

## SOUTH WEBER CITY COUNCIL AGENDA

**PUBLIC NOTICE** is hereby given that the **City Council of SOUTH WEBER CITY**, Utah, will meet in a regular public meeting on **Tuesday, 25<sup>th</sup> Sept 2018** at the **City Council Chambers, 1600 E. South Weber Dr.**, commencing at **6:00 p.m.**

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### COUNCIL MEETING

1. Pledge of Allegiance: Mayor Sjoblom
2. Prayer: Council Member Hyer
3. Approval of Consent Agenda
  - a. Approval of 11 September 2018 City Council Meeting Minutes
4. Public Comment:
  - a. Please state your name and address
  - b. Please keep public comments to 3 minutes or less per person
  - c. Please address the entire city council
  - d. City council will not respond during the public comment period
5. Presentation by Bruce Nilson on 'Request for Amendment to Patio Zone Ordinance'
6. Approval/ Denial of request to amend Title 10 Code Ordinance, Residential Patio subsection 10.5P.6 Maximum Structure Height
7. Approval of Conditional Use 18-08 – PUD Overlay for the Cook Property at approximately 725 E 6640 S (29 lots)
8. **ORD. 18-07: AMENDMENT TO TITLE 10 CODE ORDINANCE TWO FAMILY DWELLINGS AT MAJOR INTERSECTIONS**
9. Status Update on Major Budget Items
1. Reports:
  - a. Mayor – on designated committee responsibilities
  - b. City Council – on designated committee responsibilities
  - c. City Manager – on current events and future agenda items
  - d. Planning Commission Liaison – meeting and current development update
  - e. Adjourn

THE UNDERSIGNED DULY APPOINTED CITY RECORDER 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. EACH MEMBER OF THE GOVERNING BODY 6. THOSE LISTED ON THE AGENDA

DATE: September 20, 2018

  
CITY RECORDER: Mark McRae

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.

# SOUTH WEBER CITY CITY COUNCIL MEETING

**DATE OF MEETING:** 11 September 2018

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

**LOCATION:** South Weber City Office at 1600 East South Weber Drive, South Weber, UT

**PRESENT: MAYOR:**

Jo Sjoblom

**COUNCILMEMBERS:**

Blair Halverson

Kent Hyer

Angie Petty

Merv Taylor

Wayne Winsor

**DEPUTY RECORDER:**

Shelbie Cook

**CITY MANAGER:**

Dave Larson

**Transcriber:** Minutes transcribed by Michelle Clark

**ATTENDEES:** Brandon Jones (City Engineer), Mike Bastian, Dan Murray, Troop #433, Franz Fische, Doug Bitton, Blayne Cooper, Carter Jeppsen, Jon Winkfield, and Jeff Eddings.

Mayor Sjoblom called the meeting to order and welcomed those in attendance.

**PLEDGE OF ALLEGIANCE:** Council Member Petty

**PRAYER:** Council Member Winsor

**CONFLICT OF INTEREST:** None

## **APPROVAL OF CONSENT AGENDA:**

- Approval of July 2018 Budget to Actual Report
- Approval of 14 August 2018 City Council Meeting Minutes
- Approval of 21 August 2018 City Council Meeting Minutes
- Approval of August 2018 Check Register

Council Member Hyer moved to approve the Consent Agenda. Council Member Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, and Winsor voted yes. Council Member Taylor abstained as he was excused from the meetings. The motion carried.

**PUBLIC COMMENTS:** Mayor Sjoblom said anyone who would like to participate in public comment may come to the pulpit, state name and address, and keep comments to three minutes. There was no public comment.

**Discussion on Commercial Viability of Frontage Road Property:** Mayor Sjoblom stated Dan Murray, property owner of the in-line commercial building with Burly Burger and Little Caesars Pizza, also owns additional property along the north side of South Weber Drive and property south of Maverik on the frontage road. He is here to discuss the viability of commercial use on his property, which is currently all zoned C-H Highway Commercial.

Dan Murray presented a conceptual site plan. He said he is in discussion with a coffee shop. He isn't sure what will happen to the property going west but he did present a second inline building and an office building. He doesn't think there is a demand to fill the north side of South Weber Drive with retail. He feels there is a great opportunity in South Weber, but not all retail. Council Member Taylor asked about Chick-fila. Mr. Murray said South Weber is a little bit different because of the barriers with the hill separating Hill Air Force Base, the interstates, and the toll road. He discussed the traffic study count of approximately 15,000 done by Reeve & Associates. He said Maverik and Burly Burger have done well. He said with the property he has he can accommodate another 20 tenants but the 4 acre piece south of Maverik, he gets requests for multi-family. He feels the prime commercial is the property fronting South Weber Drive. He would like to get the feelings from the council concerning the 4 acre property south of Maverik and the possibility of it being residential. The property is currently C-H. He would like to see a townhouse project in there. He said there is approximately 1/2 acre affected by the pipeline, in which there is no structure that can be built on it. Council Member Hyer asked Mr. Murray if he has looked at some type of mixed us. Mr. Murray said he wouldn't do it because he doesn't think he can lease out the commercial. Mayor Sjoblom asked if the council is interested in rezoning to accommodate some sort of townhome or high-density housing. Council Member Taylor said he would like to see more commercial. Mr. Murray said this area will not accommodate big box stores. Council Member Hyer stated the council turned down a similar multi-use proposal almost one mile down the street from this location. Mr. Murray said if he can get 30 townhomes in close proximity of the commercial, it will help. Council Member Winsor said his primary concern with any change to the master plan is the infrastructure that can support it. Council Member Halverson agrees. Brandon Jones, City Engineer, said he is currently running the sewer model to be able to give specific numbers in ERU's of what is available along this corridor. He said this information will be coming in the near future. Council Member Halverson said he can see how hard it would be to develop this particular piece as commercial. Council Member Petty is concerned about the possibility of a business failing. Council Member Winsor sees an issue with traffic and he does see an opportunity for exchanging property to improve the flow of traffic with the charter school. Mr. Murray said the site plan does identify an area behind the Maverik for that.

