distance To Another Facility: No such facility may be established or maintained within three-fourths (3/4) mile of another residential facility for handicapped or elderly persons.~~
- ~~—E. Alcohol Or Drug Abuse Treatment: No person being treated for alcoholism or drug abuse may be placed in a residential facility for handicapped or elderly persons.~~
- ~~—F. Violent Persons: No person who is violent may be placed in a residential facility for handicapped or elderly persons.~~
- ~~—G. Placement Voluntary: Placement in a residential facility for handicapped or elderly persons must be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional facility. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~ARTICLE F. RECREATIONAL (TRAVEL TRAILER) VEHICLE PARK SECTION:~~

~~10-7F-1: Conditions Required~~

~~10-7F-2: Lot, Area And Space Requirements~~

~~10-7F-3: Access Drives~~

~~10-7F-4: Off-Street Parking~~

~~10-7F-5: Screening~~

~~10-7F-6: Landscaping~~

~~10-7F-7: Protective Easements~~

~~10-7F-8: Security Precautions~~

~~10-7F-1: CONDITIONS REQUIRED:~~

~~Under certain controlled conditions, recreational vehicle parks may be allowed as a conditional use for parking of campers, travel trailers, recreational vehicles, motor homes and tents. Neither the Planning Commission or the City Council shall approve a conditional use permit unless evidence is presented to establish: (Ord. 18-03, 5-22-2018)~~

~~—A. Ownership: That the site is in single ownership or unified control.~~

~~—B. Need Exists: That a need exists for the proposed recreational vehicle park.~~

~~—C. Plan Conformance: That the development plan is in conformance with the Comprehensive Plan.~~

~~—D. Exposure From Other Land Uses: That the site will not be exposed from other land uses to objectionable smoke, noise, odor or other adverse influences.~~

~~—E. Traffic: That the site has an acceptable relationship to the major traffic thoroughfare plan and that the site is accessible to recreational vehicles without causing disruption to residential areas.~~

~~—F. Utility And Drainage Facilities: That the proposed recreational vehicle park will not overload utility and drainage facilities and that sensitive environmental areas will not be adversely affected.~~

~~—G. Health And Safety Codes: That all local, County and State Health and Safety Codes are met (in design and operations stages). (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~10-7F-2: LOT, AREA AND SPACE REQUIREMENTS:~~

~~—A. Minimum Area: The area of the lot on which such park is to located shall be at least five (5) acres.~~

~~—B. Setbacks:~~

~~—1. No trailer or service building or structure shall be placed or permitted within one hundred feet (100') of the road or street upon which the lot or area fronts, or within seventy five feet (75') of any other boundary line.~~

~~—2. The Planning Commission or City Council can approve setbacks of less dimensions than required if in its review of the site plan of the proposed RV park it finds evidence of special landscape buffering that in its determination effectively: a) visually screens the park from adjoining land uses; b) mitigates adverse impact on and from the park; and c) provides for an attractive park like setting. In no cases shall the setback distance be less than three feet (3').~~

~~—C. Maximum Density: The maximum density shall be fifteen (15) recreational vehicles or tent sites per acre. (Ord. 18-03, 5-22-2018)~~

~~—D. Open Space: A minimum of fifteen percent (15%) of the total area of the park shall be~~

~~reserved for the purpose of open space or recreational facilities (nonbuilding and RV pad space). Parcels of open space shall be sufficient size and distribution as to be a functional part of the entire development plan.~~

~~—E. Vehicular Spacing:~~

~~—1. Pull-through recreational vehicle sites shall maintain fifteen feet (15') between vehicle parking in adjoining sites.~~

~~—2. Back-in recreational vehicle sites shall maintain ten feet (10') between vehicles, to include automobiles parking in adjoining sites.~~

~~—F. Vehicle Setback To Building: Recreational vehicle sites shall be set back thirty feet (30') from any building. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~10-7F-3: ACCESS DRIVES:~~

