

## SOUTH WEBER PLANNING COMMISSION AGENDA

Watch Live or at your convenience: [https://www.youtube.com/channel/UCRspzALN\\_AoHXhK\\_CC0PnbA](https://www.youtube.com/channel/UCRspzALN_AoHXhK_CC0PnbA)

PUBLIC NOTICE is hereby given that the Planning Commission of SOUTH WEBER CITY, Utah, will meet in an electronic meeting on Thursday March 18, 2021 streamed live on YouTube, commencing at 6:00 p.m.

**OPEN** (Agenda items may be moved in order or sequence to meet the needs of the Commission.)

1. Pledge of Allegiance: Commissioner Johnson
2. Electronic Meeting Declaration
3. Swearing in of New Planning Commission Members: Jeremy Davis, Julie Losee & Taylor Walton
4. Appointment of Chair & Vice Chair
5. Public Comment: Anyone requesting to comment live via Zoom must pre-register at the following <https://forms.gle/PMJFhYFJsD3KCi899> before 5 pm on the meeting date. Comments will also be accepted at [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)
  - a. Individuals may speak once for 3 minutes or less.
  - b. State your name and address.
  - c. Direct comments to the entire Commission
  - d. Note Planning Commission will not respond during the public comment period.
6. Approval of Consent Agenda
  - a. PC2021-01-14 Minutes
  - b. PC2021-03-11 Minutes
7. **Public Hearing & Action on Preliminary/Final Plat: Public Works Subdivision, also amending Smith & Edwards Subdivision located at approx. 128 E South Weber Drive**
8. Planning Commission Bylaws
9. City Code Title 10 Definitions
10. Planning Commission Comments (Boatright, Davis, Losee, Johnson, Walton)
11. Adjourn

In compliance with the Americans With Disabilities Act, individuals needing special accommodations during this meeting should notify the City Recorder, 1600 East South Weber Drive, South Weber, Utah 84405 (801-479-3177) at least two days prior to the meeting.

THE UNDERSIGNED DULY APPOINTED DEVELOPMENT COORDINATOR FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO: 1. CITY OFFICE BUILDING 2. FAMILY ACTIVITY CENTER 3. CITY WEBSITE [www.southwebercity.com](http://www.southwebercity.com) 4. UTAH PUBLIC NOTICE WEBSITE [www.pmn.utah.gov](http://www.pmn.utah.gov) 5. THE GOVERNING BODY MEMBERS 6. OTHERS ON THE AGENDA

**DATE: March 10, 2021**

**DEVELOPMENT COORDINATOR: Kimberli Guill**

**ORDER ON PUBLIC MEETINGS OF THE  
SOUTH WEBER PLANNING COMMISSION**

With recent turnover, the South Weber City Planning Commission is without a Chairperson. The Planning Commission will elect a Chairperson at its next regularly scheduled meeting. This will occur before the Planning Commission takes action on any matter.

In the meantime, I, David Larson, have been asked to organize this meeting. As the *de facto* chair of this meeting, and in keeping with the protocol the Planning Commission was following prior to the recent changes in membership, I do hereby find and declare as follows:

1. Due to the Emergency conditions which currently exist in the State of Utah, and specifically in Davis County and South Weber City as a result of the COVID-19 Pandemic and the recent surge in COVID-19 infections across the state and in Davis County, the holding of public meetings with an anchor location as defined in the *Utah Open and Public Meetings Act*, presents a substantial risk to the health and safety of those who may be present at the anchor location; and
2. The risk to those who may be present at an anchor location can be substantially mitigated by holding public meetings of the Planning Commission pursuant to electronic means that allow for public participation via virtual means; and
3. The City has the means and ability to allow virtual participation in the public meetings in accordance with the *Utah Open and Public Meetings Act*;

**NOW THEREFORE, BASED UPON THE FOREGOING,**

For thirty days from the date of this Order, meetings of the South Weber City Council shall be conducted by electronic means without an anchor location.

DATED this 10 day of March, 2020.

By:

  
\_\_\_\_\_  
David J. Larson, City Manager

ATTEST:

  
\_\_\_\_\_  
Lisa Smith  
City Recorder

# SOUTH WEBER CITY PLANNING COMMISSION MEETING

**DATE OF MEETING:** 14 January 2021

**TIME COMMENCED:** 6:02 p.m.

**LOCATION:** Electronic Meeting through Zoom

**PRESENT: COMMISSIONERS:**

Tim Grubb  
Gary Boatright  
Rob Osborne  
Wes Johnson (excused)  
Taylor Walton

**CITY PLANNER:**

Shari Phippen

**DEVELOPMENT COORDINATOR:**

Kimberli Guill

**Transcriber:** Minutes transcribed by Michelle Clark

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**ATTENDEES:** Blair Halverson, Shadd Johnson

**PLEDGE OF ALLEGIANCE:** Commissioner Boatright

Commissioner Osborne excused Commissioner Johnson from tonight's meeting.

**Read Electronic Meeting Declaration:** Commissioner Osborne

### Order on Public Meetings of the South Weber City Planning Commission

I, Robert Osborne, as the Chair of the South Weber City Planning Commission, do hereby find and declare as follows:

1. Due to the Emergency conditions which currently exist in the State of Utah, and specifically in Davis County and South Weber City as a result of the COVID-19 Pandemic and the recent surge in COVID-19 infections across the state and in Davis County, the holding of public meetings with an anchor location as defined in the *Utah Open and Public Meetings Act*, presents a substantial risk to the health and safety of those who may be present at the anchor location; and
2. The risk to those who may be present at an anchor location can be substantially mitigated by holding public meetings of the Planning Commission pursuant to electronic means that allow for public participation via virtual means; and
3. The City has the means and ability to allow virtual participation in the public meetings in accordance with the *Utah Open and Public Meetings Act*;

NOW THEREFORE, BASED UPON THE FOREGOING,

For thirty days from the date of this Order, meetings of the South Weber City Planning Commission shall be conducted by virtual means without an anchor location.  
DATED this 4 day of January, 2021.

**Appointment of Chair and Vice Chair:**

Commissioner Johnson, who is excused from this meeting, stated in an email of 12 January 2021 that he would like to keep Rob as the Planning Commission Chairperson and suggested Commissioner Boatright would make a fine Vice-Chairperson.

Commissioner Grubb enjoys Commissioner Osborne as the Chairperson and questioned if anyone else would prefer to do it. Commissioner Walton replied he did it last year, but didn't have to do anything.

**Commissioner Grubb moved to appoint Robert Osborne as Planning Commission Chairperson and Taylor Walton as Vice Chairperson. Commissioner Boatright seconded the motion. A roll call vote was taken. Commissioners Boatright, Grubb, Osborne, and Walton voted aye. The motion carried.**

**Welcome of new City Planner Shari Phippen:** Commissioner Osborne introduced Shari Phippen. He commented she is very good at planning and understanding public meetings. He welcomed her as the new City Planner. Shari stated she works full-time at the Federal Building in Ogden and will be serving as South Weber City Planner part-time. She is excited to work for the City.

**PUBLIC COMMENTS:**

Anyone requesting to comment live via Zoom must pre-register at the following <https://forms.gle/PMJFhYFJsD3KCi899> before 5 pm on the meeting date. Comments will also be accepted at [publiccomment@southwebercity.com](mailto:publiccomment@southwebercity.com)

- a. Individuals may speak once for 3 minutes or less
- b. State your name and address
- c. Direct comments to the entire commission
- d. Note planning commission will not respond during the public comment period

Commissioner Osborne reported there was no public comment or emails.

**CONSENT AGENDA:**

- **17 December 2020 Minutes**

**Commissioner Boatright moved to approve the consent agenda. Commissioner Walton seconded the motion. A roll call vote was taken. Commissioners Boatright, Osborne, and Walton voted aye. Commissioner Grubb abstained as he was excused from the meeting. The motion carried.**

**DISCUSSION ITEM:**

**Developer direction regarding Rays Village:**

Shadd Johnson, developers engineer was in attendance to discuss the property across from City Hall. Commissioner Osborne reported the City's Master Plan identifies this area as residential

moderate density, but the zoning is currently commercial. Shadd reported they would like to discuss the possibility of residential patio homes for a retirement community. They are looking at the property owner’s being 55 or older. The entrance would be on 1550 East into the east parcel. The difference between moderate and patio is three lots. He would like to know if this is even possible to entertain this idea. If it is residential moderated density there would be 9 lots, but patio would be 13 lots. Commissioner Osborne discussed the development needs two ingress/egress. Shadd commented they are also working with the cell tower, which they will need to work around. Kim Guill, City Development Coordinator, reported the patio home density allows 2.81 to 4.0 units per acre. Commissioner Boatright explained the difficulty everyone went through to amend and approve the new City General Plan. He isn’t sure he wants to go against the general plan recommendation. Commissioner Grubb doesn’t know why the Planning Commission would go against the general plan. Commissioner Walton stated until there is an actual plan that shows the location of the units and entrances, it is difficult to make a decision. Commissioner Osborne asked if the developer can draw up a plan for both. Shadd explained he can show plans for both. Commissioner Grubb discussed the possibility of a development agreement or rezone request for patio homes. Shari suggested talking to the City Attorney Jayme Blakesley about the rezone request because there are certain requirements. Commissioner Osborne is good with either residential moderate or patio homes. Shadd will put together a layout for both. Shari requested being able to review it prior to the meeting.

Commissioner Johnson’s email of 12 January 2021 stated he feels the Ray property is zoned commercial and it should remain commercial. No condos, apartments or multi-family dwellings.

**REPORTS:**

**Commissioner Walton:** reported the Code Committee has been working on definitions for the Planning Commission to review at the next meeting.

**ADJOURNED:** Commissioner Grubb moved to adjourn the Planning Commission meeting at 6:33 p.m. Commissioner Walton seconded the motion. Commissioners Boatright, Grubb, Osborne, and Walton voted aye. The motion carried.

**APPROVED:** \_\_\_\_\_ Date  
Chairperson: Rob Osborne

\_\_\_\_\_  
Transcriber: Michelle Clark

\_\_\_\_\_  
Attest: Development Coordinator, Kimberli Guill

# SOUTH WEBER CITY PLANNING COMMISSION MEETING

**DATE OF MEETING:** 11 March 2021

**TIME COMMENCED:** 6:00 p.m.

**LOCATION:** Electronic Meeting through Zoom

**PRESENT: COMMISSIONERS:**

Gary Boatright  
Jeremy Davis  
Wes Johnson  
Julie Losee  
Taylor Walton

**CITY ATTORNEY:**

Jayme Blakesley

**CITY PLANNER:**

Shari Phippen

**CITY MANAGER:**

David Larson

**DEVELOPMENT COORDINATOR:**

Kimberli Guill

**Transcriber:** Minutes transcribed by Michelle Clark

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**ATTENDEES:**

**PLEDGE OF ALLEGIANCE:** Commissioner Boatright

City Manager David Larson welcomed everyone to tonight's meeting and expressed Mayor Sjoblom specifically wanted him to welcome new Planning Commissioners Julie Losee and Jeremy Davis.

**Read Electronic Meeting Declaration:** Commissioner Osborne

### Order on Public Meetings of the South Weber City Planning Commission

With recent turnover, the South Weber City Planning Commission is without a Chairperson. The Planning Commission will elect a Chairperson at its next regularly scheduled meeting. This will occur before the Planning Commission takes action on any matter.

In the meantime, I, David Larson, have been asked to organize this meeting. As the de facto chair of this meeting, and in keeping with the protocol the Planning Commission was following prior to the recent changes in membership, I do hereby find and declare as follows:

1. Due to the Emergency conditions which currently exist in the State of Utah, and specifically in Davis County and South Weber City as a result of the COVID-19 Pandemic and the recent surge in COVID-19 infections across the state and in Davis County, the holding of public meetings with an anchor location as defined in the Utah Open and Public Meetings Act, presents a substantial risk to the health and safety of those who may be present at the anchor location; and
2. The risk to those who may be present at an anchor location can be substantially mitigated by holding public meetings of the Planning Commission pursuant to electronic means that allow for public participation via virtual means; and
3. The City has the means and ability to allow virtual participation in the public meetings in accordance with the Utah Open and Public Meetings Act.

**NOW THEREFORE, BASED UPON THE FOREGOING,**

For thirty days from the date of this Order, meetings of the South Weber City Planning Commission shall be conducted by electronic means without an anchor location. DATED this 10 day of March 2021.

David explained the Planning Commission Chairperson has the discretion as to holding electronic meetings. In the future, the new Chairperson will make that decision.

**Planning Commission Training & Orientation:**

City Manager, David Larson pointed out he will not be attending the next part of this meeting as he has not been feeling well.

City Attorney Jayme Blakesley introduced himself and stated he is with a private law firm, Hayes, Godfrey, Bell located in Holiday. He has been with South Weber City for 6 months. He is married and has three children. Sports are his passion and if it has a ball, he loves to play it, watch it, and coach it.

Kimberli Guill, Development Coordinator, stated she works for the city and handles building permits, planning, and development. She welcomes questions and concerns.

Jeremy Davis has lived in the city for 3 years. He has been married for 21 years and has 4 children. He has spent time living in Florida and Washington.

Gary Boatright has lived in South Weber City for 2 ½ years. He works as operations manager for the historic sites for the Church of Jesus Christ of Latter-day Saints.

Taylor Walton has lived in the city for 8 years. He has four children. He works for the United States Air Force. He has a degree from University of Utah in City Metropolitan Planning. He was born and raised in Utah.

Julie Losee has been in South Weber City for 15 years. She was born and raised in California. She has 2 daughters. Her oldest is attending University of Utah. She comes from a family of 7.

Shari Phippen has been with the city for 3 months. She has an extensive background in city planning. She works for Congressman Moore. She comes from a family of 8. She has a Master's Degree in Public Administration from Idaho State. When she isn't working, she likes to read anything about WWII and baseball.

Wes Johnson came to Utah in 1985 with the Air Force. He retired in 1989 after 22 years as a weatherman for the United States Air Force. He went to work for Wildlife Resources and Utah State Parks doing computer mapping. He was recruited to a national firm to do consulting service for the forest service, BLM and the Atomic Energy Commission. He was also recruited by another company to do homeland security with them. He officially retired 7 years ago. He met his wife in England, and they have 3 children.

Jayne explained the objectives for this meeting include:

**Legal Framework:**

- LUDMA - Identify the powers and duties of the City Council, Planning Commission and Staff
- Avoid Court – Know how to avoid illegal, arbitrary, or capricious decisions by establishing a thorough record for each land use decision.
- Administrative v. Legislative Decisions – Understand the difference between administrative and legislative decisions, and the role of the Planning Commission in each

**Development Process:** (placeholder for content to be added by S. Phippen)

**Ethics & Open Meetings Act** – Make decisions openly and ethically.

**Discuss pitfalls and best practices.**

Jayne explained State Law in Utah is such that the State has the land use authority (generally) and the state delegates to political subdivisions, which are cities, land use decisions. All land use decisions in South Weber City must comply with the Land Use Development and Management Act (“LUDMA”). LUDMA authorizes the City to adopt its own land use standards, so long as they are consistent with federal and state law. It mandates the creation of a Planning Commission, establishment of a Land Use & Appeal Authorities with its city, and adoption of a General Plan and process for considering land use applications.

Jayne expressed there are general themes within LUDMA which include:

- Respect for private property rights
- Cities may regulate private property.
- Once written and duly established, land use regulations are binding.
- Land use ordinances must be plainly written to be enforceable.
- Process matters
- Tie goes to the applicant/property owner.

There are three roles and responsibilities in LUDMA which include: Legislative Body, Land Use Authority, and Appeal Authority.

**LEGISLATIVE BODY (City Council)**

- Only a Legislative Body may enact a land use regulation.
- Shall adopt a land use regulation to create or amend a zoning district and designate general uses allowed in each zoning district.

- May establish or modify other restrictions or requirements, including the configuration or modification of uses or density, through a land use decision that applies certain criteria or policy elements.
- Shall consider (but may adopt, reject, or revise) each proposed land use regulation that the planning commission recommends.
- May establish a land use ordinance that includes conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

**LAND USE AUTHORITY (City Council, Planning Commission, or Staff)**

- Shall apply the plain language of land use regulations.
- In the absence of a “plain” restriction, shall interpret and apply the land use regulation to favor the land use application.
- Shall approve a conditional use 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.

**APPEAL AUTHORITY**

- Hears and decides requests for variances and appeals from decisions applying the land use ordinances/fees.
- May not entertain an appeal of a matter in which the Appeal Authority, or any participating member, had first acted as the Land Use Authority
- May be an individual or a multi-person board, body, or panel.

<b>LAND USE DECISIONS</b>			
	<b>LEGISLATIVE</b>	<b>ADMINISTRATIVE</b>	<b>QUASI-JUDICIAL</b>
<b>CHARACTERISTICS</b>	<ul style="list-style-type: none"> <li>- Promulgation of laws of general applicability</li> <li>- Based on the weighing of broad, competing policy considerations</li> <li>- Subject to voter referendum</li> </ul>	<ul style="list-style-type: none"> <li>- Applying the law to particular individuals or groups based on individual facts and circumstances</li> <li>- Decision is bound by the law and cannot be based on public opinion</li> </ul>	<ul style="list-style-type: none"> <li>- Defers to established law and Legislative/Land Use Authority</li> <li>- Review limited to error, illegality, or abuse of authority</li> </ul>
<b>RESPONSIBLE BODY</b>	<b>City Council or General Electorate</b>	<b>City Council, Planning Commission, or Staff</b>	<b>Appeal Authority or Court</b>
<b>EXAMPLES</b>	<ul style="list-style-type: none"> <li>- Zoning Ordinances (including a site-specific zoning ordinance)</li> <li>- General Plan</li> <li>- Rezones</li> <li>- Annexation</li> </ul>	<ul style="list-style-type: none"> <li>- Conditional Uses</li> <li>- Site Plans</li> <li>- Development Agreements</li> <li>- Subdivisions</li> </ul>	<ul style="list-style-type: none"> <li>- Variance</li> <li>- Appeal</li> <li>- Judicial Review</li> </ul>

Commissioner Boatright asked/commented in talking about laws and legal interpretation, he suspects the city isn't expecting the Planning Commission to be lawyers so that is where we can rely on Jayme and the staff to help us understand the laws and apply them to various projects coming before us. Jayme replied he, Shari, David, and Kim will be available to you to provide

direction. He encouraged the Planning Commission before they come to meetings to review the materials. References will include relevance to city code, especially zoning districts, and procedural requirements. He expressed Shari has put together a great template for actions that will come before the Planning Commission. Particularly, at the top it will state if it is a Legislative or Administrative decision.

Commissioner Losee asked who the Appeal Authority is in South Weber City. Kim replied it is Doug Stephenson, private attorney, in Salt Lake City. She explained the only time the city has used him is when the property owner requests a variance that goes against city code. City Planner Shari Phippen commented it is typical for cities to contract with someone outside the city because they can look at things more objectively. They also look at parameters set by state and local law. Commissioner Boatright pointed out the Planning Commission has recently taken a lot of heat for recommending something, but from what Jayme is saying, we are to look at the code and the proposal as it aligns or does not align with the code. He asked if it aligns, the Planning Commission is legally bound to recommend approval. Jayme replied that is correct and it can put the Planning Commission in difficult circumstances. He explained once a code is written, and a landowner makes application under that code then they have a property right within that zoning for the property. If an application comes forward that comports with the code as written, even if it is not favored by the public, the Planning Commission's role is to consider public comment, in as much as it informs the decision factually, but not to make the decision based on yea or nay or public support. A decision must be made based on applying the factual circumstances to what is written in the city code. If the application comports with the code, then it should be recommended and moved forward as compliant with the city code.