### **Approval of Purchase of New Backhoe**

Mayor Sjoblom stated in April 2007, the city bought out the lease on the current Case 580 backhoe for \$18,000. It has served the city well, but as maintenance costs have increased, it is time to replace it. The 2018 Water department budget includes \$95,000 for the purchase of a new backhoe. Mark Larsen has reviewed the various brands of backhoes available on State Contract. Staff is recommending the purchase of a Case 580SN T4B Extendahoe at \$94,750 less the trade

in of the old backhoe for \$24,000, making for a total purchase price of \$70,750 from Century Equipment. The new backhoe includes a 4 in 1 bucket.

Council Member Winsor encouraged staff to keep net versus gross expenses separate. Council Member Hyer would like to see two or three different options. He would also like to understand the logic behind the decision. Council Member Winsor said in this particular purchase it does show the State Contract. Dave Larson, City Manager, said he understand and feels the city staff can do a better job with that.

**Council Member Petty moved to approve the purchase of a Case 580SN T4B Extendahoe Backhoe for \$70,750 from Century Equipment. Council Member Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.**

**RESOLUTION 18-46: Declaration of Surplus Property - 1979 American LaFrance Fire Truck:** Mayor Sjoblom stated in August of 2005, South Weber bought a 1979 American LaFrance fire truck from Layton City for \$20,000. This truck is commonly referred to as the “aerial”. Standards for fire trucks have changed since then and this truck was grandfathered in for South Weber. We have been able to use it but are prevented from selling it to another fire agency to continue to use it as a fire truck. 3 years ago, the city council voted to begin setting aside funds to purchase a new truck. In August of this year, the new fire engine arrived. This 1979 fire truck is past its useful life and has been very expensive to maintain. It is staff’s recommendation that the 1979 American LaFrance Fire Truck be declared surplus property and authorize staff to deliver it to TNT Auctions to be auctioned off with the necessary restrictions that it cannot be put into fire service within the USA.

Dave Larson said they did ask the question if there is any historical value for it and decided there isn’t.

**Council Member Halverson moved to approve Resolution 18-46 – Declaration of Surplus Property for 1979 American LaFrance Fire Truck. Council Member Hyer seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.**

### **REPORTS:**

**Council Member Taylor:** He said a few years ago he put together a grab and go kit for emergency preparedness. He would suggest having an open house to help get people prepared. He reported that the street lights at the park and ride need to be fixed. He reported that the intersection of 7975 South & 8100 South has become a traffic hazard and needs to be repaired.

**Council Member Hyer:** He said concerning the recent gas leak at the elementary school and the evacuation of certain residents, some individuals questioned why evacuating to the church, when they lived further away from the gas leak than the church. Dave Larson said in any kind of emergency there are always lessons learned and they have had discussions concerning what the city needs to do better. Mayor Sjoblom recommended updating the Emergency Operating Center (EOC) information. Council Member Hyer has been approached by an individual concerning

recycle bins. He would suggest looking at options for recycling. He would suggest putting information in the city newsletter.

**Council Member Petty:** She asked about possible signage along I-89 for “jake brakes”. She asked if the digital sign can announce train rides the third Saturday of the month.

**Council Member Winsor:** He will not be in attendance at next week’s meeting.

**Mayor Sjoblom:** She reported on the gas leak last night at the South Weber Elementary School Fall Festival. She said the neighborhood to the west was evacuated to the church on South Weber Drive. It was repaired. She thanked the South Weber Fire Department for all their service.

**Dave Larson, City Manager:** He attended the Utah Outdoor Summit. He received a lot of helpful information concerning outdoor uses for cities. Mayor Sjoblom suggested discussing this item at the next summit. He will be attending the Utah League of Cities and Towns Conference in the next few days. He said this city has a great team of first responders and personnel.