~~All private access drives shall be provided to each space, shall connect with a public street and shall have a minimum width of twenty feet (20') for interior circulation. Access drives shall be a hard surface or a dust-free material approved by the Planning Commission and the City Engineer. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~10-7F-4: OFF-STREET PARKING:~~

~~Off-street parking shall be provided with a minimum of one parking space for every two (2) recreational trailer units. Minimum width access drives shall not be considered in fulfilling this requirement. Parking spaces shall be of crushed rock or other suitable hard surface as approved by the Planning Commission or City Council. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~10-7F-5: SCREENING:~~

~~—A. Laundry-Drying Yards: Laundry drying yards shall be screened by an opaque hedge, wall or fence not less than five feet (5') in height.~~

~~—B. Side And Rear Property Lines: A screening wall, fence or landscaping strip shall be provided to provide visual screening along the side and rear property lines when adjacent to a public street. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~10-7F-6: LANDSCAPING:~~

~~All open space and setbacks shall be adequately landscaped to provide a park-like appearance. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~10-7F-7: PROTECTIVE EASEMENTS:~~

~~The Planning Commission shall ensure the protection of and public access to natural features by requiring protective easements of sufficient size. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~10-7F-8: SECURITY PRECAUTIONS:~~

~~A full-time caretaker shall be required on-site to provide twenty-four (24) hour security to park tenants. Such caretaker shall be available on-demand to park tenants. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)~~

~~ARTICLE G. KENNELS~~

~~SECTION:~~

~~10-7G-1: Hobby Kennels~~

#### 10-7G-2: Dog Kennels

##### 10-7G-1: HOBBY KENNELS:

Hobby kennels may be permitted as a conditional use in any R-L, R-LM or R-M zone; provided, that the following requirements are met and, in the opinion of the planning commission or city council, it would not be detrimental to the neighborhood in which it is located. (Ord. 2001-10, 3-27-2001)

—A.— Lot Requirements: The kennel must be located on the same lot as the residence of the dog-owner(s) and said lot must be at least one acre in size.

—B.— Health Codes: The kennel and the dogs kept therein shall meet all provisions of the state and county health codes and shall be in compliance with the Davis County animal control ordinance.

—C.— Use Of Dogs: The dogs kept in the kennel are to be used for the showing of dogs in formally recognized dog shows, the training of dogs for field trials, obedience, tracking and other purposes or for recreational and sporting purposes.

—D.— Maximum Number: A maximum of five (5) dogs over one year in age may be kept, together with one dog up to one year in age and dependent young up to four (4) months in age.

—E.— Shelter: The applicant shall provide dog runs with shelter to protect the animals from foul weather and excessive exposure to natural elements. Said runs shall be designed to prevent the escape of any dog contained therein.

—F.— Distance To Adjacent Residence: The dog runs shall be located a minimum of one hundred feet (100') from a residence on an adjacent lot.

—G.— Registration Of Dogs: Dogs must be registered with AKC, UKC or Field. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)

##### 10-7G-2: DOG KENNELS:

The planning commission or city council may approve a permit only after they are confident that all of the following conditions will be met:

—A.— Health Codes: The dog kennel shall meet or exceed all applicable local, county and state health codes as to construction and maintenance of kennels, runs, shelters and waste disposal systems. In addition, a sign-off of the proposed kennel by the county health department shall be required before a permit can be issued.

—B.— Screening; Setbacks: The kennel will not pose a nuisance to neighboring property owners and may be given special consideration as to screening and setbacks. In no case shall any kennel be located less than one hundred feet (100') from any public street or dwelling on adjacent property and not less than ten feet (10') from any side or rear lot line.