Jayme explained land use decisions and limitations. He stated only a legislative body may amend the number, shape, boundaries, area, or general uses of any zoning district; any regulation of or within the zoning district; or any other provision of a land use regulation. A legislative body may not make any amendments to a zoning district unless it first submits the amendment to the Planning Commission for the Planning Commission's recommendation.

Jayme identified two other types of land use decisions:

## LAND USE DECISIONS

### APPEAL

- The City establishes the standard of review (“de novo” or “on the record”)
- Applicant has the burden of proving that the Land Use Authority erred
- To be overturned, the decision must have been illegal, or arbitrary and capricious

### VARIANCE

- Any person or entity with an interest in a parcel of property may apply to the Appeal Authority for a variance
- The Appeal Authority may grant a variance only if all five of the statutory criteria are met

Jayne described the definition of judicial review and stated a party may not appeal for judicial review unless it has exhausted all administrative remedies. The petition for review may come from a land use applicant or an adversely affected party. This means that an adjacent property owner can appeal a decision to zone the adjacent property, even if it does not zone their property because of those impacts.

<b>JUDICIAL REVIEW</b>	
<p><b>VALIDITY OF THE ORDINANCE (LEGISLATIVE)</b></p> <ul style="list-style-type: none"> <li>• A court shall presume that a properly enacted land use regulation is valid</li> <li>• A challenge will hinge on whether the regulation is expressly preempted by, or was enacted contrary to, state or federal law</li> <li>• <i>Bradley v. Payson City</i>, 70 P.2d 47 (2003) <ul style="list-style-type: none"> <li>• Legislative – “reasonably debatable”</li> <li>• Administrative – “substantial evidence”</li> </ul> </li> </ul>	<p><b>APPLICATION OF THE ORDINANCE (ADMINISTRATIVE/QUASI-JUDICIAL)</b></p> <ul style="list-style-type: none"> <li>• A court shall presume that a final decision of a Land Use Authority or an Appeal Authority is valid</li> <li>• It will uphold the decision unless it is found to be (a) arbitrary and capricious, or (b) illegal</li> <li>• A decision is arbitrary and capricious if it is not supported by substantial evidence in the record of the proceeding</li> </ul>

Jayne explained if the Planning Commission denies an application because of insufficient parking or traffic flow, but there is nothing in the record that indicates a parking study was conducted, then your decision would be subject to questioned under this arbitrary and capricious standard because there is no evidence of a record. But if you suspect something has insufficient parking and you demand a parking study and the parking study confirms that and then you deny the application for having insufficient parking, then that decision will be based upon substantial evidence and be supported by judicial review. An administrative decision is arbitrary and capricious if it is not supported by substantial evidence found in the record of the proceeding. NOTE: Public clamor is *not* substantial evidence.

City Planner Shari Phippen reported she and Jayme are big fans of baseball. She read a quote from Babe Ruth, “The way a team plays determines its success. You may have the greatest bunch of individual stars in the world, but if they don’t play together, the club won’t be worth a dime.” Each member of the Planning Commission has varying ideas, skill sets, strength, and weaknesses, which are good, but the real strength from the Planning Commission comes when you can take all those strengths, put it together as one, and make effective decisions.

Shari explained before an application goes to the Planning Commission a concept plan will be brought before the staff which includes herself, City Engineer Brandon Jones, Fire Chief Tolman, and other city staff. They sit down with the developer and identify major red flags. At this time, they may review the zoning, density, road design, etc. It gives the developer an opportunity to go back and forth. It is not required but can save a developer time. The next step is the sketch plan, which is required. It is a higher level of detail with the survey of the property, site plan (project details), fire code, city engineering, roads, water, sewer, zoning, density, and

how it complies with the general plan. This all happens prior to going to the Planning Commission. The next step is preliminary plat which is as follows:

## PRELIMINARY PLAT

- Does the project satisfy the intent of the General Plan?
- Does it comply with the relevant zoning codes and engineering standards?
  - Staff analysis presented
- Public Hearing
- Actions
  - Approve
  - Deny
  - Table
- Reviewed only by Planning Commission

Shari explained when a preliminary plat is reviewed by the Planning Commission. At this time, you will receive a staff report that has relative codes, general plan analysis, and whether the project specifications meet those things. The current city code states that with a preliminary plat the Planning Commission will hold a public hearing. This is an interesting situation because, by in large, subdivision approvals, once the property has been rezoned, subdivision approvals generally are administrative. When a decision is administrative, public clamor can be received and listened to, the job of the Planning Commission is to make their recommendation based on whether it complies with the city code without considering whether the public is in favor of it or not. The Planning Commission has three actions: approve, deny, or table. Jayme clarified when an action is tabled, it is taken up again later. This allows time to gather more information. A legislative decision is not bound by timelines, but an administrative decision can be.

Commissioner Boatright discussed the first two bullet points: Does the project satisfy the intent of the general plan? Does it comply with relevant zoning codes and engineering standards? He asked if the general plan is code, and what happens if someone comes in with a brilliant plan that is different from the general plan, what happens. Shari replied the general plan is not code but seeks to inform code. It is used as a guide for the city to use to create code from, but it is not city code. If someone presents an idea that does not follow the general plan, the Planning Commission can proceed with the project as it is presented, because the general plan is not city code but a guideline, or you can go through the process of amending the general plan to reflect the idea that the person came up with. Each city handles this differently. Commissioner Walton asked if the preliminary plat conveys entitlement. Shari replied the rezone conveys certain entitlements to develop the property under the zoning, but the preliminary plat does not because

there are additional requirements that must be met. The final plat and the recording of it secures entitlement, but not the preliminary plat.

## FINAL PLAT

- Planning Commission reviews
  - Make recommendation to Council
- All are conditions and standards of preliminary approval met?
- No public hearing

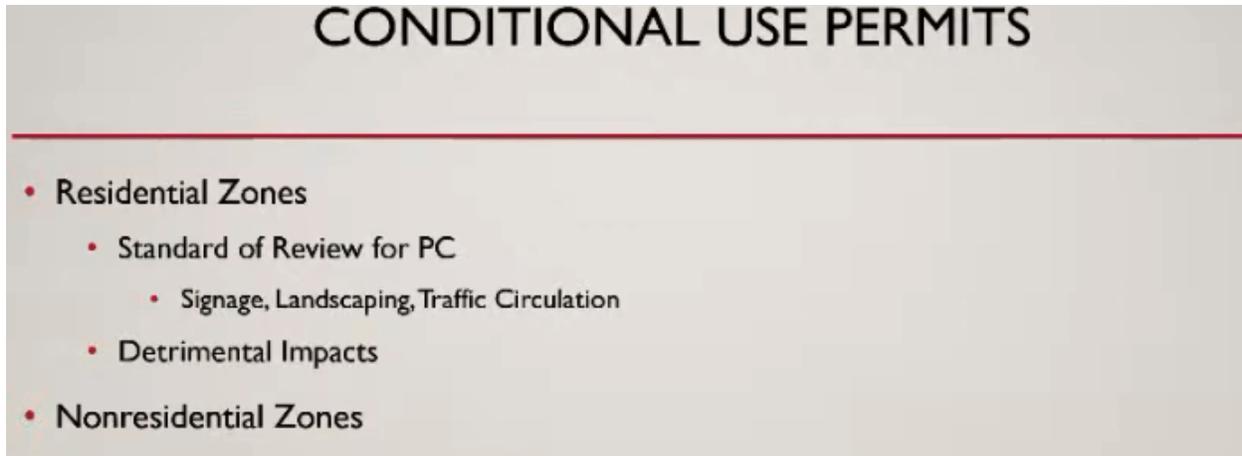
Shari explained the final plat is generally a smoother process. The final plat is reviewed by the Planning Commission and then they make a recommendation to the City Council. There is no public hearing at this level. Commissioner Losee asked what are the entitlements following final plat approval for the developer. Shari replied once the final plat is approved and recorded, that is the developer's entitlement to move forward and develop the project as they padded it. At this point the developer can begin selling lots, obtaining building permits, and develop the project as it has been recorded. There are various signatures required by city staff prior to recording.

Jayne explained there are entitlements that happen broad to narrow. The broadest level is the entitlement to the particular zoning applied to a parcel of property. Once someone makes an application to subdivide or develop a property, they have entitled themselves to that particular zoning for the property. However, they have not yet entitled themselves to the subdivided plats and the rights that Shari outlined. Jayne pointed out there are a few properties that apply to the mixed use zone the city no longer has a mixed use zone in the city code, but because those applications were made under the prior code that is what the Planning Commission will apply when they consider those applications (i.e. The Lofts Development). Shari discussed the Poll family property and the Stephens property which are unique and will go before the City Council first and then go back to the Planning Commission.

Commissioner Johnson discussed in the past with the final plat a lot of times they will come in with a list of items that need to be completed, before the plat can be approved. He asked if there is any way we can say it will not approve this final plat until these things are done or can we state it will be approved upon these items being completed. Shari replied hopefully staff will make sure those items are completed before going to the Planning Commission. She stated you can recommend with conditions that need to be completed prior to going before the City Council, but that is not what she recommends because items can slip through the cracks. Jayne acknowledged there are times when the developer has a timeline that doesn't necessarily meet with when the Planning Commission holds meetings. It is allowed for the Planning Commission to make additional conditions and have staff verify those conditions of been met. Commissioner Johnson voiced his frustration with a final plat having several conditions that need to be completed and he would rather see those items completed prior to going to the Planning

Commission. Commissioner Boatright agreed. Shari replied the staff is working to improve that process.

Shari reviewed the Planning Commission's responsibility to review conditional use permits.



Shari explained the Planning Commission's responsibility with conditional use permits in residential and nonresidential zones. Shari is currently working on improving this process. Jayme added whenever there is a conditional use in code that is an allowed use as long as the Planning Commission and City Council review and impose whatever conditions might be necessary. But the detrimental impacts and the criteria for those conditions are limited to the category set forth in the city code. This is a subject that the City Code Committee and City Council will review and receive input from the Planning Commission over the next six months or so. South Weber City's current code doesn't spell out items such as (light, noise, & dust) in exact language. Shari announced the City Code Committee is working on bringing some of these items into city code.

Commissioner Losee remarked given the process that we just went through in adopting the general plan, and the updating of city codes, how closely aligned are we right now with the general plan and our city codes. She questioned if there will be a time when a conditional use will not be needed. Because if the permitted uses in a zone is very clearly specified and it is supported by what is in the general plan, shouldn't that mean we don't need a conditional use permit anymore. Shari replied she doesn't see the city doing away with conditional use permits because they aren't just for developers. They are also for individual homeowners (i.e. home day care). There are health, safety, and welfare concerns that need to be looked at closer to make sure it isn't causing a problem and put reasonable measures in place. Commissioner Boatright agreed and doesn't there is any way the city can write in code every possible situation. Shari suggested tightening up the permitted uses. Commissioner Walton is currently serving on the City Code Committee and explained they have noticed that some of the uses don't match what the intent is with the zone on the general plan. He discussed conditional use permits being a tool that can be used to insure to protect the intent of the general plan or the community and set specific conditions on that use. Shari explained a conditional use permit can help in regulating a use.

Shari explained the variety of other land use applications. They are as follows:

## OTHER LAND USE APPLICATIONS

- Land Use Ordinances (Title 10)
  - Rezones
  - General Plan
  - Land Use Definitions/Chart
- Public Hearings
- Recommendation to Council

Sari announced the city is in the process of revising Title 10. Any time there is an ordinance regarding the regulation of land use, it will come before the Planning Commission. There will be public hearings to help gather input. She suggested looking at the general plan regarding rezone requests. The general plan is a collaborative effort, and any update major or minor will come before the Planning Commission. All the land use applications, the Planning Commission will make recommendation to the City Council.

It was stated the general plan and maps are available on the city's website. Commissioner Boatright, Commissioner Losee, and Jayme Blakesley requested a printed copy.

Jayme conveyed it is required every year to have training on the Open & Public Meetings Act. The basic requirement of the act is that a public body must take their actions openly. A meeting is open to the public unless closed. There are limited circumstances to which you may close a meeting to the public. They are as follows:

### REASONS FOR WHICH A MEETING MAY BE CLOSED:

- |   |   |
|---|---|
| • Collective Bargaining   | • Criminal investigative proceedings  |
| • Pending or reasonably imminent litigation   | • Certain types of procurement decisions  |
| • Purchase, exchange, lease, or sale of real property if public discussion of the transaction would (a) disclose the appraisal or estimated value, or (b) prevent the transaction from being completed on the best possible terms | • Discuss the character, professional competence, or physical or mental health of an individual |
|   | • Deployment of security personnel, devices, or systems   |

Commissioner Johnson pointed out in the general plan it discusses the city's annexation policy and there is not anywhere in the general plan where it discusses property disposal. He asked if that needs to be identified in the general plan. Jayme does not see any reason why that could not be a part of the general plan. Shari explained if the city wants to sell property there is a certain public process that must be followed. It includes allowing the public the opportunity to weigh in. The city cannot unilaterally decide to dispose of property. Jayme replied he thinks Commissioner Johnson is referencing properties where the city could decide to dispose of specific property, and if a decision is made to consider disposal, then the process Shari mentioned would be triggered. Commissioner Davis asked for an example of a procurement decision. Jayme discussed some procurement decisions can be made in a closed meeting. Jayme reminded everyone that what you say in a public meeting is public. Zoom meetings can be found on You Tube.

## ELECTRONIC COMMUNICATION (E.G., E-MAIL & TEXT MESSAGES)

### THE RULE

"Nothing in [the Open & Public Meetings Act] shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting." U.C.A. § 52-4-210.

### THE COROLLARY

The Open & Public Meetings Act is construed to restrict members of the public body from transmitting an electronic message to other members of the public body at a time when the public body is convened in an open meeting.

Jayme reminded everyone the Open & Public Meetings Act requires an entity make its decisions openly and texting during a meeting about the topics being considered the meeting, can be construed as not making those decisions openly. Your discussion and your dialogue during the meeting should be made openly and part of the meeting and part of the meeting minutes. The public input and other input you receive during a meeting should be done as part of the open meeting. If you are receiving text messages, whether it be among yourselves, general public, friends, members of the City Council or other public bodies, that type of communication about the matter you are discussing at the meeting, would be a violation of the Open & Public Meetings Act and is something that is discouraged.

Commissioner Johnson asked what happens if a developer contacts a member of the Planning Commission outside a meeting. Jayme replied you should decline that invitation and remind them your communication is to occur in a Planning Commission meeting. Commissioner Boatright asked about if the majority of them are commenting on social media. Jayme answered it may as it is defined as anytime a quorum of the public body is "gathered" then it could be construed to be a public meeting. That may include a text conversation in a messaging app or a social media post or elsewhere. He recommended as a matter of practice, if it is a decision that is

coming before the Planning Commission, especially if it is an administrative decision, to have the record of your decision occur at the Planning Commission meeting. That does not mean you cannot seek input from city staff or have questions or information you need leading up to that meeting. It means your deliberation, dialogue, and facts considered are to be made as part of the record of the public meeting. That will reflect the decision instead of conversations that might occur elsewhere.

Jayne explained the Municipal Officers' and Employees' Ethics Act. He conveyed each member of the Planning Commission is a municipal officer and their actions and activities are subject to the Municipal Officers' and Employees' Ethics Act. The Act is intended to establish standards of conduct for municipal officers and employees and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests. He stated it does not require recusal, but it does require disclosure.

Jayne reviewed the prohibited actions which are as follows:

### PROHIBITED ACTIONS

1. Use of office for personal benefit
2. Compensation for assistance in transaction involving the city
3. Interest in business regulated by the city
4. Interest in business doing business with the city
5. Conflict of interest involving duties
6. Inducing an officer or employee to violate the Act

Jayne explained you may not use public office for personal benefit:

- Disclosed or improperly use private, controlled, or protected information; or
- Use or attempt to use official position:
  - To further officer's economic interests, or
  - To secure special privileges for himself/herself or others

### PROHIBITED ACTIONS

- Gifts (except for occasional non-pecuniary gift < \$50)
- Compensation for transaction involving the City w/o proper disclosure
- Interest in business regulated by the City
- Interest in business doing business with the City
- "any personal interest or investment"

Jayne discussed pitfalls and best practices:

## BEST PRACTICES

- Understand the nature of the decision (administrative/legislative/quasi-judicial)
- Know your role and responsibility (legislative body/land use authority/appeal authority)
- Follow procedural requirements exactly
- Document your decision in writing
- State the reasons for your choices
- For legislative decisions, consider public hearings as opportunities to learn
- For administrative decisions, know the law and apply it exactly
- Delegate whenever reasonable
- If you are delegating authority, give clear directions
- Recusal for actual or potential conflicts

## PITFALLS

- “That’s outside the scope of our review tonight”
- Site visits
- “Hi, I’m the developer of the site that’s on the agenda tomorrow night. Can we talk for a moment?”
- “I get that this meets the ordinance standard, but I really prefer ...”
- “I understand it satisfies the ordinance, but nobody in the neighborhood likes it.”
- Text communication during a meeting
- Pre-meeting commitments
- Business dealings with the applicant
- Undisclosed interest in the project

Shari added if anyone has questions, please contact her or Jayme. Jayme reminded the Planning Commission to make sure they don’t get caught up in discussions that are outside of the review. Shari has frequently seen when a subdivision comes forward and it is layed out a certain way and individual commissioners don’t like the lay out and make statements to the developer if they have thought about trying the road this way or have you thought about making the lots face this way instead. That is one example that she has seen happen frequently and that is an example of something that is outside your scope. Commissioner Walton discussed this being difficult to pin point when they go outside the scope. He stated if there are portions of the code that are conflicting or cumbersome and just aren’t working, we need to provide a recommendation to the City Council to look at changing that particular code. Jayme discussed there being an art to understanding the impacts to a particular decision. He and Shari want to help the Planning Commission, and respect their role in making decisions. Commissioner Boatright thanked Shari

and Jayme in clarifying the Planning Commission’s role. Jayme looks forward to working with everyone and getting to know everyone. Commissioner Walton thanked them for all their time in preparation in this training session. Commissioner Boatright understands Blair Halverson is assigned as the liason from the City Council and would like to know what is his role. Jayme doesn’t want to speak for the City Council but there was conversation among the council when considering the structure and terms for Planning Commission members. He thinks there is unity in that they want good communication. Blair did express the desire that when he is present at Planning Commission meetings he doesn’t want to take away the Planning Comissions authority. Jayme discussed the need for open communication between the Planning Commission and City Council. Shari announced at the next Planning Commission there will be an item on the agenda concerning new bylaws for the Planning Commission. It will contain instructions for who will be attending which meetings. For example, instead of a council member attending a Planning Commission meeting, whoever is elected vice-chair will report to the City Council rather than having a councilmember attend the Planning Commission meeting.

The Planning Commission will hold their next meeting on 18 March 2021 at 6:00 p.m.

**ADJOURNED:** Commissioner Walton moved to adjourn the Planning Commission meeting at 8:04 p.m. Commissioner Johnson seconded the motion. Commissioners Boatright, Davis, Johnson, Losee, and Walton voted aye. The motion carried.