**ADJOURNED:** Council Member Winsor moved adjourn the Council Meeting at 7:10 p.m. Council Member Taylor seconded the motion. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

**APPROVED:** \_\_\_\_\_ **Date**  
Mayor: Jo Sjoblom

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

**Attest:** \_\_\_\_\_  
**Deputy Recorder: Shelbie Cook**

**PETITION FORM FOR REQUEST FOR AMENDMENTS TO  
SOUTH WEBER CITY ORDINANCE**

Petitioner Bruce L. Nilsen / Mark Staples

Mailing Address 5617 South 1475 East

City, State, Zip Ogden, Utah 84403

Phone No.: 801-392-8100 Fax No.: \_\_\_\_\_

Email Address bruce@nilsenhomes.com

City Code section(s) proposed to be amended: R-P

OFFICE USE ONLY	
Application #	<u>18-02</u>
Fee \$	<u>300</u>
Receipt #	<u>15013625</u>
Date Received	<u>8/30/18</u>
Land Use Ord:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Write here or attach a description of proposed amendment(s): \_\_\_\_\_

Amend Building Height Restriction From  
25' to 35'

In what way does the proposal recognize the City's General Plan? No Effect on

General Plan

Dated this 28<sup>th</sup> day of August, 2018.

Bruce Nilsen  
Petitioner's Signature

Mark Staples  
Petitioner's Signature

State of Utah )  
County of \_\_\_\_\_ )

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared before me  
\_\_\_\_\_, the signer(s) of the above instrument who duly  
acknowledged to me \_\_\_\_\_ executed the same.

\_\_\_\_\_  
Notary Public  
Residing at:  
My Commission Expires:

**Public Notice Authorization:** I (we) do hereby give permission to South Weber City to place a city Apublic notice@ sign on the property contained in this application for the purpose of notification of the change of zoning application.

Signed: Stanley R. Cook  
Property Owner

James Cook  
Property Owner

**APPLICANT'S AFFIDAVIT**

State of Utah )  
County of Davis )

I (we) Stanley Cook & Jim Cook, being duly sworn, depose and say I (we) am (are) the sole owner(s)/agent of the owner(s), of the property involved in this application, to-wit, \_\_\_\_\_  
Property Owner(s) or Agent of Owner Property Address

and that the statements and answers contained herein, in the attached plans, and other exhibits, thoroughly and to the best of my ability, present the argument in behalf of the application. Also, all statements and information are in all respects true and correct, to the best of my knowledge and belief.

Dated this 23<sup>rd</sup> day of January, 2018.

Signed: Stanley R. Cook Property Owner or Agent  
James Cook Property Owner or Agent

Subscribed and Sworn before me this 23<sup>rd</sup> day of January, 2018.  
Notary Public: [Signature]

**AGENT AUTHORIZATION**



State of Utah )  
County of Davis )

I (we) Stanley Cook and Jim Cook the sole owner(s) of the real property located at \_\_\_\_\_, South Weber City, Utah do hereby appoint Bruce L. Nilsson,  
Property Owner(s) Property Address

as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and to appear on my (our) behalf before any city boards considering this application.

Dated this 23<sup>rd</sup> day of January, 2018.

Signed: Stanley R. Cook Property Owner  
James Cook Property Owner

Subscribed and Sworn before me this 23<sup>rd</sup> day of January, 2018.  
Notary Public: [Signature]



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SOUTH WEBER CITY ORDINANCE**

Petitioner Bruce L. Nilsen / Mark Staples

Mailing Address 5617 South 1475 East

City, State, Zip Ogden, Utah 84403

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County of \_\_\_\_\_ )

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County of Davis )

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James Book Property Owner or Agent

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Notary Public: [Signature]





# Community and Economic Development

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Davis County Administration Building - 61 S. Main Street - Farmington Utah 84025  
Telephone: (801) 451-3279- Fax: (801) 451-3281  
Barry Burton/Director

## AMENDING TITLE 10 RESIDENTIAL PATIO ZONE

**GENERAL INFORMATION:** This proposal is to change Section 10.5P.6 to read:

### 10.5P.6 Maximum Structure Height

*A. ~~Main, accessory and temporary buildings and structures are not to exceed twenty five feet (25')~~ Main buildings and structures are not to exceed thirty five feet (35'); accessory and temporary buildings or structures are not to exceed twenty five feet (25').*

This change would allow the developer to meet a demand they say is being generated by their customers for loft space on a second floor.

**RECOMMENDATION:** I don't have a strong opinion on this matter, though I have no objection to the change. These R-P zones are generally in areas where the surrounding residential zones have a 35' height limit, so the impact to neighboring zones would be minimal. I think the original intent of the height restriction was to require single story homes, homes that cater to those that don't want to deal with stairs. But, the zone does not preclude basements, so it doesn't really preclude stairs either. All the patio homes we have seen built so far in the City have basements. It seems that if the buyer doesn't want stairs, they can demand a unit that doesn't have them without the zone controlling that.

Barry Burton said the fence will be addressed a little bit down the road. He said the fence is a 6 ft. chain link fence that will remain. Commissioner Grubb said the Canyon Meadows developer installed the fence.

