

---

## M E M O R A N D U M

---

**To:** South Weber City Planning Commission  
**From:** Shari Phippen, City Planner  
**Re:** Background to City Code Changes re: Land Use  
**Date:** April 27, 2021

---

After the 2020 General Plan was adopted, the South Weber City Code Committee was tasked with reviewing Title 10, the SWC zoning code. Their overall goal of the committee was to suggest land use code changes in each zone for the SWC Planning Commission review and make recommendations to the City Council.

The documents included for review and recommendation to Council are as follows:

- 1- A redline copy of the land use matrix, showing what is current and what is proposed
- 2- A clean copy of the land use matrix
- 3- A redline copy of the land use definitions, showing proposed changes to what is currently in City code.
- 4- A clean copy of the land use definitions
  - a. Note on definitions: The definitions include all terms related to land use in South Weber City, which may or may not be specifically identified on the land use matrix. For example, "Acre" is defined but is not a specific use.
- 5- A redline copy of Title 10, Chapter 5, showing what is currently in code and what is proposed
- 6- A clean copy of Title 10, Chapter 5
- 7- The current SWC zoning map
- 8- The projected land use map from the 2020 General Plan

Items 7 and 8 are not part of the proposed changes, but are provided for the Commission, Council and public to view for context on where zones are located throughout the City.

### **Permitted and Conditional Uses**

On the land use matrix, each use is classified as either "Permitted (P)" or "Conditional (C)."

There are a few key differences between permitted and conditional uses:

- Both permitted and conditional uses are allowed uses. The difference is in the level of review allowed and the ability for the City to identify and mitigate potential detrimental impacts caused by the use.
- **Permitted Uses:** these uses are those generally accepted to have impacts suitable for the zone in which they are located and do not require an additional level of review, unless the use otherwise requires a site plan, subdivision, business license or something similar.
- **Conditional Uses:** these uses are those which may have impacts the City should look at mitigating. Such impacts may include traffic patterns, dust, materials/chemical storage or other similar things. The City reviews these uses and can set conditions which will

mitigate detrimental impacts of the use. **The City may only deny a conditional use if the impacts cannot be reasonably mitigated.**

- Uses on the matrix that are not designated as Permitted or Conditional are not allowed in that zone. Uses not classified on the land use matrix are not permitted. Changes to the land use matrix go through the code amendment process.

### **Core Philosophies/Questions**

In making land use suggestions, the committee discussed and deliberated the following core philosophical questions:

- (Residential/Commercial) Does the land use drastically alter the purpose and intent of the zone?
- (C) Does the land use bring needed services to the citizens of South Weber, primarily, as well as to surrounding communities?
- (R) Does the land use create a situation out of harmony with a residential neighborhood?
- (R/C) Does the land use serve the character and values of South Weber?
- (R/C) In the case of conditional uses, what are the possible detrimental impacts, and can those impacts be reasonably mitigated to not create a nuisance?

### **Additional Considerations**

A few other key points to know regarding the documents:

- 1- **Some Uses Are Defined But Not Applied:** The code committee opted to define some uses that they feel are not appropriate land uses for South Weber City. The rationale behind this is two-fold:
  - a. It removes the potential for land use applicants to argue what something is based on a loose definition.
    - i. For example, something cannot be classified as a service station, which we would allow, if it meets the proposed definition of a truck stop, which we would not.
  - b. It allows the City to determine the difference between two uses that may be closely related, by tying the presence of amenities or something similar to the use and classifying it accordingly.
- 2- **Land Uses Have Been Removed From Each Zone and Put In One Location in Code:** The code committee determined that putting land uses and definitions in a single place provides staff, applicants, and elected/appointed officials with an easier method to review and compare where land uses may be located throughout South Weber.
- 3- **Certain Uses Are Statutorily Required:** State and federal laws require that cities allow certain uses. The City is legally required to determine zones where those uses are allowed. If no zone is provided for those uses, they are permitted in every zone. State and federally required land uses are identified with an asterisk on the matrix.