**APPROVED:** \_\_\_\_\_ Date  
Chairperson:

\_\_\_\_\_  
Transcriber: Michelle Clark

\_\_\_\_\_  
Attest: Development Coordinator, Kimberli Guill



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**MEMORANDUM**

TO: South Weber City Planning Commission

FROM: Brandon K. Jones, P.E.  
South Weber City Engineer 

CC: Shari Phippen – South Weber City Planner

RE: **PUBLIC WORKS SUBDIVISION**  
**Engineering Review (Preliminary and Final)**

Date: March 12, 2021

---

Our office has completed a review of the Final Plat for the Public Works Subdivision, dated March 12, 2021.

**BACKGROUND**

South Weber City is under contract to potentially purchase property for a new Public Works Facility. The property is located to the north of the South Weber Soccer Facility and to the south & east of the Heather Cove Subdivision. The City is currently in the due-diligence period prior to closing on the property; and is investigating all aspects of the property to assess the viability of the property for its desired future use. One part of the city's due diligence is to create the surveyed lot in the configuration desired by the City for purchase, with access to South Weber Drive. The purchase of the property is the first phase. No improvements are proposed at this time, as there is no current funding to build the facility. A Sketch Plan meeting was held on March 2, 2021. Comments by staff were given and revisions made to the plat. The City Code allows preliminary and final to be combined for minor subdivisions (1 to 10 lots). This subdivision only has two lots and is therefore considered a minor subdivision. The proposed plat is the final plat.

**PLAT**

E1. No comments.

**IMPROVEMENT PLANS**

E2. No improvements are required until the City moves forward with plans for the Public Works Facility. All improvements required by City Code will be implemented.

**STAFF ASSESSMENT**

E3. The plat meets all requirements of City Code. The future intended use of the property as a Public Works Facility in the Commercial Recreation (C-R) Zone is a conditional use and will have to be approved as such when the city is ready to build the facility.

# Public Works Subdivision

Amending the Smith and Edwards Subdivision  
South Weber City, Davis County, Utah  
A Part of the Southwest Quarter of Section 20,  
Township 5 North, Range 1 West, Salt Lake Base & Meridian  
March 2021

### SURVEYOR'S CERTIFICATE

I, K. Greg Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Act; and I have completed a survey of the property described on this Plat in accordance with Section 17-23-17 and have verified all measurements, and have placed monuments as represented on this plat, and have hereby subdivided said tract into two (2) lots, know hereafter as Public Works Subdivision which is an amendment to the Smith and Edwards Subdivision located in South Weber, Davis County, Utah, and has been correctly drawn to the designated scale and is true and correct representation of the herein described lands included in said Subdivision, based upon data compiled from records in the Davis County Recorder's Office and from said survey made by me on the ground, I further hereby certify that the requirements of all applicable statutes and ordinances of South Weber City Concerning Zoning Requirements regarding lot Measurements have been Complied with.



Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

K. Greg Hansen P.L.S.  
Utah Land Surveyor License No. 167819

### BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1, SMITH & EDWARDS SUBDIVISION FILED AS ENTRY NO. 2979156 IN THE FILES OF THE DAVIS COUNTY RECORDER BEING A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER LOCATED 112.03 FEET NORTH 89°07'28" WEST (NORTH 89°28'27" WEST BY RECORD) ALONG SAID SOUTH LINE FROM THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER;

RUNNING THENCE NORTH 89°07'28" WEST (NORTH 89°28'27" WEST BY RECORD) 206.23 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 BEING A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF SOUTH WEBER DRIVE (STATE ROAD 60); THENCE ALONG SAID NORTHEASTERLY RIGHT-OF-WAY LINE THE FOLLOWING SIX (6) COURSES; (1) NORTH 45°50'41" WEST 69.57 FEET; (2) NORTHWESTERLY TO THE LEFT ALONG THE ARC OF A 891.50 FOOT RADIUS CURVE, A DISTANCE OF 57.77 FEET, CHORD BEARS NORTH 47°42'04" WEST 57.76 FEET, HAVING A CENTRAL ANGLE OF 03°42'46"; (3) NORTH 49°33'27" WEST 298.71 FEET; (4) NORTHWESTERLY TO THE RIGHT ALONG THE ARC OF A 853.00 FOOT RADIUS CURVE, A DISTANCE OF 230.27 FEET, CHORD BEARS NORTH 41°49'27" WEST 229.57 FEET, HAVING A CENTRAL ANGLE OF 15°28'01"; (5) NORTH 34°05'26" WEST 125.79 FEET; AND (6) NORTHWESTERLY TO THE LEFT ALONG THE ARC OF A 710.50 FOOT RADIUS CURVE, A DISTANCE OF 23.38 FEET, CHORD BEARS NORTH 35°02'00" WEST 23.38 FEET, HAVING A CENTRAL ANGLE OF 01°53'07" TO AN EXISTING FENCE LINE AS DESCRIBED OF RECORD IN THAT CERTAIN BOUNDARY LINE AGREEMENT FILED AS ENTRY NO. 1343702 IN THE FILES OF THE DAVIS COUNTY RECORDER BEING ON THE WEST BOUNDARY LINE OF SAID LOT 1; THENCE ALONG SAID EXISTING FENCE LINE AND WEST BOUNDARY LINE THE FOLLOWING TWO COURSES; (1) NORTH 01°47'17" EAST 190.63 FEET; AND (2) NORTH 01°33'47" EAST 150.14 FEET TO THE NORTHWEST CORNER OF SAID LOT 1 BEING THE SOUTHWEST CORNER OF THE ELITE TRAINING CENTERS LLC PROPERTY; THENCE ALONG THE WEST BOUNDARY LINE OF SAID ELITE TRAINING CENTERS LLC PROPERTY DEFINED BY AN EXISTING FENCE, BEING THAT FENCE LINE AS DESCRIBED IN SAID BOUNDARY LINE AGREEMENT; THENCE ALONG SAID WEST BOUNDARY LINE AND SAID BOUNDARY LINE AGREEMENT THE FOLLOWING SIX (6) COURSES; (1) NORTH 1°33'47" EAST 6.66 FEET (2) NORTH 01°25'33" EAST (NORTH 01°04'34" EAST BY RECORD) 147.09 FEET; (3) NORTH 02°05'38" EAST (NORTH 01°44'39" EAST BY RECORD) 179.99 FEET; (4) NORTH 01°59'07" EAST (NORTH 01°38'08" EAST BY RECORD) 190.72 FEET; (5) NORTH 01°48'36" EAST (NORTH 01°27'37" EAST BY RECORD) 100.08 FEET; AND (6) NORTH 00°06'20" WEST (NORTH 00°27'19" WEST BY RECORD) 503.61 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF INTERSTATE 84; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE SOUTH 88°56'01" EAST 169.35 FEET TO THE NORTHWEST CORNER OF HEATHER COVE SUBDIVISION FILED AS ENTRY NO. 1329957 IN THE FILES OF THE DAVIS COUNTY RECORDER; THENCE ALONG THE BOUNDARY LINE OF SAID SUBDIVISION THE FOLLOWING EIGHT (8) COURSES; (1) SOUTH 00°21'23" WEST (SOUTH 00°00'24" WEST BY RECORD) 412.53 FEET; (2) SOUTH 63°49'03" EAST (SOUTH 64°10'02" EAST BY RECORD) 260.28 FEET; (3) SOUTH 89°37'19" EAST (SOUTH 89°58'18" EAST BY RECORD) 219.31 FEET; (4) NORTH 67°30'54" EAST (NORTH 67°09'55" EAST BY RECORD) 64.32 FEET; (5) SOUTH 02°34'03" EAST (SOUTH 02°55'02" EAST BY RECORD) 639.19 FEET; (6) SOUTH 01°44'25" EAST 490.70 FEET; (7) SOUTH 01°01'09" EAST 258.87 FEET; AND (8) SOUTH 02°30'46" EAST 152.02 FEET TO THE POINT OF BEGINNING. CONTAINING 24.42 ACRES.

### OWNER'S DEDICATION

Known all men by these presents that the undersigned owners of the above described tract of land, having caused same to be subdivided into lots, as shown on this plat, to be hereafter known as Public Works Subdivision, do hereby dedicate, grant, and convey to South Weber City, Davis County, Utah, all those certain strips designated as public utility easements for public utility and drainage purposes, as shown hereon. The same to be used for the installation, maintenance, and operation of public utility service lines including for irrigation and drainage purposes. The plat notes shown hereon are hereby declared effective and binding.

In witness whereof \_\_\_\_\_ have hereunto set this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

Elite Training Centers LLC by Craig James Smith, Registered Agent

### LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH )  
COUNTY OF ) §

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared before me, Craig James Smith, who being by me duly sworn did say and acknowledge that he is a Registered Agent of Elite Training Centers, LLC, a Utah Limited Liability Company ("LLC"), which LLC is the Owner of the real property listed herein, and executed the foregoing instrument as the authorized agent of the LLC, and that said authorization to sign on behalf of the LLC came pursuant to a Resolution of the Managers, the Certificate of Organization, and/or the Operating Agreement of the LLC.

Notary Public

DAVIS COUNTY RECORDER

ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_

FILED FOR RECORD AND

RECORDED \_\_\_\_\_ AT \_\_\_\_\_

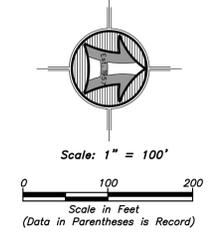
IN BOOK \_\_\_\_\_ OF OFFICIAL

RECORDS, PAGE \_\_\_\_\_

DAVIS COUNTY RECORDER

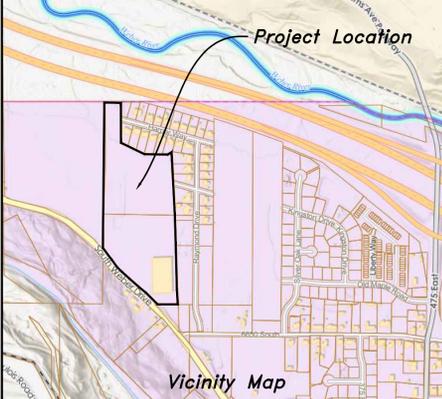
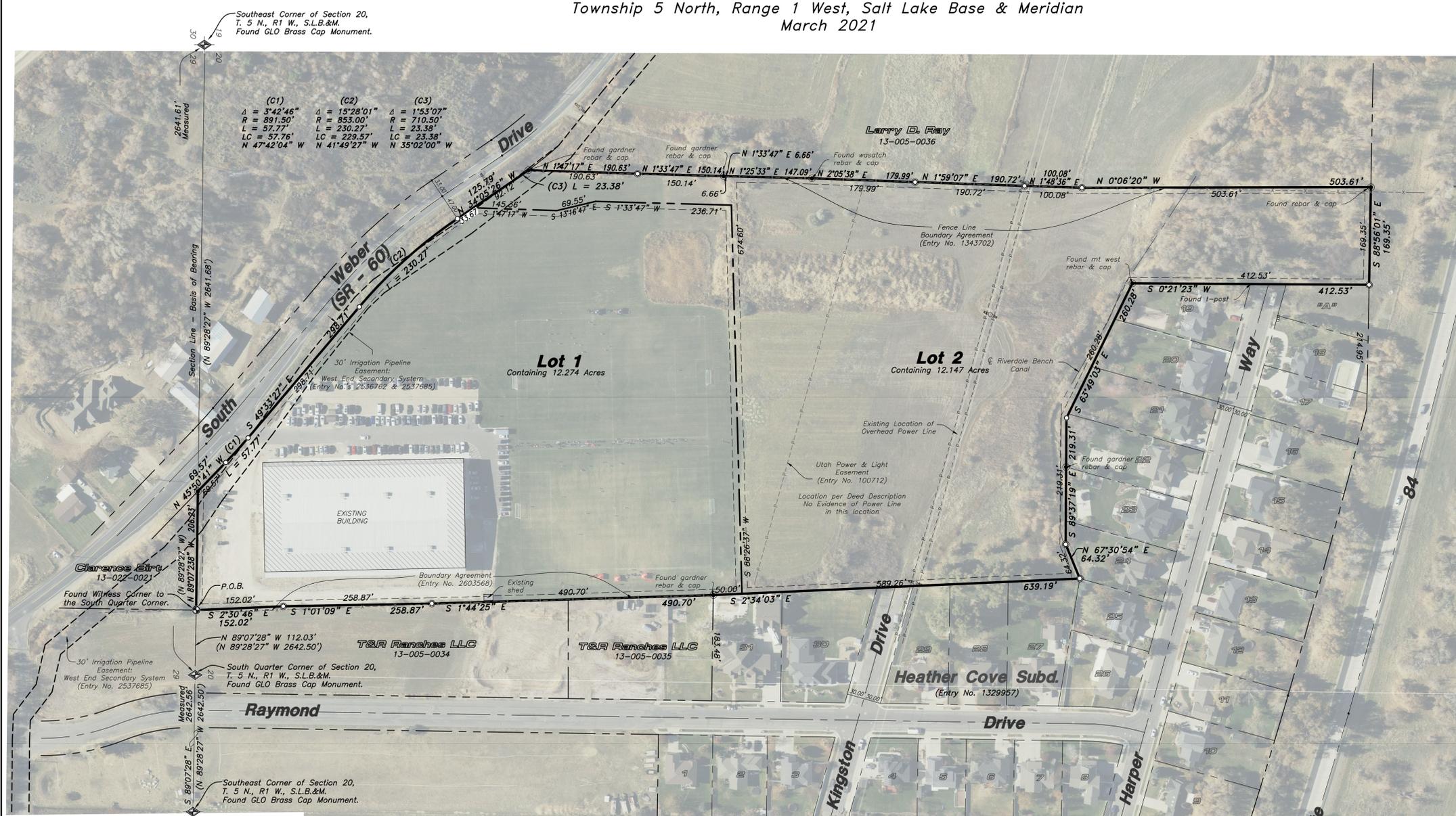
BY \_\_\_\_\_

DEPUTY RECORDER

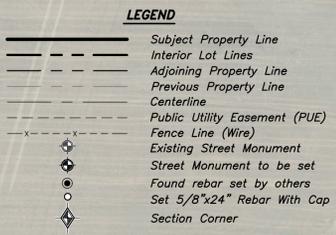


### NARRATIVE

The Purpose of this survey was to establish and set the property corners of the two lot subdivision as shown and described hereon. This Survey was ordered by Brandon Jones of Jones & Associates for South Weber City. The control used to establish the property corners was the Smith & Edwards Subdivision, the Heather Cove Subdivision along with the existing Davis County Surveyor Monumentation surrounding Section 20, Township 5 North, Range 1 West, S.L.B.&M. The basis of bearing is the South line of the Southwest Quarter of said Section which bears North 89°07'28" West, Utah North, State Plane, Calculated N.A.D.83 Bearing, (North 89°28'27" West, Davis County Bearing).



- NOTE:
- 1 - All public utility easements (P.U.E.) are 10.0 foot wide unless otherwise noted.
  - 2 - Rebar and cap set on all back lot corners with curb nails set in top back of curb and gutter on all side yard projections.
  - 3 - The Subject Property falls within FEMA Flood Zone "X" - Areas determined to be outside the 0.2% of annual chance Floodplain. Per FEMA Map No. 49011C0088E with an effective date of June 18, 2007.
  - 4 - Utah Power & Light Easement, Entry No. 20597 situated in the East 1/2 of the Southwest 1/4 of Section 20. Affects subject property.
  - 5 - Subject to any vested and accrued water rights. Entry No. 4736. Does not affect subject property.
  - 6 - Subject to the terms and conditions of that certain Assignment of Water Shares. Entry No. 2913163.



**HANSEN & ASSOCIATES, INC.**  
Consulting Engineers and Land Surveyors  
538 North Main Street, Brigham, Utah 84302  
Visit us at [www.haies.net](http://www.haies.net)  
Brigham City Ogden Logan  
(435) 723-3491 (801) 399-4905 (435) 752-8272  
Celebrating over 60 Years of Business

SOUTH WEBER PLANNING COMMISSION APPROVAL  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021  
BY THE SOUTH WEBER CITY PLANNING COMMISSION.  
CHAIRMAN, SOUTH WEBER CITY PLANNING COMMISSION

SOUTH WEBER CITY COUNCIL APPROVAL  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021  
BY THE SOUTH WEBER CITY COUNCIL.  
ATTEST:  
CITY RECORDER MAYOR

SOUTH WEBER CITY ATTORNEY  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021  
BY THE SOUTH WEBER CITY ATTORNEY.  
SOUTH WEBER CITY ATTORNEY

SOUTH WEBER CITY ENGINEER'S APPROVAL  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021  
BY THE SOUTH WEBER CITY ENGINEER.  
SOUTH WEBER CITY ENGINEER

# Public Works Subdivision

Amending the Smith and Edwards Subdivision  
South Weber City, Davis County, Utah  
A Part of the Southwest Quarter of Section 20,  
Township 5 North, Range 1 West, Salt Lake Base & Meridian  
March 2021

### SURVEYOR'S CERTIFICATE

I, K. Greg Hansen, do hereby certify that I am a Registered Professional Land Surveyor in the State of Utah in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Act; and I have completed a survey of the property described on this Plat in accordance with Section 17-23-17 and have verified all measurements, and have placed monuments as represented on this plat, and have hereby subdivided said tract into two (2) lots, know hereafter as Public Works Subdivision which is an amendment to the Smith and Edwards Subdivision located in South Weber, Davis County, Utah, and has been correctly drawn to the designated scale and is true and correct representation of the herein described lands included in said Subdivision, based upon data compiled from records in the Davis County Recorder's Office and from said survey made by me on the ground, I further hereby certify that the requirements of all applicable statutes and ordinances of South Weber City Concerning Zoning Requirements regarding lot Measurements have been Complied with.



Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

K. Greg Hansen P.L.S.  
Utah Land Surveyor License No. 167819

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Known all men by these presents that the undersigned owners of the above described tract of land, having caused same to be subdivided into lots, as shown on this plat, to be hereafter known as Public Works Subdivision, do hereby dedicate, grant, and convey to South Weber City, Davis County, Utah, all those certain strips designated as public utility easements for public utility and drainage purposes, as shown hereon. The same to be used for the installation, maintenance, and operation of public utility service lines including for irrigation and drainage purposes. The plat notes shown hereon are hereby declared effective and binding.

In witness whereof \_\_\_\_\_ have hereunto set this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2021.

Elite Training Centers LLC by Craig James Smith, Registered Agent

### LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF UTAH )  
COUNTY OF ) §

On this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared before me, Craig James Smith, who being by me duly sworn did say and acknowledge that he is a Registered Agent of Elite Training Centers, LLC, a Utah Limited Liability Company ("LLC"), which LLC is the Owner of the real property listed herein, and executed the foregoing instrument as the authorized agent of the LLC, and that said authorization to sign on behalf of the LLC came pursuant to a Resolution of the Managers, the Certificate of Organization, and/or the Operating Agreement of the LLC.