**Commissioner Grubb moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Johnson and Walton voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\***

Commissioner Grubb discussed the open space on the east side. Bruce Nilson said they are looking at attaching it to the lot. Brandon said the adjacent property could maintain it as open space. Barry said it can be covered by easement or privately owned. Commissioner Grubb suggested doing it as an easement. Commissioner Grubb asked about the larger open space and the retention basin on that. Barry said the developer is willing to turn it over to the city. Commissioner Grubb said it is important to discuss, in the future, how that open space will be improved. Brandon said the Planning Commission has the authority to approve the preliminary plat but it is subject to the City Council approving the PUD.

**Commissioner Johnson moved to recommend approval of the Revised Preliminary Plat for the Cook Property at approximately 725 E 6640 S (63 lots) by applicant Bruce Nilson. Commissioner Grubb seconded the motion. Commissioners Grubb, Pitts, Johnson and Osborne voted yes. The motion carried.**

**Commissioner Grubb moved to open the public hearing. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Johnson and Osborne voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**Public Hearing and Action on Amending Title 10 Code Ordinance, Residential Patio. Application to amend subsection 10.5P.6 Maximum Structure Height by applicant Bruce Nilson:**

Barry Burton, City Planner's, memo of 7 September 2018 is as follows:

**GENERAL INFORMATION:** This proposal is to change Section 10.5P.6 to read:

10.5P.6 Maximum Structure Height

*A. ~~Main, accessory and temporary buildings and structures are not to exceed twenty five feet (25')~~ Main buildings and structures are not to exceed thirty five feet (35'); accessory and temporary buildings or structures are not to exceed twenty five feet (25').*

This change would allow the developer to meet a demand they say is being generated by their customers for loft space on a second floor.

**RECOMMENDATION:** I don't have a strong opinion on this matter, though I have no objection to the change. These R-P zones are generally in areas where the surrounding residential

zones have a 35' height limit, so the impact to neighboring zones would be minimal. I think the original intent of the height restriction was to require single story homes, homes that cater to those that don't want to deal with stairs. But, the zone does not preclude basements, so it doesn't really preclude stairs either. All the patio homes we have seen built so far in the City have basements. It seems that if the buyer doesn't want stairs, they can demand a unit that doesn't have them without the zone controlling that.

**Bruce Nilson, of Nilson Homes**, said there are two different zones and they are trying to make it one community. He said 25' is very inhibiting, especially with the type of home they build. He said many of the homes now have bonus rooms. He said the water level also limits it.

**Jeanine Bird, 6882 S. 675 E.**, said she is concerned about the size of home. She understands the variety of homes and water levels etc. but she would hope the developer would be mindful of the existing homes already in the area.

**Paul Finfield, 6924 S. Canyon Meadows Drive**, said he is in a single story home and there is a two story across the street from him. He doesn't think these homes should be more than a single story. He said this will be intrusive on the fence line.

**Commissioner Grubb moved to close the public hearing. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Johnson and Walton voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\***

Commissioner Grubb said there was no plan for patio homes in this area, but a residential subdivision. He said with patio homes the set backs are smaller. He said 35' will appear much taller when it is closer. He doesn't see bonus rooms being a big issue. He asked if there can be something in between.

Bruce Nilson said the intent is to make a beautiful community. He said the ground water will allow for pretty well full basements. He said there isn't a bonus room on top of a two story. He said we are finding people want a 12' garage door. He said it would be compromising to do something less than that. Brandon Jones, City Engineer, said there is the RM and the RP Zone. He said the southern end (10 acres) is in the RP Zone. Barry Burton, City Planner, asked if there is a way to look at the houses in Canyon Meadows and Bruce Nilson agrees the adjacent lots are lower units. He said this can be done in a development agreement.

**Jeanine Bird, 6882 S. 675 E.**, discussed her backyard being small.

Commissioner Osborne said when the Planning Commission created the R-P Zone we were looking at a patio home look. He said we already have a zone that allows for 35' in the R-M Zone. He is concerned about the Planning Commission flip flopping. He doesn't want to change the ordinance for one specific case. Council Member Grubb likes the idea of doing a development agreement for specific lots. Commissioner Johnson said an ordinance is in place.

**Commissioner Grubb moved to recommend Amending Title 10 Code Ordinance, Residential Patio. Application to amend subsection 10.5P.6 Maximum Structure Height by applicant Bruce Nilson with this only being done with a development agreement on Lots 3**

thru 12 to match the homes along the west side of the existing development in height. Council Member Grubb withdrew his motion.

Commission Grubb moved to reopen the Revised Preliminary Plat for the Cook Property at approximately 725 E 6640 S (63 lots) by applicant Bruce Nilson to address the development agreement. Motion died due to lack of a second.

Commissioner Grubb moved to recommend Amending Title 10 Code Ordinance, Residential Patio. Application to amend subsection 10.5P.6 Maximum Structure Height by applicant Bruce Nilson with this only being done with a development agreement on Lots 3 thru 12 to match the homes along the west side of the existing development in height. Motion died due to lack of a second.

Commissioner Osborne moved to deny Amending Title 10 Code Ordinance, Residential Patio. Application to amend subsection 10.5P.6 Maximum Structure Height by applicant Bruce Nilson. Commissioner Johnson seconded. Commissioners Pitts, Johnson, and Osborne voted yes. Commissioner Grubb voted no. Motion carried 3 to 1.