—C.— Secondary Use: In any T-1 zone, a dog kennel shall only be permitted as a secondary use when a residential dwelling, as a main use, previously exists prior to the request. (Ord. 96-1, 9-10-1996, eff. 9-12-1996)

#### ARTICLE H. ELECTRONIC COMMUNICATION FACILITIES AND EQUIPMENT SECTION:

10-7H-1: Application; Site Location Master Plan

10-7H-2: Considerations

10-7H-3: Conditions

~~10-7H-1: APPLICATION; SITE LOCATION MASTER PLAN:~~

~~In addition to other application requirements of this Chapter, applications for electronic communications facilities shall be accompanied by a site location master plan, identifying existing facilities and the approximate number and locations of new facilities expected to be constructed within the City for ten (10) years following the date of the application. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)~~

~~10-7H-2: CONSIDERATIONS:~~

~~In addition to conditional use standards outlined in this Chapter, the Planning Commission or City Council shall consider the following:~~

- ~~—A.— Co-Location: Whether co-location of the antenna on other existing structures in the same vicinity, such as other towers or buildings, has been sought. (It is the policy of the City that co-location of 2 or more antennas on a single communications tower be encouraged as the primary option.)~~
- ~~—B.— Location And Design: The location and design of the antenna and tower in relation to existing vegetation, topography and buildings to obtain best visual screening.~~
- ~~—C.— Spacing: Whether spacing between towers creates quantifiable detrimental impacts to adjoining properties. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)~~

~~10-7H-3: CONDITIONS:~~

~~No permit shall be issued for electronic communications facilities unless all of the following conditions have or will be met:~~

- ~~—A.— Building Permit Required: A building permit will be obtained for each tower and related facilities. Each application for a building permit shall be accompanied by plans and calculations certified by a licensed professional engineer that the facility meets the applicable electrical safety, material and design integrity, seismic safety and wind and snow loading standards.~~
- ~~—B.— Accessory Buildings: Accessory buildings of facilities must comply with required setback, height and landscaping requirements of the zoning district in which they are located. All power lines on the lot to the communication facility shall be underground.~~
- ~~—C.— Fencing: Freestanding facilities shall be surrounded by a fence that is at least six feet (6') high and constructed of material appropriate to the location as approved by the City Council.~~
- ~~—D.— Climbing Peg Removal: Climbing pegs shall be removed from the lower twenty feet (20') of all communications towers.~~
- ~~—E.— Overhanging Or Encroaching: No communication facility shall overhang, encroach upon or block a public right of way or public sidewalk.~~
- ~~—F.— Residential Zones: No monopole or lattice tower may be located within a residential zone and may not be located less than one and one-half (1 1/2) times the height of the tower from any residential zone boundary. This restriction may be reduced by the approving body, provided demonstrable need can be shown.~~
- ~~—G.— Setbacks: No monopole or lattice tower may be located in any required landscaped or parking area and shall comply with the setback requirements of the zone in which it is located.~~
- ~~—H.— Guyed Towers Prohibited: Guyed towers used to support low power radio communication service are not permitted in any zone. (Ord. 96-7, 12-10-1996, eff. 1-10-1997)~~

ARTICLE I. PLANNED UNIT DEVELOPMENTS (PUD)  
SECTION:

- 10-71-1: Purpose
- 10-71-2: Permitted Uses
- 10-71-3: Site Plan Requirements
- 10-71-4: Conditions Required

**10-71-1: PURPOSE:**

The purpose of the planned unit development (PUD) is to allow diversification in the relationship of residential uses and structures to their sites and to permit more flexible development of those sites. It is intended to ensure substantial compliance with zone regulations and other public health, safety and general welfare while allowing flexibility of design, encouraging open space preservation and securing the advantages of large-scale site planning. Compliance with these regulations in no sense excuses the developer from the applicable requirements of the subdivision standards 1. (Ord. 2000-9, 7-11-2000)

**Notes**

- 1 See Title 11 of this Code.