Notary Public

DAVIS COUNTY RECORDER

ENTRY NO. \_\_\_\_\_ FEE PAID \_\_\_\_\_

FILED FOR RECORD AND

RECORDED \_\_\_\_\_ AT \_\_\_\_\_

IN BOOK \_\_\_\_\_ OF OFFICIAL

RECORDS, PAGE \_\_\_\_\_

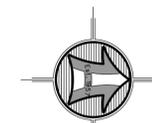
DAVIS COUNTY RECORDER

BY \_\_\_\_\_

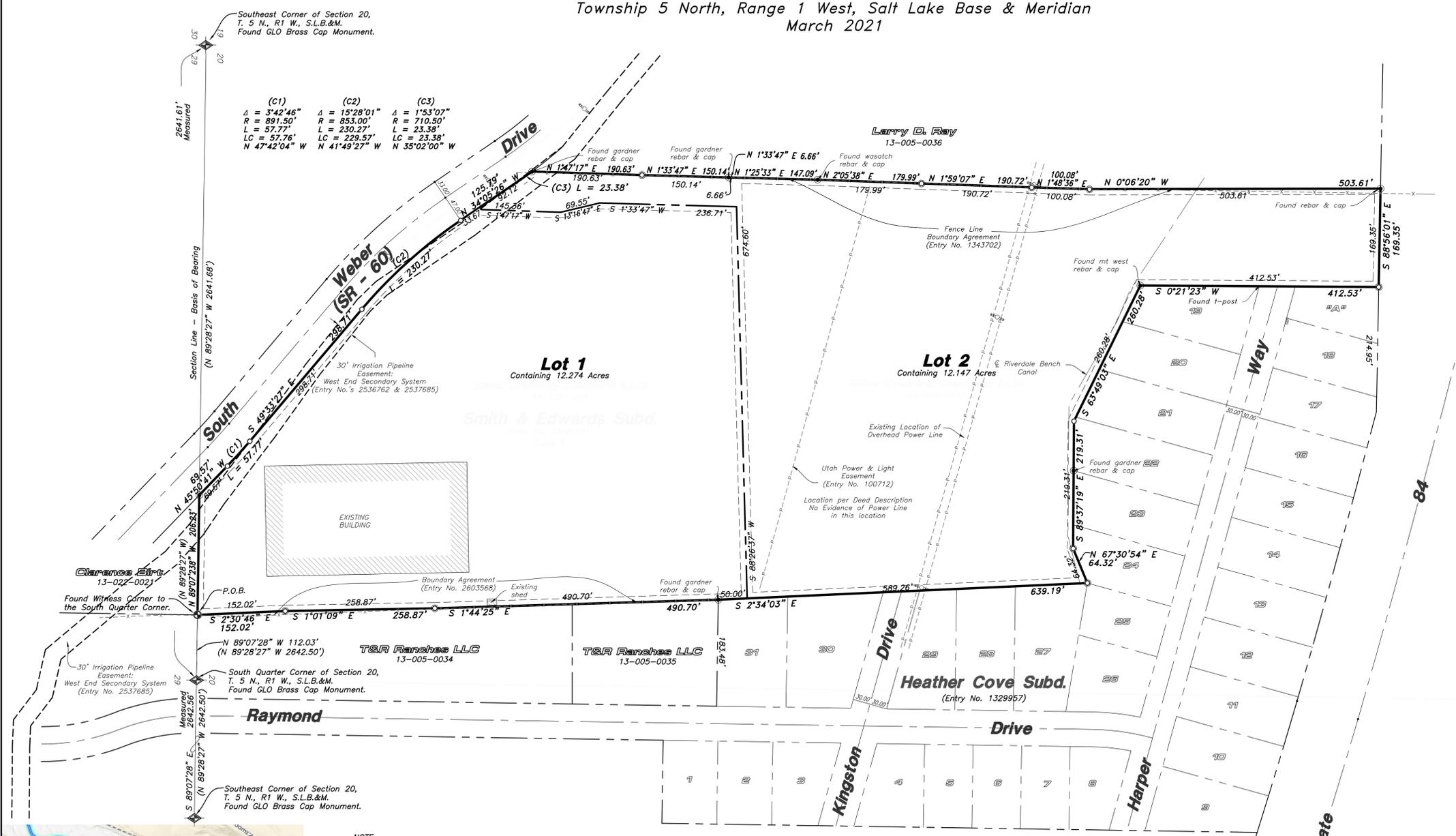
DEPUTY RECORDER

### NARRATIVE

The Purpose of this survey was to establish and set the property corners of the two lot subdivision as shown and described hereon. This Survey was ordered by Brandon Jones of Jones & Associates for South Weber City. The control used to establish the property corners was the Smith & Edwards Subdivision, the Heather Cove Subdivision along with the existing Davis County Surveyor Monumentation surrounding Section 20, Township 5 North, Range 1 West, S.L.B.&M. The basis of bearing is the South line of the Southwest Quarter of said Section which bears North 89°07'28" West, Utah North, State Plane, Calculated N.A.D.83 Bearing, (North 89°28'27" West, Davis County Bearing).

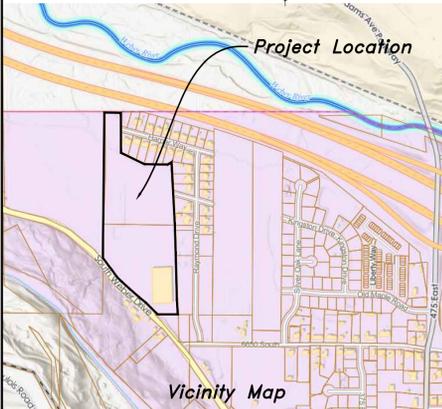
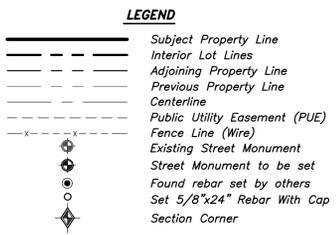


Scale: 1" = 100'  
0 100 200  
Scale in Feet  
(Data in Parentheses is Record)



(C1)	(C2)	(C3)
$\Delta = 34^{\circ}46''$	$\Delta = 15^{\circ}29'01''$	$\Delta = 1^{\circ}53'07''$
$R = 891.50'$	$R = 853.00'$	$R = 710.50'$
$L = 57.77'$	$L = 230.27'$	$L = 23.38'$
$LC = 57.76'$	$LC = 229.57'$	$LC = 23.38'$
$N 47^{\circ}42'04'' W$	$N 41^{\circ}49'27'' W$	$N 35^{\circ}02'00'' W$

- NOTE:
- 1 - All public utility easements (P.U.E.) are 10.0 foot wide unless otherwise noted.
  - 2 - Rebar and cap set on all back lot corners with curb nails set in top back of curb and gutter on all side yard projections.
  - 3 - The Subject Property falls within FEMA Flood Zone "X" - Areas determined to be outside the 0.2% of annual chance Floodplain. Per FEMA Map No. 49011C0088E with an effective date of June 18, 2007.
  - 4 - Utah Power & Light Easement, Entry No. 20597 situated in the East 1/2 of the Southwest 1/4 of Section 20. Affects subject property.
  - 5 - Subject to any vested and accrued water rights. Entry No. 4736. Does not affect subject property.
  - 6 - Subject to the terms and conditions of that certain Assignment of Water Shares. Entry No. 2913163.



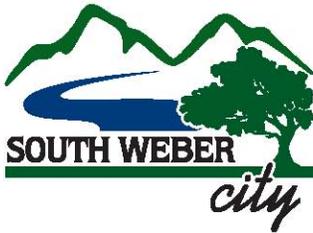
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SOUTH WEBER PLANNING COMMISSION APPROVAL  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021  
BY THE SOUTH WEBER CITY PLANNING COMMISSION.  
CHAIRMAN, SOUTH WEBER CITY PLANNING COMMISSION

SOUTH WEBER CITY COUNCIL APPROVAL  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021  
BY THE SOUTH WEBER CITY COUNCIL.  
ATTEST:  
CITY RECORDER MAYOR

SOUTH WEBER CITY ATTORNEY  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021  
BY THE SOUTH WEBER CITY ATTORNEY.  
SOUTH WEBER CITY ATTORNEY

SOUTH WEBER CITY ENGINEER'S APPROVAL  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021  
BY THE SOUTH WEBER CITY ENGINEER.  
SOUTH WEBER CITY ENGINEER



## Agenda Item Introduction

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**Commission Meeting Date:** 3/18/2021

**Name:** David Larson

**Agenda Item:** Planning Commission Bylaws

**Background:** City Council recently updated City Code related to the Planning Commission requiring the adoption of Planning Commission Bylaws. Staff has drafted Bylaws based on research from other cities' bylaws and bring them forward to the Planning Commission for consideration.

**Summary:** Consider Planning Commission Bylaws

**Budget Amendment:** N/A

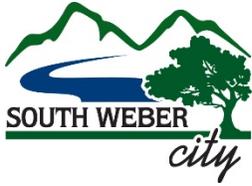
**Procurement Officer Review:** Budgeted amount \$ N/A Bid amount \$ N/A

**Committee Recommendation:** N/A

**Planning Commission Recommendation:** N/A

**Staff Recommendation:** N/A

**Attachments:** Planning Commission Bylaws



# Planning Commission Bylaws

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## I. ORGANIZATION

### A. Appointment of the Chair and Vice Chair

1. According to City Code section 10-3-4, during February of each year, the Commission shall appoint a Chair and Vice Chair for the next year. Appointees shall assume their duties upon selection.
2. Appointment of the Chair and Vice Chair shall be done separately through open nomination for appointment from any Commissioner. If only one Commissioner is nominated for appointment for either position, an approval vote of the Commission shall determine the appointment. If more than one Commissioner is nominated for either appointment, a simple majority of the Commissioners present during a silent vote shall determine the appointee.
3. The term of the Chair and Vice Chair is determined in City Code.

### B. Duties of the Chair

1. Review and approve agendas prior to Commission meetings;
2. Call meetings of the Commission to order on the day and time scheduled and proceed with the order of business;
3. Receive and submit, in the proper manner, all motions, recommendations, and propositions presented by the Commissioners;
4. Put to vote all issues and items which are properly moved upon, or necessarily arise in the course of the proceedings and to announce the result of any such actions taken;
5. Inform the Commission, when necessary, on any point of order to practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel or staff for advice;

6. Authenticate by signature all of the acts, findings, orders, and proceedings of the Commission;
7. Maintain order at all meetings of the Commission including the maintenance of a respectful, orderly, appropriate, and professional atmosphere;
8. Recognize speakers and Commissioners prior to receiving comments and presentations; and
9. Ensure the legal due process to all items and people involved in each item of each meeting agenda.

**C. Duties of the Vice Chair**

1. The Vice Chair shall have and perform all the duties and functions of the Chair in the absence of the Chair.
2. Provide regular report to City Council on all acts, findings, orders, and proceedings of the Commission;
3. Provide report and Commission recommendation to City Council on City Code-related concerns identified by the Commission during project reviews;

**D. Temporary Chair**

1. In the event of the absence or disability of the Chair and Vice Chair, and with a proper quorum present, a temporary Chair shall be appointed to conduct business prior to any agenda item to serve as the temporary Chair until the return of the either the Chair or Vice Chair.
2. The temporary Chair shall be nominated and appointed in the same manner as the regular nomination and appointment of the Chair.

**E. Quorum**

1. The number of Commissioners of necessary to constitute a quorum is three (3) or more. No action of the Commission shall be official or have any effect except when a quorum of the Commissioners is present.
2. Any Commissioner choosing to abstain from a vote on an agenda item shall be included when in consideration of a quorum. Any Commissioner

disqualified under the terms of a conflict of interest shall not be included when considering the presence of a quorum.

3. When a conflict of interest results in a lack of Commissioners present to approve a motion, the issue, at the discretion of the Chair, may be heard by the Commission but may not have action taken upon it until an adequate amount of Commissioners can be present to properly vote on the issue.

4. No matters of business shall be heard, unless caused by a conflict of interest disqualification, unless a proper quorum is present. In the event a quorum is not present for a scheduled meeting of the Commission, the meeting shall be canceled, only after a reasonable allowance of time for a quorum to arrive, through a motion for adjournment. No second shall be required for such motion. In such an event, a proper quorum shall ratify the motion to adjourn due to lack of quorum before any matters of business are heard at the next scheduled Commission meeting.

**F. Placing Items on the Agenda** A request for an item to be on a Commission meeting agenda may be initiated by the Chair, three Commissioners, City staff with the support of the Chair, or an applicant that has submitted a complete application.

## II. MEETINGS

### A. Meeting Schedule

1. At one of the last regularly scheduled meetings of each year, the Commission shall have an agenda item to determine the general meeting schedule for the following year. Except for those meetings rescheduled or cancelled, meetings of the Commission are typically held on the 2<sup>nd</sup> Thursday of each month, are to begin promptly at 6:00 p.m., and are to be held in the City Council Chambers of South Weber City Hall. Alteration to the time of day or place a meeting is to be held may be made through notice and advertisement of the meeting which states the specific alteration(s).

2. The determination of the general meeting schedule shall take into consideration the dates for which meetings will be scheduled and the possibility of special meetings or the cancellation of meetings to avoid conflicts.

3. Every meeting of the Commission is to be open to the public and conducted in accordance with the Utah State Open and Public Meetings Act (U.C.A. 52-4-1 et. Seq.).

**B. Procedure of Consideration of Agenda Items** The following procedure will normally be observed for all agenda items, however, it may be rearranged at the discretion of the Chair for an individual item, for the expeditious conduct of business:

1. Introduction of the item by the Chair;
2. Staff presentation and analysis;
3. Presentation of the proposal by the applicant;
4. Public Hearing (as applicable)
5. Commission discussion. The discussion shall be confined to the Commission unless any Commissioner requests specific additional information from staff or the applicant(s); and
6. Motion and Vote. The Chair may outline the possible actions of approval, approval with conditions, tabling, or denial prior to entertaining a motion. Voting shall be in accordance with section F below.

**C. Public Hearings**

1. Procedure
  - a) Opening of the public hearing by the Chair;
  - b) Testimony by citizens present to discuss the item through comment or testimony of facts or arguments;
  - c) Rebuttal and concluding comments by the applicant, as the burden of proof rests with the applicant and is therefore given an opportunity to provide closing comments and testimony;
  - d) Closure of the public hearing by the Chair.
2. Comments During Public Hearings

a) Comments, testimony, and presentations from the public shall be respectful, pertinent, relevant, concise, and confined within a three-minute timeframe. All public comment shall be directed toward the Commission.

b) A spokesman for a group of citizens wishing to make similar comments regarding the agenda item may be allowed a reasonable amount of additional time by the Chair.

c) The Chair shall have the ability to discontinue the receipt of public comment at his/her discretion if the commentary and testimony becomes repetitious, disrespectful, rude, or otherwise rowdy.

3. Commission Action. No Commission action shall be taken in a formal public hearing. Comments from the public shall be received and weighted but not responded to by the Commission during the public hearing.

**D. Continuance of Agenda Items** Review of any agenda item being held or noticed to be held by the Commission at any meeting of the Commission may, by order or notice of continuance, be continued or re-continued to any subsequent meeting.

**E. Motions**

1. Making a Motion. Any Commissioner, including the Chair, may make or second any motion.

2. Findings. Motions for approval, denial, or approval with conditions should state reasons, issues, and facts leading to the motion.

3. Motions repeated. Motions may be repeated for clarification, further understanding, or consideration at the request of any Commissioner, or by staff for the purpose of clarification for the official record.

4. Legal Counsel. Any Commissioner may request legal advice from the City legal counsel in the preparation, discussion, and/or deliberation of any motion.

5. Second Required. Each motion of the Commission must be seconded.

6. Withdrawing a Motion. After a motion has been stated, the motion resides in the possession of the Commission but may be withdrawn by the

author of the motion at any time prior to the motion being put to vote.

Withdrawal of a second shall become automatic with the withdrawal of the motion.

7. Motion to Table. A motion to table an agenda item shall be accompanied by the reasoning and rationale for the tabling, such as further study or pending further information review, and whenever possible, a specific date for which the issue would be reheard.

8. Amending Motions. When a motion is pending before the Commission, any Commissioner may suggest a motion amendment to the author of the motion at any time prior to the motion being put to vote. The amendment must be accepted by the author of the motion and the author of the second to amend a motion. Amendments to an amended motion shall be handled in the same manner as the original motion (motion to amend/second/vote of Commission).

9. Dead Motions. In the event that a seconded motion does not carry due to the lack of an adequate sustain vote, the motion is determined to be dead.

10. Motion to Adjourn. A motion to adjourn shall be required to conclude every Planning Commission meeting, following the addressing of each item on the agenda for that specific meeting.

**F. Voting**

1. Changing a Vote. No Commissioner shall be permitted to change his/her vote once the Chair has declared the result of the decision.

2. Abstention. Any commissioner may choose to abstain from voting on any agenda item if the Commissioner perceives a personal legal implication or other conflict. Commissioners wishing to abstain may remain at the Commission table but do not participate in the discussion. Reasoning for abstention is not required to be revealed prior to the vote being taken but must be disclosed as part of the Commissioner's declaration of abstention to ensure that no conflict of interest has occurred.

3. Roll Call Vote. A roll call vote shall be held to vote on motions made regarding:
  - a) The approval of an agenda item where the commission is the designated approving body; or
  - b) Recommendations to the City Council regarding ordinances, amendments to the City Code, or adoption or amendment of the General Plan.

### III. RIGHTS AND DUTIES OF THE COMMISSIONERS

**A. Meeting Attendance** Every Commissioner shall attend each meeting of the Commission unless excused or unable to attend due to extenuating circumstances. Any Commissioner expecting to be absent from a meeting of the Commission shall notify the Chair and the City development staff a minimum of 24-hours before the meeting, except in the case of an emergency.

**B. Not to Vote Unless Present** No Commissioner shall be permitted to vote on any question, matter or business, or agenda item unless the Commissioner is present at the meeting in which the vote is taken in person or electronically and the result is announced regarding the issue. No Commissioner shall give his/her proxy to any other person to vote on any issue.

**C. Conflict of Interest** Conflicts of interest are determined to be any personal, familial, or financial tie between the Commissioner and the applicant or the item of any manner of business. If any Commissioner has a conflict of interest with an item on an agenda, the Commissioner shall declare the conflict before any testimony for that item is heard.

1. The Commissioner may then choose to step down from the Commission table and withdraw from discussion and voting on the agenda item. Following action by the Commission on the agenda item, the Commissioner may return to the Commission table and resume his/her duties as a Commissioner.

2. In the event the Commissioner declines his/her option to step down after declaring a conflict of interest, the Chair shall ask if any Commissioner wishes to request a vote on the conflict.
  - a) If no such request is made, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance.
  - b) If a request is made, the Commissioner making the request shall detail his/her request including any request to have the commissioner step down and/or withdraw from discussion or voting. The remaining Commissioners, other than the Commissioner declaring the conflict of interest, shall vote as to the request. A simple majority of the remaining Commissioners voting in favor of the request shall approve the request. The Commissioner declaring the conflict of interest shall then comply with the approved request. If an approval is not achieved, the Commissioner declaring a conflict of interest may proceed under his/her own recognizance.
3. Any Commissioner who feels he/she, or another Commissioner, may have an actual, apparent, or reasonably foreseeable conflict of interest shall declare such feelings. Such declarations shall be determined and handled as in Section III.C herein.
4. No Commissioner with an actual, or possible, conflict of interest shall, at any time before, during, or after the meeting, attempt to use his/her influence with another Commissioner regarding the agenda item in question.
5. A Commissioner may appear before the Commission through his/her employment or as an advocate or agent, or as the applicant, only after declaring his/her conflict of interest and stepping down from the Commission table.
6. A Commissioner shall not sell or offer to sell services, or solicit prospective clients or employment, by stating an ability to influence Commission decision or based on being a Commissioner.