**PUBLIC COMMENTS:** (None)

**PLANNING COMMISSION COMMENTS:**

**Commissioner Johnson:** He said there are some street lights not installed in new developments. Brandon said we are working on a potential policy change for that. He asked about the status of the RV Park. He said there is a 100 ft. setback from the high water mark of the Weber River. He said Weber County requires that but this property is located in Davis County. Barry said the original survey between the two counties is down the middle of the river, but the river has shifted.

**ADJOURNED:** Commissioner Grubb moved to adjourn the Planning Commission meeting at 8:04 p.m. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Johnson, and Osborne voted yes. The motion carried.

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

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

\_\_\_\_\_  
Attest: Planning Coordinator: Lisa Smith

**MEMORANDUM**

TO: South Weber City Mayor and Council

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

CC: David J. Larson – South Weber City Manager  
Barry Burton – South Weber City Planner  
Mark Larsen – South Weber City Public Works Director

**RE: COOK PROPERTY  
Revised Preliminary and PUD Overlay Review**

Date: September 20, 2018

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Our office has completed a review of the revised Preliminary Plan and PUD Overlay for the Cook Property, dated September 6, 2018.

**REQUEST**

1. The Developer is requesting the following:
  - a. Planned Unit Development (PUD) Overlay
  - b. Change to the Height Restriction in the R-P Zone from 25' to 35'

**BACKGROUND**

2. Preliminary Plan Approval from Planning Commission. On June 14, 2018, the Planning Commission gave approval to the currently approved Preliminary Plan subject to approval of the Development Agreement by the City Council. On September 13, 2018, the Planning Commission approved the Revised Preliminary Plan that is currently proposed, subject to approval of the PUD Overlay by the City Council.
3. Development Agreement Approval. On July 10, 2018, the City Council approved the Development Agreement on the Cook property. This DA references the current Preliminary Plan as the layout of the subdivision and also encompasses several other provisions including the construction of South Bench Drive, the Trail, the Detention Basin, and the timing of construction for roads to address ingress-egress requirements. One provision that was added was the Developer agreeing to a dog park as a possible secondary use of the detention basin.
4. Dog Park. The City approved the use of the 2020 East Detention Basin for a dog park. On July 17, 2018, they closed the dog park due to its impact on the adjacent neighbors.
5. Open Space. As a result of the closing of the dog park and the Developer's desire to incorporate the same variety of housing product equally across all of the Cook property, the Planned Unit Development (PUD) Overlay was investigated. This would potentially

provide the flexibility in lot configuration desired by the Developer, in exchange for significantly increased open space provided to the City for a variety of potential uses.

- a. The following are attached to show the current condition and extent of the proposed open space area:
  - i. Drawing of the Preliminary Plan overlaid on a 2017 Google Earth aerial.
  - ii. Drone footage and pictures taken by Nilson Homes of the proposed open space area on July 25, 2018.

### **BENEFITS**

6. Significant public open space (4.0 Acres).
7. The open space is located next to the Posse Grounds, creating nearly 6.5 acres of public park area.
8. The open space is adjacent to a future major collector road, thus providing good access for traffic without impacting a local road or neighborhood.
9. The open space provides a significant buffer between I-84, South Bench Drive and residential neighborhoods.
10. With the open space, the Posse Grounds will only have residential homes adjacent on the south and west, rather than on all three sides; providing a good buffer for the public uses of the park.
11. There are already restrooms at the Posse Grounds, thus providing public facilities for all future public uses of the open space (e.g. dog park, etc.).
12. There is a good-sized existing parking lot at the Posse Grounds that can accommodate the use of the park without parking on local streets.
13. With the construction of streets in the Riverside Place and Cook developments, the proximity between the Canyon Meadows Park and the Posse Grounds makes the two parks more viable for larger public events (e.g. Country Fair Days, etc.).

\* We do not see any detrimental effects to the City with the requested revised Preliminary Plan and PUD Overlay.

### **RECOMMENDATION**

We recommend approval of the proposed PUD Overlay associated with the Preliminary Plan approved by the Planning Commission. We feel that this is a win/win scenario and provides significant potential benefits to the City and the general public as a whole.



# Community and Economic Development

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Davis County Administration Building - 61 S. Main Street - Farmington Utah 84025  
Telephone: (801) 451-3279- Fax: (801) 451-3281  
Barry Burton/Director

September 7, 2018

## REVIEW OF CONDITIONAL USE 18-08

**GENERAL INFORMATION:** This proposal to allow a PUD (Planned Unit Development) overlay on 13.17 acres of the Cook property. The advantage for the City in allowing this is that we will be able to preserve 4.00 acres of open space that contains a nice natural area with quite a few existing trees. *No the trees didn't get burned up in the fire last year.* This open space would be adjacent to the Posse Grounds and would allow the combination of the two into a more robust public space.

The advantage to the developer would be that they could essentially do patio homes on about 18.5 acres of the Cook parcel. This would allow them to reduce lot widths and sizes such that the patio homes are feasible within the R-M portion of the property.