**10-71-2: PERMITTED USES:**

Uses permitted in a PUD shall be those permitted in the zone in which the development is located; provided, that for the purposes of this Article, single family attached dwellings such as townhouses, row houses and zero lot line lots shall be considered single family dwellings and may be permitted in a zone which allows only single family dwellings. (Ord. 2000-9, 7-11-2000)

**10-71-3: SITE PLAN REQUIREMENTS:**

The application shall be accompanied by a site plan showing the use or uses, dimensions and locations of structures, dimensions and locations of areas reserved for vehicular access and parking, open spaces, architectural drawings and sketches demonstrating the nature and character of proposed uses and the physical relationship of uses, information on residential density, open space area and such information as may be necessary to determine that the provisions of this Article are met. (Ord. 2000-9, 7-11-2000)

**10-71-4: CONDITIONS REQUIRED:**

The following conditions and requirements shall be met before any planned unit development will be approved:

- A. Area: The minimum land area required for the development of the combined total of all contiguous phases of a single PUD is five (5) acres.
- B. Ownership: The development shall be in single, corporate or undivided interest partnership ownership at the time of application.
- C. Protection Of Adjacent Properties: The Planning Commission or City Council shall require such arrangements of structures and open spaces within the site as necessary to assure that adjacent properties will not be adversely affected.
- D. Base Density And Density Bonuses:
  - 1. The base density allowed in a PUD is the maximum density allowed in the zone in which the project is located. Where projects include more than one zone, the base density will be figured separately for that portion of the project site in each zone. In these cases, the actual placement of the lots or dwelling units will not be restricted to that zone in which their density

numbers were calculated.

—2. A bonus density of ten percent (10%) of the base density may be added to the project if, in the opinion of the Planning Commission and City Council, considerable effort has been made to preserve significant open spaces which are open to the public.

—3. A bonus density of ten percent (10%) of the base density may be added to the project if, in the opinion of the Planning Commission and City Council, the quality of the project is significantly enhanced through the use of unique architectural and site design and exterior materials, including brick, stone, stucco or other materials of similar quality, durability and low maintenance requirements.

—E. Lot And Yard: Lot area, width and yard requirements shall be determined by approval of the site plan, however, in no case shall any lot be less than eight thousand (8,000) square feet in area. Every effort shall be made on the site plan to cluster dwelling units and consolidate open space into areas functional for recreation or other approved purposes.

—F. Open Space: Every PUD shall provide open space equal to at least thirty percent (30%) of the total site area. The required open space may be a naturally vegetated area of scenic value or a totally landscaped area. It may consist of water features, trails, parks, playgrounds, recreation facilities, agricultural areas and similar areas which promote the preservation of outdoor experiences and the rural atmosphere of the city. The thirty percent (30%) required open space shall not consist of jurisdictional wetlands, land within the AICUZ noise zone 75 Ldn or higher, steep hillsides, rivers and streams, or other lands which could not be used for residential building sites anyway. These lands may be included in open space areas but will not be part of the calculated thirty percent (30%) open space. No streets, driveways or parking areas may be included as part of the required open space. No area within building lots may be considered as part of the open space unless it is within a lot of at least two (2) acres in area, then all except one half (1/2) acre of the lot may be considered part of the open space. Any open space not within lots of two (2) acres or larger shall be accessible to all residents of the development and their guests.

—G. Open Space Preservation: Preservation, maintenance and ownership of required open space within the development shall be accomplished by:

—1. Dedication of the land to the city as a public park or parkway system, if so proposed by the developer and accepted by the city; or

—2. Granting to the city a permanent open space easement on and over the said private open spaces to guarantee that the open space remains perpetually in the use for which it was intended, with ownership and maintenance responsibilities being that of a homeowners' association established with articles of association and bylaws which are satisfactory to the city;

—3. Complying with the provisions of the condominium ownership act of 1963, title 57 chapter 8 Utah Code Annotated, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

—H. Streets: Streets may be either public or private. They may be required to be public if they are on the South Weber City Vehicle Transportation Map or if so determined by the approving body. If the streets are public, then they shall meet the applicable requirements of the Public Works Standard Drawings. Private streets shall meet the provisions of the underlying zones.