7. A Commissioner must not use his/her appointed office as a Commissioner to seek or obtain any special advantage.

#### IV. ORDER AND DECORUM

**A. General Decorum** The atmosphere of a Commission meeting shall be conducted with the utmost respect for and by all parties. All those in attendance shall conduct themselves in a courteous, mindful, professional, sincere, and appropriate manner for the nature of the proceedings.

**B. Commissioner Decorum** At no time shall any Commissioner make any comments, gestures, or other similar actions which is or can be portrayed to be demeaning, insulting, or disrespectful of the other Commissioners, staff, applicant(s), or any member of the general public.

**C. Public Clamor** Public Clamor shall not be allowed in any meeting of the Planning Commission, or during any portion of any meeting. Things and actions such as booing, hissing, cheering, clapping, throwing objects, obscene gestures, harassing comments, or other similar or obnoxious behavior shall not be tolerated.

**D. Due Process** The Chair shall conduct each meeting in such a manner so as to afford due process throughout the proceedings.

**E. Chair's Authority** It shall be the authority and discretion of the Chair to order the removal of any individual member of the general public present at a Commission meeting, groups of the general public, or the removal of the general public present in its entirety, for the duration of the discussion and consideration regarding any single agenda item, or for the remainder of the meeting, if said person or groups of people become rude, disrespectful, disruptive, or otherwise rowdy towards the Commission, any single Commissioner, staff, the applicant, or other members of the general public.

**F. Chair's Adjournment** In the event of refusal to leave the meeting by any member of the general public under the authority granted under Section IV.E here in, it shall be the authority and discretion of the Chair to promptly adjourn any meeting of

the Commission when said meeting becomes out of hand, unruly, overly disruptive, or otherwise inhibitive to the conduct of the City's business until such time as business can be conducted in an appropriate manner.

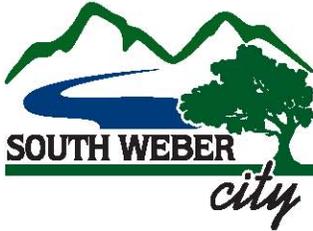
**V. SUSPENSION OF RULES**

**A. Non-Exclusive Rules** The rules set forth are not exclusive and do not limit the inherent power or general legal authority of the Commission, or its Chairperson, to govern the conduct of Commission meetings as may be considered appropriate from time to time or circumstances for the purposes of orderly and effective conduct of the affairs of the City.

**B. Amendment and Adoption of Commission Bylaws** Amendments and adoption of Commission bylaws to supersede those contained herein shall follow the same procedure as the adoption of these bylaws. A motion may be made by any Commissioner to review the bylaws for amendment at any time following their inception. A sustaining vote shall be required to open the review of the bylaws for amendment.

**VI. RECORDING OF BYLAWS**

**A.** These bylaws, and all subsequent amendments, shall be recorded by the City Recorder and copies of which shall be distributed to each Commissioner and the City development staff.



## Agenda Item Introduction

---

**Commission Meeting Date:** 3/18/2021

**Name:** David Larson

**Agenda Item:** City Code Title 10 Definitions

**Background:** The Code Update Committee has been reviewing all the approved uses in City Code Title 10 and the accompanying definitions of those uses. Prior to adoption of any land use code changes, the Planning Commission has a chance to review and recommend changes.

The Code Update Committee will bring its work product to the Planning Commission as various pieces are completed, the first of which is an update to code section 10-1-10 Definitions. Planning Commission will be able to review the suggested changes and recommend those changes to City Council or amend the changes and recommend the changes they see fit.

**Summary:** Review City Code Title 10 Definitions as Updated by the Code Update Committee

**Budget Amendment:** N/A

**Procurement Officer Review:** Budgeted amount \$ N/A Bid amount \$ N/A

**Committee Recommendation:** N/A

**Planning Commission Recommendation:** N/A

**Staff Recommendation:** N/A

**Attachments:** Planning Commission Bylaws

**ACCESSORY BUILDING:** A detached subordinate building, the use of which is clearly incidental and customarily appropriate to and on the same lot as the main building or use of land.

**ACCESSORY USE:** A use clearly incidental, customarily appropriate and subordinate to and on the same lot as the main use of the building or land.

**ACRE:** A measurement of land area equal to forty-three thousand five hundred sixty (43,560) square feet.

**ACRE, ONE-HALF:** A measurement of land area equal to twenty-one thousand seven hundred eighty (21,780) square feet.

**AGRICULTURE:** A farm industry area used for the commercial production, keeping, or maintenance for sale of plants, or lands devoted to a soil conservation management program. Agriculture uses include the tilling of soil, the raising of crops, horticulture and gardening, and accessory uses. Agriculture uses shall not be construed to permit any commercial activity or the keeping or raising of animals or fowl, except as specifically permitted in the zone requirements.

**AGRICULTURAL BUILDING:** A structure used in conjunction with an allowed agriculture use, and not for human occupancy, and complying with the requirements of § 58-56-4, U.C.A., 1953, as amended. To qualify as an agricultural building the structure must meet all requirements of § 58-56-4(1), U.C.A., 1953, as amended.

**ALLEY:** A public thoroughfare less than twenty-six feet (26') wide.

**ALTERATION, STRUCTURAL:** Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

**ALTERED:** Any change in the construction of or addition to a building which would permit an increase in capacity or change of use.

**ANIMAL KEEPING:** The keeping of animals and fowl for food production or for pleasure. This does not include the keeping of household pets.

**APARTMENT HOUSE:** A building designed to be occupied by more than four (4) families.

**ASSISTED LIVING FACILITY:** An assisted living facility is a housing facility for people with disabilities or for adults who cannot or choose not to live independently, but rather live in a group living environment under the care of State licensed professionals. An assisted living facility does not house individuals under care for drug or alcohol rehabilitation, nor can one serve as transitional housing for individuals reentering society from the penal system.

**BASEMENT:** A story partly underground. A basement shall be counted as a story for height measurement where more than one-half ( $1/2$ ) its height is above the average level of the

adjoining ground or where more than three-fourths ( $\frac{3}{4}$ ) of any wall is above the level of the adjoining ground. The average level of adjoining ground shall not be measured against raised planters or soil raised in a berm against the structure.

**BASEMENT HOUSE:** A one-story dwelling where more than twenty five percent (25%) of the floor area is below the finished surface grade at the front yard level. Basement houses are not permitted under this title.

**BEAUTY & BARBER SERVICES:** See Personal Care Services.

**BOARDING HOUSE AND/OR ROOMING HOUSE:** A building used for the purpose of providing meals or lodging, or both meals and lodging for pay or compensation of any kind for three (3) or more persons.

**BUILDABLE AREA:** That portion of a building lot not included within any required yard or open space which a main building may be located upon.

**BUILDING:** Any structure having walls and/or a roof supported by columns or walls intended for or used for the shelter or housing or enclosure of any person, animal, chattel or property of any kind.

**BUILDING, HEIGHT OF:** (A) The vertical distance above the lowest original ground surface at a point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridge or highest point of a pitched or hipped roof. (B) Buildings may be stepped to accommodate the slope of the terrain; provided, that each step shall be at least twelve feet (12') in horizontal dimension. The height of each stepped building segment shall be measured as provided in subsection (A) of this definition. (C) For the purpose of this definition "original ground surface" means the elevation of the ground surface in its natural state before manmade alterations, including, but not limited to, grading, excavation, or filling, excluding improvements required by land use ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the Planning Commission using the best information available.

**BUILDING, MAIN:** The principal building or one of the principal buildings upon a lot or a building or one of the principal buildings housing the principal use upon the lot.

**BUILDING, PUBLIC:** A building owned and operated or owned and intended to be operated by a public agency of the United States of America or the State of Utah or any of its subdivisions in connection with public use.

**BUSINESS SERVICES AND PROFESSIONAL OFFICES:** A use which provides various executive, management, and/or administrative services and support but does not include on premises sales of goods or commodities. Typical uses are legal services, real estate, insurance, advertising and mailing, building maintenance, employment service, management and consulting, protective services, equipment rental and leasing, auction services, commercial

research, development and testing, and photo finishing. Medical and dental offices are not included in this definition.

**CARPORT:** A private garage not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a private garage, whether attached or detached, unless specifically provided otherwise.

**CHURCHES, SYNAGOGS, TEMPLES/RELIGIOUS INSTITUTION:** See definition of Quasi-Public Use.

**COMMERCIAL STORAGE:** See Self-Service Storage.

**COMMUNICATIONS TOWER:** A tower which supports or contains communications antennas or related equipment of one of the following types:

Guyed Tower: A tower requiring guy wires or other stabilizers for support.

Lattice Tower: A self-supporting multiple sided steel frame tower.

Monopole Tower: A self-supporting tower consisting of a single pole without guy wires or stabilizers.

**CONSTRUCTION:** The materials, architecture, assembly, and installation of a building or structure, including landscaping.

**CONSTRUCTION ACTIVITY:** All grading, excavation, construction, grubbing, or other site preparation or development activity which disturbs or changes the natural vegetation, grade, or any existing building or structure, or the act of adding an addition to an existing building or structure, or the erection of a new primary or accessory building or structure on a lot or parcel.

**CONSTRUCTION SERVICES:** An establishment which primarily sells services constituting the construction, remodeling or maintenance of buildings or grounds; or sells wholesale goods to companies engaged in providing these services. This definition includes general, electrical, plumbing, heating or air conditioning, roofing, landscaping, pest control, etc. This use also includes lumberyards.

**CONTRACTOR'S OFFICE/STORAGE YARD:** A facility providing building construction and maintenance services including carpentry, plumbing, roofing, electrical, air conditioning and heating, with a base of operations and which may include the indoor and outdoor storage of building materials, equipment, or vehicles used by the construction business.

**COURT:** An open, unoccupied space other than a yard on the same lot with a building or group of buildings which is bounded on two (2) or more sides by such building or buildings.

**DAIRY:** A farming operation for the production of milk in commercial quantity and which is regularly inspected by the State Department of Agriculture or its cooperating agencies.

**DAY CARE, COMMERCIAL:** A facility, operated by a person qualified and licensed by the State of Utah, which provides children with day care and/or preschool instruction as a

commercial business and complying with all applicable State standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides childcare for less than twenty-four (24) hours per day. Commercial Daycare Facilities excludes the following: (1) Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning; (2) Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; (3) Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations; or (4) Clearly identified as an Accessory Use.

**DAY CARE, HOME:** The care of children who are family and non-family members in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit at least twice a week for more than three (3) children, but fewer than ten (10) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling unit, who are under the supervision of the provider during the period of time the childcare is provided. When a caregiver cares for only three (3) children under age two (2), the group size, at any given time shall not exceed six (6). If there are eight or more children, there must be two or more providers present.

**DEVELOPER:** Any person or organization that develops or intends to develop or sell property for the purpose of future development subject to the provisions of this Ordinance, or other Land Use Ordinances.

**DEVELOPMENT ACTIVITY:** Any of the following: (a) Any man-made change to improved or unimproved lands, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations; (b) Any construction, reconstruction, or expansion of a building, structure, or use; (c) Any change in the use of a building or structure; (d) Any change in the use of land that creates additional demand and need for public facilities or services; (e) The act of subdividing; or (f) The act, process or result of developing. This definition excludes the routine landscaping of a single residence, building, or business.

**DEVELOPMENT AGREEMENT:** A contract between an Applicant or owner and the City pursuant to the provisions of City Code or Ordinance.

**DEVELOPMENT SITE:** The perimeters and total area of a tract, lot, or parcel of land intended to be used for a development activity.

**DOG KENNELS:** See Kennel.

**DRIVE-THROUGH FACILITY:** A facility which by design, physical facilities, service or packaging procedures, encourages or permits customers to transact business or receive services or goods while remaining in their motor vehicles.

**DRYCLEANING SERVICES:** See Laundry.

DWELLING, ACCESSORY UNIT: An attached dwelling unit to a single-family home, or located above a detached garage serving a single-family home, which is located on the same lot as the single-family home designed to be clearly subordinate to the principle dwelling. An accessory dwelling unit provides complete, independent living facilities with a separate dwelling entrance than the principal dwelling.

DWELLING, ACCESSORY UNIT FOR OWNER OR EMPLOYEE: An attached, or detached, dwelling unit for an employee or owner and incidental and clearly subordinate to the existing primary building or use and located on the same lot as the primary building or use.

DWELLING, CONDOMINIUM: An individually owned dwelling unit, the ownership of which includes an undivided interest in the land and other common areas and facilities, as provided and recorded in a property deed or other instrument, as required by Utah law, and which is typically maintained by an association of the owners. Must meet allowed density requirements.

DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building containing one (1) dwelling unit.

DWELLING, TWIN HOME: Two (2) single-family, individual dwelling units located on a contiguous and individually owned lot, which has adjacent walls on one side.

DWELLING, TWO-FAMILY: A building on a single lot containing two (2) attached dwelling units. Sometimes referred to as duplex.

DWELLING UNIT: A building, occupied by no more than one (1) family, designed and used for residential purposes, containing one (1) or more rooms, one (1) or more kitchens, one (1) or more bathrooms, and including one (1) or more areas for living and sleeping, designed to be used for human occupancy, and complying with all provisions of the Building Code. A dwelling unit does not include transient lodging.

DWELLING UNIT, MANUFACTURED: A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more Sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with, or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. To meet the requirements of this Ordinance and State laws, when erected on the site the home must be at least 24 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the Building Code, as adopted by the South Weber City, have a minimum roof pitch of 2:12, and be located on a permanent foundation, in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the Building Code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the Building Code. The manufactured dwelling must be connected to the required utilities, including plumbing, heating, air-conditioning, and electrical systems. All

manufactured dwelling units constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards. A Manufactured Dwelling Unit shall be identified as real property on the property assessment rolls of Davis County.

**ELDERLY PERSON:** A person who is sixty (60) years of age or older, who desires or needs to live with other elderly persons in a group setting, but is capable of living independently.

**ELECTRONIC COMMUNICATIONS FACILITIES AND EQUIPMENT:** As used in this title, refers only to low power radio transmission and not to other forms of telecommunication technologies and generally consists of an antenna for transmitting or receiving electromagnetic radiation as authorized by the Federal Communications Commission, and a communication tower which supports or contains the antenna(s) and related communications equipment.

**EXCAVATION OR EXTRACTION:** The moving or removal of boulders, gravel, rocks, earth, or similar naturally occurring deposits from its natural position.

**EXTRACTION:** [insert definition using language from Natural Resource zone.]

#### ~~EXPERIMENTAL RESEARCH AND TESTING LABORATORIES~~

**FAMILY:** An individual or two (2) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons who are not so related living together as a single nonprofit housekeeping unit doing their own cooking and domestic service for such a family or group. FAMILY does not include any group of individuals whose association is temporary or seasonal in nature or who are in a group living arrangement because of criminal offenses.

**FAMILY FOOD PRODUCTION OR FARM ANIMALS:** The keeping of domestic animals and fowl to produce food for the sole use of the family occupying the premises.

**FARM OPERATIONS:** Operations carried out to support agricultural or farming activities on a tract or parcel of land.

**FARMING:** A farm industry which includes generally all phases of farm operation: the keeping and raising of animals and/or fowl for domestic or commercial use, fur farms, livestock feed yards, pig farms, dairy farms and similar uses, and accessory uses thereto. Farming shall not include a Concentrated Animal Feeding Operation or "feed lot," as defined by the U.C.A., 1953, as amended, and subject to the Utah Pollutant Discharge Elimination System (UPDES), or similar activities.

**FARM INDUSTRY:** Includes generally all phases of farming, the keeping and raising of animals and/or fowl for domestic or commercial use on parcels of five (5) acres or larger, together with accessory uses thereto. Farm Industry does not include commercial animal slaughter feed lots or pig farms.

**FARM STAND:** A farmer's market limited to the sale of produce and related food items grown on site.

**FARMER'S MARKET:** An area used for the sale of fresh produce and related food items, which may have outdoor storage and sales. A farmers' market may provide space for one or more vendors.

**GARAGE, PRIVATE:** An accessory building designed or used for the storage of not more than four (4) automobiles used by the occupants of the dwelling unit to which it is accessory. On a property occupied by a multiple dwelling containing more than four (4) dwelling units, the capacity of such private garage shall not provide more than two (2) garage stalls and one parking stall, or three (3) stalls per unit. A private garage having any part of one or more walls of the garage common to the dwelling shall be considered a part of the dwelling, i.e., an attached garage. Any attached garage shall be subject to the same front and side yard regulations as applied to the dwelling which it is accessory to.

**GARAGE, PUBLIC:** A building or portion thereof other than a private garage, designed or used for storing driven vehicles.

**GASOLINE SERVICE STATIONS:** See Service Station.

**GOLF COURSE:** An area used for the purposes of playing golf, but which may include associated restaurants, commercial retail sales areas, and course maintenance facilities.

**GRADE, FINISHED SURFACE:** The average level of the finished surface of the ground adjacent to the front setback line of a building or structure. On a corner or multi-frontage lot, the average level of the ground adjacent to and measured along all frontage setback lines of the building.

**GREENHOUSE:** See Nursery.

**GROUP HOME:** A building or portion thereof that is occupied on a twenty-four (24) hour per day basis by no more than eight (8) individuals living at a given point in time; not a place of temporary sojourn or transient visit.

**GROUP HOME, RESIDENTIAL FACILITY FOR ELDERLY PERSONS:** A dwelling unit that is occupied on a twenty-four (24) hour per day basis by no more than eight (8) elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following: A facility which is operated as a business, provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility; A facility where persons being treated for alcoholism or drug abuse are placed; A facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; A facility which is a healthcare facility as defined in Utah Code Annotated section 26-21-2, as amended; or A facility which is a residential facility for persons with a disability.

**GROUP HOME, RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY:** A residence in which more than one person with a disability resides and which is: Licensed or certified by the Department of Human Services under title 62A, chapter 2, of the Utah Code, licensure of programs and facilities; or Licensed or certified by the Department of Human Health under Utah Code Annotated title 26, chapter 21, Health Care Facilities Licensing and Inspection Act.

**GUN RANGE, INDOOR:** An enclosed, indoor facility designed and used for rifle shooting, pistol shooting, trapshooting, skeet shooting, or other target shooting and related training or practice for the purpose of sharpshooting or improving in the use of firearms.

**HOME OCCUPATION:** An occupation conducted entirely, or in part, within the dwelling and which is clearly incidental and secondary to the use of the property for dwelling purposes. Regulations applying to home occupations shall not apply to any portion of an occupation not conducted upon the residential property. Home occupations shall not be interpreted to include kennels, commercial stables, restaurants or other uses which are foreign in character to a residential use.

**HOTEL:** A building and associated facilities offering overnight accommodations for guests, with access provided through a common entrance, lobby, or hallway to individual guestrooms, and which may include additional services, such as restaurants, conference and meeting rooms, entertainment, and recreational facilities.

**HOUSEHOLD PET:** Domesticated animals and birds ordinarily allowed in a dwelling unit and kept for company or pleasure of the owner, including, but not limited to dogs, cats, and caged birds. Household Pets do not include domestic livestock or fowl, as defined herein or inherently or potentially dangerous animals, fowl, reptiles, or exotic animals.

**INDIVIDUALS WITH DISABILITIES:** A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely and which results in a substantial functional limitation in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated to allow the person to function in and contribute to, a residential neighborhood.

**JUNKYARD:** The use of any lot, portion of lot or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

**KENNEL, COMMERCIAL:** A facility providing for the indoor and/or outdoor commercial boarding, breeding, buying, grooming, or training for fee or sale of household pets not owned by the owner or occupant of the premises.