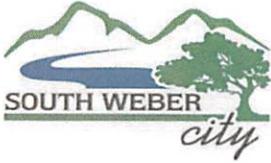
**RECOMMENDATION:** In my opinion, this proposal represents a win/win scenario. The City receives a valuable piece of open space and the developer is able to create a residential development that has greater continuity in housing type. I recommend the Planning Commission pass this on to the City Council with a recommendation of approval.

## REVISED PRELIMINARY PLAT FOR COOK PROPERTY

**GENERAL INFORMATION:** The reason for the revised preliminary plat is to accommodate the proposed PUD. The approval of a PUD would allow the developer to significantly alter the plan from the previously approved plan. The previous plan had a total of 62 lots on both R-M and R-P sections with no open space. This plan has a total of 63 lots with 4.00 acres of open space.

**LAYOUT:** This layout is similar to the one previously approved except that it has only one access onto South Bench Drive due to the open space location. The road pattern works well and the lot layout is okay. The only oddity is a small piece of open space of 6621 square feet that is separated from the main part.

**RECOMMENDATION:** If the PUD is approved then the approval of this revised preliminary plat is necessary. I recommend approval.



**APPLICATION PROCESS:** Please submit all requested items and answer all questions as completely as possible, omissions may delay processing. If there are any questions, contact the City Office at (801) 479-3177.

- Application with fee (See current City Fee Schedule)
- Site plan, if applicable
- Copy of the recorded plat showing subject property (clearly marked) and all properties within 300 feet (front, back and sides). This information is available at the Davis County Recorder's Office.
- One set of labels with names and mailing addresses of all property owners within 300 feet of the outer boundary of subject property. Including "Or current resident" is recommended. Names are available at Davis County Assessor's Office. Allow 2 days for processing. The Assessor can also provide the labels for an additional fee.
- A list of the above names and addresses.
- A copy of the fire inspection showing approval. Contact the Fire Marshal to schedule an appointment, 801-540-7094.

**Conditional Use Application**

CU 18-089

Property Owner: Sam & James Cook Phone: 801-209-7978

Full Mailing Address: 5617 South 1475 E. Ogden, Utah

Property Address: 725 E. 6650 So. Email: \_\_\_\_\_

Proposed Use: PUD overlay Parcel Number(s): \_\_\_\_\_

Total Acres: 23.94 Current Zone: R-M If Rezoning, to what zone: \_\_\_\_\_

Bordering Zones: R-P Surrounding Land Uses: Residential

Business Name (if applicable): \_\_\_\_\_

Anticipated # of Employees: \_\_\_\_\_ Anticipated # of Customers (Daily): \_\_\_\_\_

Available Parking Spaces: \_\_\_\_\_ Hours of Operation \_\_\_\_\_

# Residential Units (if applicable): 29 #of Dogs (Kennels Only): \_\_\_\_\_

Hours of Operation: \_\_\_\_\_

pd \$400  
15013625  
8/30/18

APPLICANT'S AFFIDAVIT

State of Utah )  
County of Weber )

I, Bruce L. Nilson, the sole owner or Authorized Agent of the Owner of the property involved in this application, swear the statements and answers contained herein, in the attached plans, and other exhibits, and that the statements and information above referred to are in all respects true and correct to the best of my knowledge and belief.

I do also hereby give permission to South Weber City to place a city "public notice" sign on the property contained in this application for public notification of the conditional use application and to enter the property to conduct any inspections related to this application.

Date Aug. 28, 2018 Owner or Agent's Signature Bruce Nilson

Subscribed and sworn to before me on \_\_\_\_\_

Notary Public \_\_\_\_\_

If someone will be acting on behalf of the owner, fill out the information below.

AGENT AUTHORIZATION *(See Attached)*

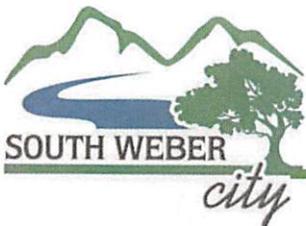
State of Utah )  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, the sole owner(s) of the real property in this application, hereby appoint \_\_\_\_\_ as my agent with regard to this application and authorize said agent to appear on my behalf before any city commission, board or council considering this application.

Date \_\_\_\_\_ Owner's Signature \_\_\_\_\_

Subscribed and sworn to before me on \_\_\_\_\_

Notary Public \_\_\_\_\_



1600 E. South Weber Drive  
South Weber, UT 84405

www.southwebercity.com

801-479-3177  
FAX 801-479-0066



Commissioner Pitts asked about how many intersections this affect. Barry said four current intersections but up to ten. Commissioner Grubb doesn't think the impact is great. He understands safety being an issue and would push for some sort of turnaround within the property with a hammerhead or circular drive. Barry said he understands the difficulty in selling property on a busy corner. He said the number of potential incidents where this can happen is really low. He said if you can design driveways that can help enter and exit safer, then he doesn't see it is a real problem. Commissioner Johnson is concerned about doubling the amount of traffic. Barry discussed adding a condition item D – *the driveway or driveways would be required to come out on the major collector and not the minor arterial*. Commissioner Osborne suggested identifying the specific intersections. He said any plans will be brought to the Planning Commission for approval.