—I. Landscaping: Landscaping, including a planting plan, fencing and screening within the site shall be presented as part of the application and shall meet the requirements of chapter 15 of this title.

—J. Drainage: A grading and drainage plan shall be submitted with the application. (Ord. 2000-

**ARTICLE J. MODEL HOMES**

**SECTION:**

10-7J-1: Purpose

10-7J-2: Conditions Required

**10-7J-1: PURPOSE:**

There may also arise the need to construct and occupy a model home with a temporary real estate sales office for the sale of building lots or residences within a specific development. It is the purpose of this Article to set forth conditions under which these uses may occur. (Ord. 98-16, 7-28-1998)

**10-7J-2: CONDITIONS REQUIRED:**

A conditional use for a model home to be used for a sales office for sale of real estate within the same development and the construction management office that the model home resides in may be permitted for a period of one year provided the following conditions are met:

- A. Time extensions may be granted by the Planning Commission provided that a maximum of two (2) extensions of six (6) months each may be granted. Extensions may only be granted if not more than eighty percent (80%) of the subdivision is sold.
- B. Adequate off-street parking is provided for employees working in the model home, as well as at least two (2) parking spaces for visitors touring the model home.
- C. A signage and lighting plan is provided showing size and location of all signs and associated lights.
- D. The hours of operation must be noted and approved.
- E. A model home shall not be used for a general real estate office.
- F. A business license must be obtained to operate a business in a model home in the City.
- G. All infrastructure should be completed as per the Subdivision Ordinance 1 requirements prior to the construction of the model home. (Ord. 98-16, 7-28-1998)

**Notes**

- 1 See Title 11 of this Code.

**ARTICLE K. BUSINESS USES IN RESIDENTIAL AND AGRICULTURAL ZONES**

**SECTION:**

10-7K-1: Application; Contents

10-7K-2: Verification Of Information

10-7K-3: Conditions Required

10-7K-4: Review Of Compliance

**10-7K-1: APPLICATION; CONTENTS:**

All businesses which do not conform to the provisions of Article A or B of this Chapter, operating within a residential or agricultural zone shall have six (6) months from the effective date of this Article to apply for a conditional use permit under the provisions herein. Any such business operating within a residential or agricultural zone which fails to apply for a conditional use permit within this time shall be deemed to have waived its rights to continue its business and



~~shall be ordered to cease doing business at the end of the six (6) month application period. At the end of the six (6) month application period, any business in a residential or agricultural zone which may have held status as a nonconforming use under the provisions of this Title shall lose all rights previously granted under those provisions.~~

~~Each business applying for a conditional use permit shall complete an application on a form to be supplied by the City. At minimum, the business shall supply the following information:~~

- ~~—A. Name and address of the business applying for a conditional use.~~
- ~~—B. Type of business conducted in the residential or agricultural zone.~~
- ~~—C. Number of employees working at the site in the residential or agricultural zone.~~
- ~~—D. Number of employees in and out of the site in the residential or agricultural zone on a daily basis.~~
- ~~—E. Number of vehicle trips into and out of the site on a daily basis.~~
- ~~—F. Number and types of vehicles and equipment normally kept at the site.~~
- ~~—G. Amounts and types of materials kept at the site.~~
- ~~—H. The land area (in square feet) occupied by the use.~~
- ~~—I. The number of buildings on the site in the residential or agricultural zone.~~

~~The application shall be accompanied by an application fee, which shall be set by resolution of the City Council and shall be in an amount necessary to reimburse the City for its costs in reviewing and approving the applications. (Ord. 98-26, 1-12-1999)~~

#### ~~10-7K-2: VERIFICATION OF INFORMATION:~~

~~The City's Building Inspector shall verify the information contained within the application of any business operating on a site located in a residential or agricultural zone with an on-site inspection, as well as taking a photograph, to ensure that the information contained in the application accurately reflects the use of the site. (Ord. 98-26, 1-12-1999)~~