**KENNEL, SPORTSMAN'S OR HOBBY:** A use, accessory to a single-family dwelling unit in which three (3) but not more than five (5) dogs, cats or ferrets, at least four (4) months old, owned by the owner or occupant of the premises, are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing, and which use has a valid permit from the City.

**LAUNDRY:**

**LOT:** A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot widths and lot areas as are required by this title in having frontage upon a street, except for group dwellings, where more than one dwelling is placed on a lot, each dwelling structure shall be provided with a minimum lot area as required for one such dwelling on a lot in the same zone.

**LOT CENTER LINE FOR CORNER:** An imaginary straight line lying midway between and in the main direction of the longest interior lot line and the boundary line lying midway between and in the main direction of the longest interior lot line and the boundary line lying opposite thereto, when it is apparent that such center line would intersect to front lot lines, all interior boundary lines shall be deemed to be side lot lines and said lot shall not also be classified as a multi-frontage lot. See section 10-1-11, appendix A of this chapter.

**LOT, CORNER:** A building lot abutting on two (2) intersecting or intercepting streets where the interior angle of interception or intersection does not exceed one hundred thirty five degrees (135°). See section 10-1-11, appendix A of this chapter.

**LOT DEPTH FOR INSIDE LOTS:** The mean horizontal distance between the front lot line and the rear lot line. See section 10-1-11, appendix A of this chapter.

**LOT DEPTH FOR MULTIFRONTAGE AND CORNER LOTS:** The horizontal distance between opposite boundaries of the lot measured along the center line thereof. See section 10-1-11, appendix A of this chapter.

**LOT, INSIDE GORE SHAPED:** Any inside lot, the interior lines of which converge towards the rear thereof. For the purpose of locating a dwelling thereon, an owner of a corner lot may have the option of classifying such lot as a gore shaped inside lot, in which case the interior lines of the same shall be designated as side lot lines, and the rear lot lines shall be determined the same as required for inside lots. See section 10-1-11, appendix A of this chapter.

**LOT LINE FRONT:** A lot line separating a lot from an existing street right-of-way or, where a new street is proposed, the proposed street right-of-way. In the case of a corner lot or a multi-

frontage lot, the lot line shall be the designated by the City Planner when the building permit is issued.

**LOT LINE INTERIOR:** Any boundary of a lot which is not coterminous with a public street.

**LOT LINE REAR FOR INSIDE LOTS:** The interior line lying opposite the front lot line where such lot is also a gore- shaped lot and the side lot lines thereof converge either to a point or to a rear boundary which is less than one-half ( $\frac{1}{2}$ ) of the minimum required lot width. The rear lot line shall be construed to be an imaginary straight line across the center line of the lot at right angles, which is one-half ( $\frac{1}{2}$ ) of the required lot width in length. See section 10-1-11, appendix A of this chapter.

**LOT LINE REAR FOR MULTI-FRONTAGE AND CORNER LOTS:** On multi- frontage lots, the exterior lot line so designated; corner lots, that interior lot line which has been designated as a rear lot line by the lot owner or authorized person applying for the building permit.

**LOT LINE SIDE FOR INSIDE LOTS:** Those interior lines lying opposite of each other running between the front and the rear lot lines or in the case of multi-frontage lots, those interior lines which run between the two (2) possible front lot lines. See section 10-1-11, appendix A of this chapter.

**LOT LINE SIDE FOR MULTIPLE FRONTAGE IN CORNER LOTS:** For multiple frontage lots, all interior lot lines; for corner lots, that interior lot line which has been designated as the side lot line by the lot owner.

**LOT, MULTI-FRONTAGE:** Any building lot, the center line of which intersects two (2) possible front lot lines. See section 10-1-11, appendix A of this chapter.

**LOT WIDTHS FOR CORNER LOTS:** The horizontal distance between opposite lot boundary lines measured at right angles to the center line of the lot on the main point of such center line. See section 10-1-11, appendix A of this chapter.

**LOT WIDTHS FOR INSIDE LOTS:** A. Rectangular-Shaped: The horizontal distance between the side lot lines measured along a line lying at right angles to the center line of the lot at a point thirty feet (30') back from the front lot line, intersecting both side lot lines.

B. Nonrectangular-Shaped: The horizontal distance between the side lot lines measured along a line lying at right angles to the center line of the lot at a point sixty feet (60') back from the front lot line, intersecting both side lot lines.

**MAJOR INTERSECTION:** An intersection of a minor arterial street and a major collector street or the intersection of two (2) major collector streets. The classification of streets shall be as specified in the currently adopted South Weber City General Plan.

**MANUFACTURING, HEAVY:** The assembly, fabrication or processing of large or bulky goods and materials which typically require extensive building areas or land areas using raw materials or previously prepared materials, using processes and that may have impacts on the use and

enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

**MANUFACTURING, LIGHT:** The assembly, fabrication or processing of goods and materials using processes that are not offensive or create any odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts to adjacent property, nor create any health and safety hazards by way of materials, process, product or waste, and where all assembly, storage, fabrication or processing is conducted within a building or structure and where all, equipment, compressors, generators and other ancillary equipment is located within a building or structure.

**MEDICAL, DENTAL & RELATED HEALTH SERVICES:** A facility or group of offices for one or more physicians, chiropractors, physical therapists, dentists or other related health service for the examination and treatment of ill and afflicted outpatients provided that the patients are not kept overnight except under emergency circumstances.

**MEDICAL LABORATORY:** An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

**MOBILE BUSINESS:** A business that sells goods or serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, is readily movable, without disassembling, for transport to another location.

**MOTEL:** A group of attached or detached buildings containing individual sleeping rooms or dwelling units or a combination of both designed for or used for the temporary occupancy of automobile tourists or transients with parking space or garage attached or located convenient to each unit. Includes also auto-courts, tourist parks and motor lodges.

**NATURAL WATERWAYS:** These areas of varying widths along streams, creeks, springs, gullies or washes which are natural drainage channels, as determined by the building inspector, in which areas no buildings shall be constructed.

**NONCONFORMING BUILDING LOT:** A parcel of land of record with frontage on a public street that was held in separate ownership from adjacent property on the effective date of the ordinance codified herein, the dimensions of which do not meet the minimum requirements for a building lot in the zone in which it is located. Adjacent properties in the same ownership at the time of the adoption of the ordinance codified herein, but described separately, shall be considered one lot for the purpose of the ordinance codified herein.

**NONCONFORMING BUILDING OR STRUCTURE:** A building or structure or portions thereof lastly existing at the time the ordinance codified herein became effective which does not conform to all height, area and setback regulations prescribed in the zone in which it is located.

**NONCONFORMING USE:** A use which lastly occupied a building or land at the time the ordinance codified herein became effective and which does not conform with the use regulations of the zone in which it is located.

**NURSERY, GARDEN CENTER:** A use including a building, part of a building or open space for the growth, display and/or sale of plants, shrubs, trees, and other materials used in indoor or outdoor planting.

**PARKING LOT:** An open area other than a street used for the temporary parking of automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

**PARKING SPACE:** The space within a building lot or parking lot for the temporary parking or storage of one automobile.

**PERSONAL CARE SERVICE:** A use primarily engaged in providing services generally involving the care of a person or the person's appearance such as beauty and barber services, tanning, nails, massage therapy, aesthetician, permanent cosmetics, or day spa, but excluding a body art/tattoo or sexually oriented business.

**PET:** See Household Pet.

**PLANNED DWELLING GROUP:** A group of two (2) detached residential buildings, under single ownership, located on one building lot, arranged in a harmonious and spacious configuration.

**PLANNED UNIT DEVELOPMENT:** An integrated design for development of residential, nonresidential, commercial, or a combination of such uses.

**PLOT PLAN:** A plat of the lot drawn to scale showing its actual measurements, the size and location of any existing buildings and buildings to be erected, and showing the location of the lot and abutting streets.

**PUBLIC USE:** A use or facility owned or operated exclusively by a public entity, having the purpose of serving the public health, safety, or general welfare. Typical uses include a street, public school, park, playground, recreational facility, library, community building, fire stations, police station, and administrative and service facilities.

**PUBLIC UTILITY:** A structure or facility used by a public agency to store, distribute or chemically treat water, power, natural gas, or sewer.

**QUASI-PUBLIC USE:** A use or facility owned or operated exclusively by a private nonprofit religious, recreational, charitable or philanthropic institution. Such use shall have the purpose of serving the general public, and would include such uses as a church, hospital, civic or social club, museum, etc.

**RECREATION CENTER:** A use providing a variety of recreation activities including activities that are enclosed within a structure along with outdoor recreational activities on the same premises, including but not limited to aerobics, weight training, running track, live theater,

baseball batting cages, riding arena, tennis facility, miniature golf, swimming pool, or similar activities that are operated for the use of persons who do not reside on the same lots as that on which the recreation use is located. This use may include associated eating and drinking areas, retail sales areas, and staff offices. This use specifically excludes a firearm shooting range, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.

**RECREATIONAL VEHICLE:** A self-propelled or permanently towable, mobile living unit typically used for temporary human occupancy away from the user's permanent place of residence. Recreational vehicles also include such vehicles as a travel trailer, camper, boat/watercraft, tiny home, and other similar types of vehicles. For the purpose of this title, this definition does not include motorcycles, off road or other similar vehicles.

**RECREATIONAL VEHICLE SALES AND RENTAL:** A business that sells, leases, and/or rents new and/or used recreational vehicles.

**RECREATIONAL VEHICLE PARK:** Any site, tract or parcel of land on which facilities have been developed to provide temporary living quarters or recreational amenities for two or more recreational vehicles. Such a park may be developed or owned by a private, public, or non-profit organization catering to the public or restricted to the organizational or institutional members and their guests.

**RECREATIONAL VEHICLE PARK OCCUPANCY:** The length of stay at a recreational vehicle park shall be no greater than thirty (30) consecutive days provided that:

A. The recreational vehicle:

1. Is not permanently connected to utilities.
2. Maintains wheels attached to the unit.
3. Shall not have any permanent additions attached.
4. Has left the park for at least seven (7) consecutive days before returning.

**RECYCLING COLLECTION CENTER:** A use, often accessory in nature, providing designated containers for the collection, sorting, and temporary storage of recoverable resources (such as paper, glass, metal and plastic products) to be transferred to a recycling processing facility. Recycling Collection Centers involve no more than three (3) collection containers up to forty (40) cubic yards in total size.

**RECYCLING PROCESSING FACILITY:** A facility where recyclable and organic materials are collected, stored, and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning. Recycling Facility does not include Salvage Yard.

**REPAIR SERVICES:** See Vehicle and Equipment Repair.

**RESIDENTIAL FACILITY:** See Group Home.

**RETAIL SALES & SERVICES:** Establishments engaged in the retail sale of goods and services, except those uses as otherwise clearly defined herein.

**RETAIL SALES AND SERVICES (COMMUNITY COMMERCIAL):** Establishments engaged in the retail sale of goods and services. Community Commercial Retail Sales and Service businesses must conduct all sales of goods and services, with all associated storage of goods and materials, within a totally enclosed building (with the exception of occasional outdoor "sidewalk" promotions), with no separate individual building to exceed 3,000 square feet in total gross building and the total gross floor area of all buildings, on any separate, individual lot, does not exceed more than 6,000 square feet of gross building area. Community Commercial Retail Sales and Services specifically excludes all sales, accessory uses, and service uses that typically display goods or services, or store goods or product in open, unenclosed areas, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles.

**RETAIL SALES AND SERVICES (REGIONAL):** A commercial retail business that occupies more than 80,000 square feet of floor space, is a car or motor vehicle dealer, is a retail shopping facility (shopping center) that has at least one (1) anchor tenants if the total floor area of all tenants is more than 150,000 square feet, or is a grocery store of more than 30,000 square feet.

**RESTAURANT:** A place of business where food is prepared and served to the public for consumption on or off the premises.

**ROAD, PRIVATE:** A thoroughfare held in private ownership and controlled, serviced and maintained by one or more private persons, firms or corporations and used or held for use primarily as a means of access to adjoining property.

**SELF-SERVICE STORAGE:** An enclosed commercial storage facility providing independent, fully enclosed bays, which are leased to persons exclusively for storage of their household goods or personal property.

**SERVICE ACCESSORY USE:** A use of land zoned residential for a business purpose that is clearly incidental and secondary to the use of the dwelling for dwelling purposes, such that the accessory uses of the land are in a location, of a size and screened to create minimal adverse impact on current and future land uses of adjoining property. The storage of any motorized equipment shall be in operable order. At no time will junked or inoperable equipment or vehicles be allowed.

**SERVICE STATION:** An area where fuel (gasoline or diesel) or electricity is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only

for use by vehicles operated by that business shall not, by itself, be considered a service station. This use shall not include activity meeting the definition of a "truck stop."

**SETBACK:** The shortest horizontal distance between the boundary line of the lot and the building or structure or part thereof.

**SEXUAL-ORIENTED BUSINESS:** A business which depicts, portrays, or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices, or paraphernalia which are designated or used in connection with specified sexual activities, including but not limited to adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude or seminude model studio.

**SHORT-TERM RENTAL:** A transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than thirty (30) consecutive days as an alternative to a hotel or motel.

**STABLE, PRIVATE:** A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

**STABLE, PUBLIC:** A stable other than a private stable.

**STORY:** The portion of a building other than a cellar, included between the surface of any floor and the surface of the floor or ceiling next above.

**STORY, HALF:** A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds ( $\frac{2}{3}$ ) of the floor directly below it.

**STREET, PUBLIC:** An open way, space and/or thoroughfare, fifty feet (50') or more in width, provided or dedicated and/or accepted by South Weber City or the State of Utah, for public use for the purpose of providing all of the following:

- A. A thoroughfare for public use, designated primarily for vehicular traffic.
- B. The principal means of access to abutting properties.
- C. For the installation of public utilities, service lines and/or pipes.
- D. Drainage facilities and other public works and appurtenances for the convenience and welfare of the public generally, and the roadway of which has been stabilized and maintained by the said proper public authority or has been otherwise improved according to the accepted street construction standards of the City. Also, any street which has been dedicated as a part of the filing of a subdivision plat or as otherwise provided by law, and the required improvements of which have been assured as required. Any street or highway, the access rights of which are owned or controlled by a public authority shall not be construed to be a public street, except for access for the purpose of this title.
- E. Where a public thoroughfare existed prior to the adoption of the ordinance codified herein which fulfills all the requirements for a public street, except for the required width, said thoroughfare may be classified as a public street for the purposes of establishing building lots fronting thereon; provided, that the depth of that portion of each intended building lot needed to

complete the required width for a public street, as determined by the Planning Commission and the City Engineer is dedicated to public use.

**STRUCTURAL ALTERATIONS:** See definition of alteration, structural, as defined in this section.

**STRUCTURE:** That which is framed, erected, constructed or placed upon the ground, but not including fences which are six feet (6') or less in height.

**TEMPORARY BUILDING INCIDENTAL TO CONSTRUCTION:** A structure which is intended for temporary or short term use and incidental to construction.

**TEMPORARY USE:** A use or event established for a maximum period of ninety (90) days, such use or event being discontinued after the expiration of ninety (90) days.

**TINY HOME:** See recreational vehicle.

**TRANSIENT LODGING:** A building, facility, or portion thereof, excluding inpatient medical care facilities and group homes in which sleeping accommodations and sanitary facilities are offered to the public and intended for rental to transients with daily, weekly or seasonal charge. A transient lodging facility includes any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 days or one calendar month, whichever is less. Transient lodging includes but is not limited to a boarding house, short-term rental, dormitory, motor lodge, tourist court, or similar building or group of buildings.

**TRUCK STOP:** A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales, repair services, laundry services, and showers. It may also include activities associated with a service station.

**VACATION RENTAL:** See short-term rental.

**VEHICLE:** A Licensed and operable automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one (1) place to another.

**VEHICLE AND EQUIPMENT REPAIR (MAJOR):** An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair, paint, and body shops.

**VEHICLE AND EQUIPMENT REPAIR (MINOR):** An establishment providing motor vehicle repair or maintenance services and conducted entirely within completely enclosed buildings, but not including paint and body shops or other activities associated with Vehicle and Equipment Repair (Major). Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, frontend alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc. Vehicle and Equipment Repair (Minor) may include the retail sale of fuels, lubricants and other supplies for motor vehicles.

**Vehicle and Equipment Sale and Rental:** A facility providing for the sale, lease, or rental of new or used vehicles, including automobiles, trucks, motorcycles, recreational vehicles, or boats. The cleaning and routine maintenance of motor vehicles is allowed as an accessory use.

**WAREHOUSING:** A building or structure used to maintain an inventory of materials, supplies, or goods related to one or more businesses.

**WHOLESALE TRADE OR DISTRIBUTION:** A business that maintains an inventory of materials, supplies and goods related to one or more industries and sells bulk quantities of such materials, supplies and goods from its inventory to retail companies within the industry and which may include the parking and storage of distribution vehicles and accessory activities.

**WIND ENERGY SYSTEM:** a system of components which converts the kinetic energy of the wind into electricity or mechanical power, and which includes but is not limited to equipment for energy storage, power conditioning, control systems, and transmission systems, where appropriate, to provide electricity or mechanical power for individual, residential, agricultural, commercial, industrial, utility, or governmental use.

**WIND ENERGY SYSTEMS, LARGE:** Tower mounted or roof mounted wind energy systems with a rated nameplate capacity of more than one hundred (100) kW.

**WIND ENERGY SYSTEMS, SMALL:** Tower mounted or roof mounted wind energy systems with a rated nameplate capacity of one hundred (100) kW or less.

**WIRELESS TELECOMMUNICATION FACILITY:** A facility used for the transmission or reception of electromagnetic or electro-optic information, including wireless telecommunications facilities such as “cellular” or “PCS” (Personal Communications Systems) – communication and paging systems. This use is not required to be located on a separate lot or to comply with the minimum lot size requirement for the District in which it is located but is required to meet the design and locational requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include radio antennas complying with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.

**YARD:** A space or lot other than a court, unoccupied and unobstructed from the ground upward.

**YARD, FRONT:** Any yard between the front lot line and the front setback line of the main building and extending for the full width of the lot; any yard meeting the minimum frontage requirements of the applicable zone may be designated as the front yard. See section 10-1-11, appendix A of this chapter.

**YARD, REAR:** A yard between the rear lot line and the rear setback line of a main building extending across a full width of the inside lot; and for corner lots, a yard between the rear lot line and the rear setback line of the building, extending between the side lot line and the front frontage line opposite thereto.

**YARD, SIDE:** Any yard between the side lot line and the side setback line of the main building extending from the front yard to the rear yard. See section 10-1-11, appendix A of this chapter. (Ord. 18-07, 9-25-2018)

ACCESSORY BUILDING: A detached subordinate building, the use of which is clearly incidental and customarily appropriate to and on the same lot as the main building or use of land.

ACCESSORY USE: A use clearly incidental, customarily appropriate and subordinate to and on the same lot as the main use of the building or land.

ACRE: A measurement of land area equal to forty-three thousand five hundred sixty (43,560) square feet.

ACRE, ONE-HALF: A measurement of land area equal to twenty-one thousand seven hundred eighty (21,780) square feet.

AGRICULTURE: A farm industry area used for the commercial production, keeping, or maintenance for sale of plants, or lands devoted to a soil conservation management program. Agriculture uses include the tilling of soil, the raising of crops, horticulture and gardening, and accessory uses. Agriculture uses shall not be construed to permit any commercial activity or the keeping or raising of animals or fowl, except as specifically permitted in the zone requirements.