**Commissioner Grubb moved to recommend approval of Amending Title 10 Code Ordinance allowing two-family dwellings at major intersections. Changes will affect sections 10.01.100 Definitions, 10.5A.3 Conditional Uses, 10.5B.3 Conditional Uses, 10.5D.3 Conditional Uses, and 10.07 Conditional Uses with the following:**

- 1. Add Item D - the driveway or driveways would be required to come out on the major collector and not the minor arterial.**
- 2. Add Item E identifying intersections future South Bench Drive & South Weber Drive, intersection at 1900 East South Weber Drive, and intersection at 1200 East and South Weber Drive, and intersection of Deer Run Drive and 2700 East.**
- 3. Add Item F any building plan to be approved by Planning Commission**
- 4. Add Item G Driveways must be designed so that vehicles enter and exit in a forward motion.**
- 5. Barry will make sure language is correct prior to going before the City Council.**

**Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, and Osborne voted yes. Commissioner Johnson voted no. The motion carried 3 to 1.**

**Commissioner Pitts moved to open the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Johnson and Osborne voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING\*\*\*\*\***

**Public Hearing and Action on Conditional Use 18-08. Application for PUD Overlay for the Cook Property at approximately 725 E 6640 S (29 lots) by applicant Bruce Nilson:**

Barry Burton, City Planner, stated this proposal to allow a PUD (Planned Unit Development) overlay on 13.17 acres of the Cook property. The advantage for the City in allowing this is that we will be able to preserve 4.00 acres of open space that contains a nice natural area with quite a few existing trees. No the trees didn't get burned up in the fire last year. This open space would be adjacent to the Posse Grounds and would allow the combination of the two into a more robust public space.

Barry said the advantage to the developer would be that they could essentially do patio homes on about 18.5 acres of the Cook parcel. This would allow them to reduce lot widths and sizes such that the patio homes are feasible within the R-M portion of the property.

**Bruce Nilson, of Nilson Homes**, said they would like some continuity in the subdivision. He feels keeping trees will be a nice barrier. He said they are anxious to build a nice park for the community. He said they have looked at a lot of different plans and this feels really good.

**Lynn Poll, 826 E. South Weber Drive**, said if this is a PUD is the road private. Brandon said all of the roads will be publicly owned and maintained by the City.

**Jeanine Bird, 6882 S. 675 E.**, said she borders the property line of the new development. She is concerned about the size of the structure. She would like to know what will happen to the fence line. Commissioner Osborne said those items will be discussed during the plat approval.

**Commissioner Johnson moved to close the public hearing. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Johnson and Walton voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\***

Commissioner Johnson asked about the trail. Barry said the trail is in the South Bench Drive right of way. Commissioner Johnson would suggest keeping the trees in the open space. Commissioner Pitts agrees.

**Commissioner Grubb moved to recommend approval for Conditional Use 18-08. Application for PUD Overlay for the Cook Property at approximately 725 E 6640 S (29 lots) by applicant Bruce Nilson. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Johnson and Osborne voted yes. The motion carried.**

**Commissioner Johnson moved to open the public hearing. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Johnson and Osborne voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING\*\*\*\*\***

**Public Hearing and Action on Revised Preliminary Plat Approval. Revised plat for the Cook Property at approximately 725 E 6640 S (63 lots) by applicant Bruce Nilson:** Barry Burton stated the reason for the revised preliminary plat is to accommodate the proposed PUD. The approval of a PUD would allow the developer to significantly alter the plan from the previously approved plan. The previous plan had a total of 62 lots on both R-M and R-P sections with no open space. This plan has a total of 63 lots with 4.00 acres of open space.

This layout is similar to the one previously approved except that it has only one access onto South Bench Drive due to the open space location. The road pattern works well and the lot layout is okay. The only oddity is a small piece of open space of 6621 square feet that is separated from the main part.



# *Community and Economic Development*

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Davis County Administration Building - 61 S. Main Street - Farmington Utah 84025  
Telephone: (801) 451-3279- Fax: (801) 451-3281  
Barry Burton/Director

September 7, 2018

## **REVIEW OF ORDINANCE ALLOWING TWO-FAMILY DWELINGS AT MAJOR INTERSECTIONS**

This proposed ordinance amendment would allow two-family dwellings at Major Intersections. Major Intersections are intersections of a minor arterial street (South Weber Drive) and a major collector street or of two major collector streets.

What this really means is that there are potentially four intersections, three currently and one in the future, where this condition could occur. One of those intersections would be eliminated if the proposal only allowed the condition to occur at intersections of minor arterials and major collectors. The two existing intersections of a major collector and South Weber Drive, 1200 E and 1900 E, would allow only two lots to contain a two-family dwelling. The future intersection of South Bench Drive and South Weber Drive would potentially have four lots where there could be two-family dwellings. The one intersection of two major collectors, Deer Run Dr. and 2700 E, would only have potentially one lot where this could occur.