#### ~~10-7K-3: CONDITIONS REQUIRED:~~

~~Neither the Planning Commission nor the City Council shall approve a conditional use permit for a business operating in a residential or agricultural zone unless the following conditions are included in the permit:~~

- ~~—A. The business shall take all necessary steps to prevent the escape of dust from the site in the residential or agricultural zone.~~
- ~~—B. The business shall take all necessary steps to prevent excessive noise and light from emanating from the site in the residential or agricultural zone so that the business's operations do not become a nuisance affecting the surrounding uses.~~
- ~~—C. The business shall be required to landscape its site in the residential or agricultural zone so that, as much as possible, it is in harmony with the surrounding uses.~~
- ~~—D. The planning commission or city council shall set reasonable hours of operation for the business. These hours of operation shall be set on an individual basis and shall reflect the needs of the surrounding residential and/or agricultural uses.~~
- ~~—E. The business shall agree that no hazardous materials (as defined by applicable state and federal statutes and regulations) are stored on the site with the exception of fuels for motor vehicles which shall be stored in sealed underground tanks or other containers approved for such storage by the state. Other hazardous materials may not be stored at the site without specific written permission of the city, which shall not be given until after a public hearing has been held on the request.~~

~~—F.— The planning commission or city council shall include a condition prohibiting the business from expanding its use on the site within the residential or agricultural zone beyond the limits set out in the application and the building inspector's report of the use of the property unless the expansion is first approved by the city council.~~

~~—G.— All businesses operating sites within a residential or agricultural zone shall be required to have a current business license from the city and shall keep all other required licenses and permits which may be issued by the city or any other governmental entity current as a condition of operating the business within the residential or agricultural zones.~~

~~—H.— The planning commission or city council shall set such other conditions as are reasonably necessary to ensure the safety of persons on the site or on the surrounding properties and to ensure compatibility with surrounding properties so far as possible. (Ord. 98-26, 1-12-1999)~~

#### 10-7K-4: REVIEW OF COMPLIANCE:

~~The South Weber City manager shall review the business' compliance with conditions set forth in the conditional use permit at least annually as part of the business' application for renewal of its business license. If it is found that the business is not in compliance, then the business shall be brought before the planning commission for review. (Ord. 11-03, 3-8-2011)~~

#### ARTICLE L. TWO FAMILY DWELLINGS AT A MAJOR INTERSECTION SECTION:

##### 10-7L-1: Purpose

##### 10-7L-2: Conditions Required

##### 10-7L-1: PURPOSE:

~~The purpose of this article is to establish conditions under which two family dwellings may be allowed in single family residential zones where, due to existing street and traffic conditions, the building of single family homes may be less desirable. (Ord. 18-07, 9-25-2018)~~

##### 10-7L-2: CONDITIONS REQUIRED:

~~A conditional use for a two family dwelling in certain single family residential zones may be approved if the following conditions are met:~~

~~—A.— The lot is adjacent to two (2) roads that form a major intersection as defined in section 10-1-10 of this title.~~

~~—B.— The minimum lot size shall be the minimum lot size for a single family residence in the same zone.~~

~~—C.— Access to driveway shall be as far from the intersection as practical and driveway access points for the individual units shall be combined into one access point where practical as approved by the Planning Commission.~~

~~—D.— The driveway(s) are required to access only the major collector.~~

~~—E.— The intersections applicable are as follows:~~

~~1. South Weber Drive and future South Bench Drive.~~

~~2. South Weber Drive and 1200 E.~~

~~3. South Weber Drive and 1900 E.~~

~~4. Deer Run Drive and 2700 E.~~

~~—F.— Site plans must be approved by the Planning Commission.~~

~~—G.— Driveways must be designed so that vehicles enter and exit in a forward motion. (Ord. 18-~~

07, 9-25-2018)

**Commented [TC3]:** Add to applicable zoning text

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