AGRICULTURAL BUILDING: A structure used in conjunction with an allowed agriculture use, and not for human occupancy, and complying with the requirements of § 58-56-4, U.C.A., 1953, as amended. To qualify as an agricultural building the structure must meet all requirements of § 58-56-4(1), U.C.A., 1953, as amended.

ALLEY: A public thoroughfare less than twenty-six feet (26') wide.

ALTERATION, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

ALTERED: Any change in the construction of or addition to a building which would permit an increase in capacity or change of use.

ANIMAL KEEPING: The keeping of animals and fowl for food production or for pleasure. This does not include the keeping of household pets.

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~~APARTMENT, HOTEL: Any building which contains dwelling units and also satisfies the definition of a "hotel", as defined in this section.~~

APARTMENT HOUSE: A building designed to be occupied by more than four (4) families.

ASSISTED LIVING FACILITY: An assisted living facility is a housing facility for people with disabilities or for adults who cannot or choose not to live independently, but rather live in a group living environment under the care of State licensed professionals. An assisted living facility does not house individuals under care for drug or alcohol rehabilitation, nor can one serve as transitional housing for individuals reentering society from the penal system.

**BASEMENT:** A story partly underground. A basement shall be counted as a story for height measurement where more than one-half ( $1/2$ ) its height is above the average level of the adjoining ground or where more than three-fourths ( $3/4$ ) of any wall is above the level of the adjoining ground. The average level of adjoining ground shall not be measured against raised planters or soil raised in a berm against the structure.

**BASEMENT HOUSE:** A one-story dwelling where more than twenty five percent (25%) of the floor area is below the finished surface grade at the front yard level. Basement houses are not permitted under this title.

**BEAUTY & BARBER SERVICES:** See Personal Care Services.

**BOARDING HOUSE AND/OR ROOMING HOUSE:** A building used for the purpose of providing meals or lodging, or both meals and lodging for pay or compensation of any kind for three (3) or more persons.

**BUILDABLE AREA:** That portion of a building lot not included within any required yard or open space which a main building may be located upon.

**BUILDING:** Any structure having walls and/or a roof supported by columns or walls intended for or used for the shelter or housing or enclosure of any person, animal, chattel or property of any kind.

~~**BUILDING, ACCESSORY:** A subordinate building customarily incidental to and located upon the same lot occupied by the main building. On any lot upon which is located a dwelling which is incidental to the conducting of agricultural use shall be deemed to be an accessory building.~~

**BUILDING, HEIGHT OF:** (A) The vertical distance above the lowest original ground surface at a point on the perimeter of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridge or highest point of a pitched or hipped roof. (B) Buildings may be stepped to accommodate the slope of the terrain; provided, that each step shall be at least twelve feet (12') in horizontal dimension. The height of each stepped building segment shall be measured as provided in subsection (A) of this definition. (C) For the purpose of this definition "original ground surface" means the elevation of the ground surface in its natural state before manmade alterations, including, but not limited to, grading, excavation, or filling, excluding improvements required by land use ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the Planning Commission using the best information available.

**BUILDING, MAIN:** The principal building or one of the principal buildings upon a lot or a building or one of the principal buildings housing the principal use upon the lot.

**BUILDING, PUBLIC:** A building owned and operated or owned and intended to be operated by a public agency of the United States of America or the State of Utah or any of its subdivisions in connection with public use.

**BUSINESS SERVICES AND PROFESSIONAL OFFICES:** A use which provides various executive, management, and/or administrative services and support but does not include on premises sales of goods or commodities. Typical uses are legal services, real estate, insurance, advertising and mailing, building maintenance, employment service, management and consulting, protective services, equipment rental and leasing, auction services, commercial research, development and testing, and photo finishing. Medical and dental offices are not included in this definition.

**CARPORT:** A private garage not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a private garage, whether attached or detached, unless specifically provided otherwise.

**CHURCHES, SYNAGOGS, TEMPLES/RELIGIOUS INSTITUTION:** See definition of Quasi-Public Use.

**COMMERCIAL STORAGE:** See Self-Service Storage.

**COMMUNICATIONS TOWER:** A tower which supports or contains communications antennas or related equipment of one of the following types:

Guyed Tower: A tower requiring guy wires or other stabilizers for support.

Lattice Tower: A self-supporting multiple sided steel frame tower.

Monopole Tower: A self-supporting tower consisting of a single pole without guy wires or stabilizers.

**CONSTRUCTION:** The materials, architecture, assembly, and installation of a building or structure, including landscaping.

**CONSTRUCTION ACTIVITY:** All grading, excavation, construction, grubbing, or other site preparation or development activity which disturbs or changes the natural vegetation, grade, or any existing building or structure, or the act of adding an addition to an existing building or structure, or the erection of a new primary or accessory building or structure on a lot or parcel.

**CONSTRUCTION SERVICES:** An establishment which primarily sells services constituting the construction, remodeling or maintenance of buildings or grounds; or sells wholesale goods to companies engaged in providing these services. This definition includes general, electrical, plumbing, heating or air conditioning, roofing, landscaping, pest control, etc. This use also includes lumberyards.

**CONTRACTOR'S OFFICE/STORAGE YARD:** A facility providing building construction and maintenance services including carpentry, plumbing, roofing, electrical, air conditioning and

heating, with a base of operations and which may include the indoor and outdoor storage of building materials, equipment, or vehicles used by the construction business.

COURT: An open, unoccupied space other than a yard on the same lot with a building or group of buildings which is bounded on two (2) or more sides by such building or buildings.

DAIRY: A farming operation for the production of milk in commercial quantity and which is regularly inspected by the State Department of Agriculture or its cooperating agencies.

DAY CARE, COMMERCIAL: A facility, operated by a person qualified and licensed by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all applicable State standards and licensing and having regularly scheduled, ongoing enrollment for direct or indirect compensation that provides childcare for less than twenty-four (24) hours per day. Commercial Daycare Facilities excludes the following: (1) Kindergartens or nursery schools or other daytime programs operated by public or private elementary or secondary schools or institutions of higher learning; (2) Facilities operated in connection with a fitness center, shopping center or other activity where children are cared for temporarily while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and readily available; (3) Special activities or programs, including athletics, crafts instruction and similar activities, conducted on a periodic basis by civic, charitable, private, or governmental organizations; or (4) Clearly identified as an Accessory Use.

DAY CARE, HOME: The care of children who are family and non-family members in an occupied dwelling unit, and complying with all State standards and licensing, by a resident of the dwelling unit at least twice a week for more than three (3) children, but fewer than ten (10) children. The total number of children being cared for shall include children under the age of four (4) years residing in the dwelling unit, who are under the supervision of the provider during the period of time the childcare is provided. When a caregiver cares for only three (3) children under age two (2), the group size, at any given time shall not exceed six (6). If there are eight or more children, there must be two or more providers present.

DEVELOPER: Any person or organization that develops or intends to develop or sell property for the purpose of future development subject to the provisions of this Ordinance, or other Land Use Ordinances.

DEVELOPMENT ACTIVITY: Any of the following: (a) Any man-made change to improved or unimproved lands, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations; (b) Any construction, reconstruction, or expansion of a building, structure, or use; (c) Any change in the use of a building or structure; (d) Any change in the use of land that creates additional demand and need for public facilities or services; (e) The act of subdividing; or (f) The act, process or result of developing. This definition excludes the routine landscaping of a single residence, building, or business.

DEVELOPMENT AGREEMENT: A contract between an Applicant or owner and the City pursuant to the provisions of City Code or Ordinance.

DEVELOPMENT SITE: The perimeters and total area of a tract, lot, or parcel of land intended to be used for a development activity.

DOG KENNELS: See Kennel.

DRIVE-THROUGH FACILITY: A facility which by design, physical facilities, service or packaging procedures, encourages or permits customers to transact business or receive services or goods while remaining in their motor vehicles.

DRYCLEANING SERVICES: See Laundry.

DWELLING, ACCESSORY UNIT: An attached dwelling unit to a single-family home, or located above a detached garage serving a single-family home, which is located on the same lot as the single-family home designed to be clearly subordinate to the principle dwelling. An accessory dwelling unit provides complete, independent living facilities with a separate dwelling entrance than the principal dwelling.

DWELLING, ACCESSORY UNIT FOR OWNER OR EMPLOYEE: An attached, or detached, dwelling unit for an employee or owner and incidental and clearly subordinate to the existing primary building or use and located on the same lot as the primary building or use.

DWELLING, CONDOMINIUM: An individually owned dwelling unit, the ownership of which includes an undivided interest in the land and other common areas and facilities, as provided and recorded in a property deed or other instrument, as required by Utah law, and which is typically maintained by an association of the owners. Must meet allowed density requirements.

DWELLING, MULTI-FAMILY: A building containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY: A building containing one (1) dwelling unit.

[DWELLING, TWIN HOME: Two \(2\) single-family, individual dwelling units located on a contiguous and individually owned lot, which has adjacent walls on one side.](#)

DWELLING, TWO-FAMILY: A building [on a single lot](#) containing two (2) attached dwelling units. [Sometimes referred to as duplex.](#)

DWELLING UNIT: A building, occupied by no more than one (1) family, designed and used for residential purposes, containing one (1) or more rooms, one (1) or more kitchens, one (1) or more bathrooms, and including one (1) or more areas for living and sleeping, designed to be used for human occupancy, and complying with all provisions of the Building Code. A dwelling unit does not include transient lodging.

**-DWELLING UNIT, MANUFACTURED:** A transportable factory built housing unit constructed on or after June 15, 1976, according to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more Sections, which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or when erected on site, is four hundred (400) or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with, or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. To meet the requirements of this Ordinance and State laws, when erected on the site the home must be at least 24 feet in width at the narrowest dimension, have exterior and roofing materials acceptable to the Building Code, as adopted by the South Weber City, have a minimum roof pitch of 2:12, and be located on a permanent foundation, in accordance with plans providing for vertical loads, uplift, and lateral forces and frost protection in compliance with the Building Code. All appendages, including carports, garages, storage buildings, additions, or alterations must be built in compliance with the Building Code. The manufactured dwelling must be connected to the required utilities, including plumbing, heating, air-conditioning, and electrical systems. All manufactured dwelling units constructed on or after June 15, 1976, shall be identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured to HUD standards. A Manufactured Dwelling Unit shall be identified as real property on the property assessment rolls of Davis County.

**ELDERLY PERSON:** A person who is sixty (60) years of age or older, who desires or needs to live with other elderly persons in a group setting, but is capable of living independently.

**ELECTRONIC COMMUNICATIONS FACILITIES AND EQUIPMENT:** As used in this title, refers only to low power radio transmission and not to other forms of telecommunication technologies and generally consists of an antenna for transmitting or receiving electromagnetic radiation as authorized by the Federal Communications Commission, and a communication tower which supports or contains the antenna(s) and related communications equipment.

**EXCAVATION OR EXTRACTION:** The moving or removal of boulders, gravel, rocks, earth, or similar naturally occurring deposits from its natural position.

**EXTRACTION:** [insert definition using language from Natural Resource zone.]

#### **~~EXPERIMENTAL RESEARCH AND TESTING LABORATORIES~~**

**FAMILY:** An individual or two (2) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons who are not so related living together as a single nonprofit housekeeping unit doing their own cooking and domestic service for such a family or group. FAMILY does not include any group of individuals whose association is temporary or seasonal in nature or who are in a group living arrangement because of criminal offenses.

**FAMILY FOOD PRODUCTION OR FARM ANIMALS:** The keeping of domestic animals and fowl ~~for the production of~~ to produce food for the sole use of the family occupying the premises.

**FARM OPERATIONS:** Operations carried out to support agricultural or farming activities on a tract or parcel of land.

**FARMING:** A farm industry which includes generally all phases of farm operation: the keeping and raising of animals and/or fowl for domestic or commercial use, fur farms, livestock feed yards, pig farms, dairy farms and similar uses, and accessory uses thereto. Farming shall not include a Concentrated Animal Feeding Operation or “feed lot,” as defined by the U.C.A., 1953, as amended, and subject to the Utah Pollutant Discharge Elimination System (UPDES), or similar activities.

**FARM INDUSTRY:** Includes generally all phases of farming, the keeping and raising of animals and/or fowl for domestic or commercial use on parcels of five (5) acres or larger, together with accessory uses thereto. Farm Industry does not include commercial animal slaughter feed lots or pig farms.

**FARM STAND:** A farmer’s market limited to the sale of produce and related food items grown on site.

**FARMER’S MARKET:** An area used for the sale of fresh produce and related food items, which may have outdoor storage and sales. A farmers' market may provide space for one or more vendors.

**GARAGE, PRIVATE:** An accessory building designed or used for the storage of not more than four (4) automobiles used by the occupants of the dwelling unit to which it is accessory. On a property occupied by a multiple dwelling containing more than four (4) dwelling units, the capacity of such private garage shall not provide more than two (2) garage stalls and one parking stall, or three (3) stalls per unit. A private garage having any part of one or more walls of the garage common to the dwelling shall be considered a part of the dwelling, i.e., an attached garage. Any attached garage shall be subject to the same front and side yard regulations as applied to the dwelling which it is accessory to.

**GARAGE, PUBLIC:** A building or portion thereof other than a private garage, designed or used for storing driven vehicles.

**GASOLINE SERVICE STATIONS:** See Service Station.

**GOLF COURSE:** An area used for the purposes of playing golf, but which may include associated restaurants, commercial retail sales areas, and course maintenance facilities.

**GRADE, FINISHED SURFACE:** The average level of the finished surface of the ground adjacent to the front setback line of a building or structure. On a corner or multi-frontage lot, the average level of the ground adjacent to and measured along all frontage setback lines of the building.

**GREENHOUSE:** See Nursery.

GROUP HOME: A building or portion thereof that is occupied on a twenty-four (24) hour per day basis by no more than eight (8) individuals living at a given point in time; not a place of temporary sojourn or transient visit.

GROUP HOME, RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is occupied on a ~~twenty-four~~twenty-four (24) hour per day basis by no more than eight (8) elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following: A facility which is operated as a business, provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility; A facility where persons being treated for alcoholism or drug abuse are placed; A facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; A facility which is a healthcare facility as defined in Utah Code Annotated section 26-21-2, as amended; or A facility which is a residential facility for persons with a disability.

GROUP HOME, RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is: Licensed or certified by the Department of Human Services under title 62A, chapter 2, of the Utah Code, licensure of programs and facilities; or Licensed or certified by the Department of Human Health under Utah Code Annotated title 26, chapter 21, Health Care Facilities Licensing and Inspection Act.

GUN RANGE, INDOOR: An enclosed, indoor facility area designed and used for rifle shooting, pistol shooting, trapshooting, skeet shooting, or other target shooting and related training or practice for the purpose of sharpshooting or improving in the use of firearms.

HOME OCCUPATION: An occupation conducted entirely, or in part, within the dwelling and which is clearly incidental and secondary to the use of the property for dwelling purposes. Regulations applying to home occupations shall not apply to any portion of an occupation not conducted upon the residential property. Home occupations shall not be interpreted to include kennels, commercial stables, restaurants or other uses which are foreign in character to a residential use.

~~HORSES, FOR PRIVATE USE: Horses maintained by occupants of dwellings for riding purposes of a noncommercial nature.~~

HOTEL: A building and associated facilities offering overnight accommodations for guests, with access provided through a common entrance, ~~lobby~~lobby, or hallway to individual guestrooms, and which may include additional services, such as restaurants, conference and meeting rooms, entertainment, and recreational facilities.

HOUSEHOLD PET:

Household Pets, Noncommercial: Domesticated animals and birds ordinarily allowed in a dwelling unit and kept for company or pleasure of the owner, including, but not limited to dogs,

cats, and caged birds. Household Pets do not include domestic livestock or fowl, as defined herein or inherently or potentially dangerous animals, fowl, reptiles, or exotic animals.

**INDIVIDUALS WITH DISABILITIES:** A person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely and which results in a substantial functional limitation in three (3) or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment or other services that are individually planned and coordinated to allow the person to function in and contribute to, a residential neighborhood.

**JUNKYARD:** The use of any lot, portion of lot or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the district.

**KENNEL, COMMERCIAL:** ~~A facility providing for indoor commercial boarding, breeding, buying, grooming, or training for fee or sale of household pets not owned by the owner or occupant of the premises.~~

~~**KENNEL, OUTDOOR COMMERCIAL:** A facility providing for the indoor and/or outdoor commercial boarding, breeding, buying, grooming, or training for fee or sale of household pets not owned by the owner or occupant of the premises.~~

**KENNEL, SPORTSMAN'S OR HOBBY:** A use, accessory to a single-family dwelling unit in which three (3) but not more than five (5) dogs, cats or ferrets, at least four (4) months old, owned by the owner or occupant of the premises, are kept for the purpose of breeding, hunting, training, renting, buying, boarding, selling, or showing, and which use has a valid permit from the City.

**LAUNDRY:**

**LOT:** A parcel of land occupied or to be occupied by a main building or group of main buildings and accessory buildings, together with such yards, open spaces, lot widths and lot areas as are required by this title in having frontage upon a street, except for group dwellings, where more than one dwelling is placed on a lot, each dwelling structure shall be provided with a minimum lot area as required for one such dwelling on a lot in the same zone.

**LOT CENTER LINE FOR CORNER:** An imaginary straight line lying midway between and in the main direction of the longest interior lot line and the boundary line lying midway between and in the main direction of the longest interior lot line and the boundary line lying opposite thereto, when it is apparent that such center line would intersect to front lot lines, all interior boundary lines shall be deemed to be side lot lines and said lot shall not also be classified as a multi-frontage lot. See section 10-1-11, appendix A of this chapter.

LOT, CORNER: A building lot abutting on two (2) intersecting or intercepting streets where the interior angle of interception or intersection does not exceed one hundred thirty five degrees (135°). See section 10-1-11, appendix A of this chapter.

LOT DEPTH FOR INSIDE LOTS: The mean horizontal distance between the front lot line and the rear lot line. See section 10-1-11, appendix A of this chapter.

LOT DEPTH FOR MULTIFRONTAGE AND CORNER LOTS: The horizontal distance between opposite boundaries of the lot measured along the center line thereof. See section 10-1-11, appendix A of this chapter.

LOT, INSIDE GORE SHAPED: Any inside lot, the interior lines of which converge towards the rear thereof. For the purpose of locating a dwelling thereon, an owner of a corner lot may have the option of classifying such lot as a gore shaped inside lot, in which case the interior lines of the same shall be designated as side lot lines, and the rear lot lines shall be determined the same as required for inside lots. See section 10-1-11, appendix A of this chapter.

LOT LINE FRONT: A lot line separating a lot from an existing street right-of-way or, where a new street is proposed, the proposed street right-of-way. In the case of a corner lot or a multi-frontage lot, the lot line shall be the designated by the City Planner when the building permit is issued.

LOT LINE INTERIOR: Any boundary of a lot which is not coterminous with a public street.

LOT LINE REAR FOR INSIDE LOTS: The interior line lying opposite the front lot line where such lot is also a gore- shaped lot and the side lot lines thereof converge either to a point or to a rear boundary which is less than one-half ( $1/2$ ) of the minimum required lot width. The rear lot line shall be construed to be an imaginary straight line across the center line of the lot at right angles, which is one-half ( $1/2$ ) of the required lot width in length. See section 10-1-11, appendix A of this chapter.

LOT LINE REAR FOR MULTI-FRONTAGE AND CORNER LOTS: On multi- frontage lots, the exterior lot line so designated; corner lots, that interior lot line which has been designated as a rear lot line by the lot owner or authorized person applying for the building permit.

LOT LINE SIDE FOR INSIDE LOTS: Those interior lines lying opposite of each other running between the front and the rear lot lines or in the case of multi-frontage lots, those interior lines which run between the two (2) possible front lot lines. See section 10-1-11, appendix A of this chapter.

LOT LINE SIDE FOR MULTIPLE FRONTAGE IN CORNER LOTS: For multiple frontage lots, all interior lot lines; for corner lots, that interior lot line which has been designated as the side lot line by the lot owner.

LOT, MULTI-FRONTAGE: Any building lot, the center line of which intersects two (2) possible front lot lines. See section 10-1-11, appendix A of this chapter.

LOT WIDTHS FOR CORNER LOTS: The horizontal distance between opposite lot boundary lines measured at right angles to the center line of the lot on the main point of such center line. See section 10-1-11, appendix A of this chapter.

LOT WIDTHS FOR INSIDE LOTS: A. Rectangular-Shaped: The horizontal distance between the side lot lines measured along a line lying at right angles to the center line of the lot at a point thirty feet (30') back from the front lot line, intersecting both side lot lines.

B. Nonrectangular-Shaped: The horizontal distance between the side lot lines measured along a line lying at right angles to the center line of the lot at a point sixty feet (60') back from the front lot line, intersecting both side lot lines.

MAJOR INTERSECTION: An intersection of a minor arterial street and a major collector street or the intersection of two (2) major collector streets. The classification of streets shall be as specified in the currently adopted South Weber City General Plan.

MANUFACTURING, HEAVY: The assembly, fabrication or processing of large or bulky goods and materials which typically require extensive building areas or land areas using raw materials or previously prepared materials, using processes and that may have impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards.

MANUFACTURING, LIGHT: The assembly, fabrication or processing of goods and materials using processes that are not offensive or create any odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts to adjacent property, nor create any health and safety hazards by way of materials, process, product or waste, and where all assembly, storage, fabrication or processing is conducted within a building or structure and where all, equipment, compressors, generators and other ancillary equipment is located within a building or structure.

MEDICAL, DENTAL & RELATED HEALTH SERVICES: A facility or group of offices for one or more physicians, chiropractors, physical therapists, dentists or other related health service for the examination and treatment of ill and afflicted outpatients provided that the patients are not kept overnight except under emergency circumstances.

MEDICAL LABORATORY: An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

MOBILE BUSINESS: A business that sells ~~goods, or goods or~~ serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, is readily movable, without disassembling, for transport to another location.

**MOTEL:** A group of attached or detached buildings containing individual sleeping rooms or dwelling units or a combination of both designed for or used for the temporary occupancy of automobile tourists or transients with parking space or garage attached or located convenient to each unit. Includes also auto-courts, tourist parks and motor lodges.

**NATURAL WATERWAYS:** These areas of varying widths along streams, creeks, springs, gullies or washes which are natural drainage channels, as determined by the building inspector, in which areas no buildings shall be constructed.

**NONCONFORMING BUILDING LOT:** A parcel of land of record with frontage on a public street that was held in separate ownership from adjacent property on the effective date of the ordinance codified herein, the dimensions of which do not meet the minimum requirements for a building lot in the zone in which it is located. Adjacent properties in the same ownership at the time of the adoption of the ordinance codified herein, but described separately, shall be considered one lot for the purpose of the ordinance codified herein.

**NONCONFORMING BUILDING OR STRUCTURE:** A building or structure or portions thereof lastly existing at the time the ordinance codified herein became effective which does not conform to all height, area and setback regulations prescribed in the zone in which it is located.

**NONCONFORMING USE:** A use which lastly occupied a building or land at the time the ordinance codified herein became effective and which does not conform with the use regulations of the zone in which it is located.

**NURSERY, GARDEN CENTER:** A use including a building, part of a building or open space for the growth, display and/or sale of plants, shrubs, ~~tree~~trees, and other materials used in indoor or outdoor planting.

**PARKING LOT:** An open area other than a street used for the temporary parking of automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

**PARKING SPACE:** The space within a building lot or parking lot for the temporary parking or storage of one automobile.

**PERSONAL CARE SERVICE:** A use primarily engaged in providing services generally involving the care of a person or the person's appearance such as beauty and barber services, tanning, nails, massage therapy, aesthetician, permanent cosmetics, or day spa, but excluding a body art/tattoo or sexually oriented business.

**PET:** See Household Pet.

**PLANNED DWELLING GROUP:** A group of two (2) detached residential buildings, under single ownership, located on one building lot, arranged in a harmonious and spacious configuration.

**PLANNED UNIT DEVELOPMENT:** An integrated design for development of residential, nonresidential, commercial, or a combination of such uses.

**PLOT PLAN:** A plat of the lot drawn to scale showing its actual measurements, the size and location of any existing buildings and buildings to be erected, and showing the location of the lot and abutting streets.

**PUBLIC USE:** A use or facility owned or operated exclusively by a public entity, having the purpose of serving the public health, ~~safety~~safety, or general welfare. Typical uses include a street, public school, park, playground, recreational facility, library, community building, fire stations, police station, and administrative and service facilities.

**PUBLIC UTILITY:** A structure or facility used by a public agency to store, distribute or chemically treat water, power, natural gas, or sewer, ~~equipment or other services~~.

**QUASI-PUBLIC USE:** A use or facility owned or operated exclusively by a private nonprofit religious, recreational, charitable or philanthropic institution. Such use shall have the purpose of serving the general public, and would include such uses as a church, hospital, civic or social club, museum, etc.

**RECREATION CENTER:** A use providing a variety of recreation activities including activities that are enclosed within a structure along with outdoor recreational activities on the same premises, ~~Activities may include those identified with "indoor recreation", as well as "outdoor recreation"-including but not limited to aerobics, weight training, running track, live theater, baseball batting cages, riding arena, tennis facility, miniature golf, swimming pool, or similar activities that are operated for the use of persons who do not reside on the same lots as that on which the recreation use is located. This use may include associated eating and drinking areas, retail sales areas, and staff offices. This use specifically excludes a firearm shooting range, motor vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.~~

~~**RECREATION, INDOOR:** A use, either public or private, providing amusement, pleasure, or sport, which is operated entirely within an enclosed building, including but not limited to live theater, movie houses, indoor tennis, bowling alleys, skating rinks, baseball batting cages, soccer, paintball, horse riding or similar activities that are operated for the use of persons who do not reside on the same lots as that on which the recreation use is located. This use may include associated eating and drinking areas, retail sales areas and staff offices.~~

~~**RECREATION, OUTDOOR:** A use, either public or private, providing amusement, pleasure, or sport, which is operated outside, including but not limited to live theater, golf driving range, baseball batting cages, riding arena, tennis facility, miniature golf, swimming pool, or similar activities that are operated for the use of persons who do not reside on the same lots as that on which the recreation use is located. This use may include associated eating and drinking areas, retail sales areas, and staff offices. This use specifically excludes a firearm shooting range, motor~~

~~vehicle and/or motorbike tracks, or similar activities that may create noise, dust, or other nuisances to adjoining and surrounding uses.~~

~~RECREATION, FITNESS CENTER: A use providing completely enclosed fitness related activities. Accessory uses may include the preparation and serving of food and/or the sale of equipment related to the enclosed use. This definition may include such uses as swimming pool, aerobics, weight training, diet counseling, indoor running track, etc.~~

RECREATIONAL VEHICLE: A self-propelled or permanently towable, mobile living unit typically used for temporary human occupancy away from the user's permanent place of residence. Recreational vehicles also include such vehicles as a travel trailer, camper, boat/watercraft, tiny home, and other similar types of vehicles. For the purpose of this title, this definition does not include motorcycles, off road or other similar vehicles.

RECREATIONAL VEHICLE SALES AND RENTAL: A business that sells, leases, and/or rents new and/or used recreational vehicles.

RECREATIONAL VEHICLE PARK: Any site, tract or parcel of land on which facilities have been developed to provide temporary living quarters or recreational amenities for two or more recreational vehicles. Such a park may be developed or owned by a private, public, or non-profit organization catering to the public or restricted to the organizational or institutional members and their guests.

RECREATIONAL VEHICLE PARK OCCUPANCY: The length of stay at a recreational vehicle park shall be no greater than thirty (30) consecutive days provided that:

- A. The recreational vehicle:
  1. Is not permanently connected to utilities.
  2. Maintains wheels attached to the unit.
  3. Shall not have any permanent additions attached.
  4. Has left the park for at least seven (7) consecutive days before returning.

RECYCLING COLLECTION CENTER: A use, often accessory in nature, providing designated containers for the collection, sorting, and temporary storage of recoverable resources (such as paper, glass, metal and plastic products) to be transferred to a recycling processing facility. Recycling Collection Centers involve no more than three (3) collection containers up to forty (40) cubic yards in total size.

RECYCLING PROCESSING FACILITY: A facility where recyclable and organic materials are collected, stored, and processed. Processing includes but is not limited to baling, briquetting, compacting, flattening, crushing, mechanical sorting, shredding, and cleaning. Recycling Facility does not include Salvage Yard.

REPAIR SERVICES: See Vehicle and Equipment Repair.

RESIDENTIAL FACILITY: See Group Home.

**RETAIL SALES & SERVICES:** Establishments engaged in the retail sale of goods and services, except those uses as otherwise clearly defined herein.

**RETAIL SALES AND SERVICES (COMMUNITY COMMERCIAL):** Establishments engaged in the retail sale of goods and services. Community Commercial Retail Sales and Service businesses must conduct all sales of goods and services, with all associated storage of goods and materials, within a totally enclosed building (with the exception of occasional outdoor "sidewalk" promotions), with no separate individual building to exceed 3,000 square feet in total gross building and the total gross floor area of all buildings, on any separate, individual lot, does not exceed more than 6,000 square feet of gross building area. Community Commercial Retail Sales and Services specifically excludes all sales, accessory uses, and service uses that typically display goods or services, or store goods or product in open, unenclosed areas, including but not limited to, automotive, truck, recreational vehicle, trailer, and manufactured home sales lots, repair yards, open storage areas, and all similar outside display and storage areas of goods, materials, equipment, and vehicles.

**RETAIL SALES AND SERVICES (REGIONAL):** A commercial retail business that occupies more than 80,000 square feet of floor space, is a car or motor vehicle dealer, is a retail shopping facility (shopping center) that has at least one (1) anchor tenants if the total floor area of all tenants is more than 150,000 square feet, or is a grocery store of more than 30,000 square feet.

**RESTAURANT:** A place of business where food is prepared and served to the public for consumption on or off the premises.

**ROAD, PRIVATE:** A thoroughfare held in private ownership and controlled, serviced and maintained by one or more private persons, firms or corporations and used or held for use primarily as a means of access to adjoining property.

**SELF-SERVICE STORAGE:** An enclosed commercial storage facility providing independent, fully enclosed bays, which are leased to persons exclusively for storage of their household goods or personal property.

**SERVICE ACCESSORY USE:** A use of land zoned residential for a business purpose that is clearly incidental and secondary to the use of the dwelling for dwelling purposes, such that the accessory uses of the land are in a location, of a size and screened to create minimal adverse impact on current and future land uses of adjoining property. The storage of any motorized equipment shall be in operable order. At no time will junked or inoperable equipment or vehicles be allowed.

**SERVICE STATION:** An area where fuel (gasoline or diesel) or electricity is dispensed into motor vehicles, and where no repairs are conducted, except work that may be conducted that is closely similar in character to the following: sale and installation of oil, lubricants, batteries and belts and similar accessories and safety and emission inspections, and sale of pre-packaged propane. This use may include a "convenience store," provided that all of the requirements for such use are also met. A business that maintains an accessory use of providing motor fuel only

for use by vehicles operated by that business shall not, by itself, be considered a service station. This use shall not include activity meeting the definition of a "truck stop."

**SETBACK:** The shortest horizontal distance between the boundary line of the lot and the building or structure or part thereof.

**SEXUAL-ORIENTED BUSINESS:** A business which depicts, portrays, or describes "specified sexual activities" or "specified anatomical areas," or instruments, devices, or paraphernalia which are designated or used in connection with specified sexual activities, including but not limited to adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude or seminude model studio.

**SHORT-TERM ~~OR VACATION~~ RENTAL:** A transient lodging facility in a single-family dwelling unit, in public lodging facilities as part of a planned unit development (PUD), or in an accessory dwelling unit (ADU), occupied by a single group on a temporary basis for less than thirty (30) consecutive days as an alternative to a hotel or motel.

**STABLE, PRIVATE:** A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

**STABLE, PUBLIC:** A stable other than a private stable.

**STORY:** The portion of a building other than a cellar, included between the surface of any floor and the surface of the floor or ceiling next above.

**STORY, HALF:** A story with at least two (2) of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds ( $\frac{2}{3}$ ) of the floor directly below it.

**STREET, PUBLIC:** An open way, space and/or thoroughfare, fifty feet (50') or more in width, provided or dedicated and/or accepted by South Weber City or the State of Utah, for public use for the purpose of providing all of the following:

- A. A thoroughfare for public use, designated primarily for vehicular traffic.
- B. The principal means of access to abutting properties.
- C. For the installation of public utilities, service lines and/or pipes.
- D. Drainage facilities and other public works and appurtenances for the convenience and welfare of the public generally, and the roadway of which has been stabilized and maintained by the said proper public authority or has been otherwise improved according to the accepted street construction standards of the City. Also, any street which has been dedicated as a part of the filing of a subdivision plat or as otherwise provided by law, and the required improvements of which have been assured as required. Any street or highway, the access rights of which are owned or controlled by a public authority shall not be construed to be a public street, except for access for the purpose of this title.

E. Where a public thoroughfare existed prior to the adoption of the ordinance codified herein which fulfills all the requirements for a public street, except for the required width, said thoroughfare may be classified as a public street for the purposes of establishing building lots fronting thereon; provided, that the depth of that portion of each intended building lot needed to

complete the required width for a public street, as determined by the Planning Commission and the City Engineer is dedicated to public use.

STRUCTURAL ALTERATIONS: See definition of alteration, structural, as defined in this section.

STRUCTURE: That which is framed, erected, constructed or placed upon the ground, but not including fences which are six feet (6') or less in height.

TEMPORARY BUILDING INCIDENTAL TO CONSTRUCTION: A structure which is intended for temporary or short term use and incidental to construction.

~~TEMPORARY LODGING, HOTEL, AND MOTEL: A use located on a single lot, designed for use by guests and furnishing customary hotel services for a period of thirty (30) consecutive calendar days or less.~~

TEMPORARY USE: A use or event established for a maximum period of ninety (90) days, such use or event being discontinued after the expiration of ninety (90) days.

TINY HOME: See recreational vehicle.

TRANSIENT LODGING: ~~A~~ building, facility, or portion thereof, excluding inpatient medical care facilities and group homes in which sleeping accommodations and sanitary facilities are offered to the public and intended for rental to transients with daily, weekly or seasonal charge. A transient lodging facility includes any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 days or one calendar month, whichever is less. Transient lodging includes but is not limited to a boarding house, short-term rental, ~~hotel, motel,~~ dormitory, motor lodge, tourist court, or similar building or group of buildings.

TRUCK STOP: A commercial use that primarily involves providing fuel to tractor-trailer trucks owned by numerous different companies. Such use may also include related retail sales, repair services, laundry services, and showers. It may also include activities associated with a service station.

~~TWIN HOME: Two (2) single family, individual dwelling units located on a contiguous and individually owned lot, which has adjacent walls on one side.~~

VACATION RENTAL: See short-term ~~rental~~ or vacation rental.

**VEHICLE:** A Licensed and operable automobile, truck, trailer, boat or other device in which a person or thing is or can be transported from one (1) place to another.

**VEHICLE AND EQUIPMENT REPAIR (MAJOR):** An establishment primarily engaged in the major repair or painting of motor vehicles or heavy equipment, including auto body repairs, installation of major accessories and transmission and engine rebuilding services. Typical uses include major automobile repair garages, farm equipment repair, paint, and body shops.

**VEHICLE AND EQUIPMENT REPAIR (MINOR):** An establishment providing motor vehicle repair or maintenance services and conducted entirely within completely enclosed buildings, but not including paint and body shops or other activities associated with Vehicle and Equipment Repair (Major). Typical uses include businesses engaged in the following activities: electronic tune-ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, frontend alignments, battery recharging, lubrication, and sales, repair and installation of minor parts and accessories such as tires, batteries, windshield wipers, hoses, windows, etc. Vehicle and Equipment Repair (Minor) may include the retail sale of fuels, lubricants and other supplies for motor vehicles.

**Vehicle and Equipment Sale and Rental:** A facility providing for the sale, lease, or rental of new or used vehicles, including automobiles, trucks, motorcycles, recreational vehicles, or boats. The cleaning and routine maintenance of motor vehicles is allowed as an accessory use.

**WAREHOUSING:** A building or structure used to maintain an inventory of materials, supplies, or goods related to one or more businesses.

**WHOLESALE TRADE OR DISTRIBUTION:** A business that maintains an inventory of materials, supplies and goods related to one or more industries and sells bulk quantities of such materials, supplies and goods from its inventory to retail companies within the industry and which may include the parking and storage of distribution vehicles and accessory activities.

**WIND ENERGY SYSTEM:** a system of components which converts the kinetic energy of the wind into electricity or mechanical power, and which includes but is not limited to equipment for energy storage, power conditioning, control systems, and transmission systems, where appropriate, to provide electricity or mechanical power for individual, residential, agricultural, commercial, industrial, utility, or governmental use.

**WIND ENERGY SYSTEMS, LARGE:** Tower mounted or roof mounted wind energy systems with a rated nameplate capacity of more than one hundred (100) kW.

**WIND ENERGY SYSTEMS, SMALL:** Tower mounted or roof mounted wind energy systems with a rated nameplate capacity of one hundred (100) kW or less.

**WIRELESS TELECOMMUNICATION FACILITY:** A facility used for the transmission or reception of electromagnetic or electro-optic information, including wireless telecommunications facilities such as “cellular” or “PCS” (Personal Communications Systems) – communication and paging systems. This use is not required to be located on a separate lot or to comply with the

minimum lot size requirement for the District in which it is located but is required to meet the design and locational requirements, as established for such uses, as provided by this Ordinance. Telecommunications Site/Facility does not include radio antennas complying with the ruling of the Federal Communications Commission in “Amateur Radio Preemption, 101 FCC 2nd 952 (1985)” or a regulation related to amateur radio service adopted under 47 C.F.R. Part 97.

**YARD:** A space or lot other than a court, unoccupied and unobstructed from the ground upward.

**YARD, FRONT:** Any yard between the front lot line and the front setback line of the main building and extending for the full width of the lot; any yard meeting the minimum frontage requirements of the applicable zone may be designated as the front yard. See section 10-1-11, appendix A of this chapter.

**YARD, REAR:** A yard between the rear lot line and the rear setback line of a main building extending across a full width of the inside lot; and for corner lots, a yard between the rear lot line and the rear setback line of the building, extending between the side lot line and the front frontage line opposite thereto.

**YARD, SIDE:** Any yard between the side lot line and the side setback line of the main building extending from the front yard to the rear yard. See section 10-1-11, appendix A of this chapter. (Ord. 18-07, 9-25-2018)