**SOUTH WEBER CITY**

**ORDINANCE 18-07**

**AMENDMENT TO TITLE 10 CODE ORDINANCE**

**TWO FAMILY DWELLINGS AT MAJOR INTERSECTIONS**

**Whereas**, a proposed ordinance amendment was made for allowing two-family dwellings at a Major Intersection; and

**Whereas**, this proposal was reviewed by the Planning Commission on September 13, 2018; and

**Whereas**, City Council has reviewed all pertinent material and finds the changes in the interest of South Weber City;

**NOW THEREFORE**, be it ordained by the Council of South Weber City, in the State of Utah, as follows:

**SECTION 1: AMENDMENT** "Amendment to Title 10 Code Ordinance, Two-Family Dwellings at Major Intersections" of the South Weber Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

**10.01.100**

For the purpose of this title, the following terms and their derivations shall have the meaning as given herein when not consistent with the context. Words in the singular number include the plural and the plural the singular. The word "shall" is always mandatory. Words not included herein but which are defined in the building code shall be construed as defined therein. Words which are not included herein or in the building code shall be given their usual meaning as found in the English dictionary unless the context of the words clearly indicate a different meaning.

Definitions of words applicable particularly to certain chapters shall be included in those chapters.

**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 farming activity limited to the tilling of soil, the raising of crops, horticulture and gardening, accessory uses of which 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.

**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.

**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.

**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.

**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:** The vertical distance shall be measured from the average existing or natural grade at the outside corners of the front facade of the building to the highest point of the roof. Where, due to unusual building design, there is no corner, the average grade will be measured at point of tangency with a line perpendicular to the front property line.

**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.

**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.

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

1. **Guyed Tower:** A tower requiring guy wires or other stabilizers for support.
2. **Lattice Tower:** A self-supporting multiple sided steel frame tower.
3. **Monopole Tower:** A self-supporting tower consisting of a single pole without guy wires or stabilizers.

**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. The width of a court is its least horizontal dimension measured between opposite sides in the same general direction as the yard or lot line on which the court opens. The length of the court is its horizontal dimension measured at right angles to its width. Courts shall have a minimum width of not less than thirty feet (30').

**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, NURSERY:** Any building or premises used for the care of children other than those residing upon the premises. Where a day care/nursery exists, any children that reside upon the premises and who are not attending public school or an accredited private school are counted as part of the total number of children under care.

**DWELLING:** A building designed and used for residential purposes including one-, two-, three- or four-family units, but not including apartments, boarding houses, hotels, lodging houses or tourist courts.

**DWELLING, GROUP-PLANNED:** Two (2) or more dwelling structures arranged to create a park-like environment and not subdivided into customary streets and lots which will not be so subdivided, providing access from a dedicated street for parking and each dwelling unit of which has separate utility connections.

**DWELLING, MULTI-FAMILY:** A building designed to be occupied by more than four (4) families.

**DWELLING UNIT:** One or more connected rooms occupied by or designed for residential purposes by one household.

**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.

**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.

**FARM INDUSTRY:** Includes generally all phases of farm operation, 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, except commercial stock slaughter.

**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, servicing, repairing, equipping, hiring or selling motor driven vehicles.

**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 multifrontage lot, the average level of the ground adjacent to and measured along all frontage setback lines of the building.

**GROUP HOME:** A residential facility for elderly persons or handicapped persons consistent with the zoning of the desired location, that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer individuals in a family type arrangement and in conformance with applicable standards of the Utah department of social services.

**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, real estate offices, 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 designed or occupied as the more or less temporary abiding place of fifteen (15) or more individuals who are, for compensation, lodged with or without meals.

**HOUSEHOLD PET:** Animals which are customarily allowed in the home for the sole pleasure and enjoyment of the occupants but not raised or kept for commercial purposes or for food, but not including a sufficient number of dogs to constitute a "kennel", as defined in this title. Not more than a total of two (2) pairs of small animals (such as rabbits, squirrels, chinchillas, hamsters, guinea pigs, etc.) and their dependent young, not more than four (4) months old may be classed as household pets; provided, that they are penned or caged, and the pen or cage for the same is located at least seventy five feet (75') from any dwelling on an adjacent lot.

**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 AND HOBBY KENNEL:**

1. A kennel is any lot of at least one acre in A, A-10 or T-1 zone on which three (3) or more dogs, four (4) months old or older are kept.
2. Hobby kennel is any lot of at least one acre in an R-L or R-M zone on which no more than five (5) dogs over one year old are kept, together with dependent young up to four (4) months in age and one dog up to one year in age.

**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 multifrontage lot. See appendix A set forth in SWMC 10.01.110.

**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 appendix A set forth in SWMC 10.01.110.

**LOT DEPTH FOR INSIDE LOTS:** The mean horizontal distance between the front lot line and the rear lot line. See appendix A set forth in SWMC 10.01.110.

**LOT DEPTH FOR MULTIFRONTAGE AND CORNER LOTS:** The horizontal distance between opposite boundaries of the lot measured along the center line thereof. See appendix A set forth in SWMC 10.01.110.

LOT, INSIDE: An imaginary straight line lying midway between and in the mean direction of the side lot lines. See appendix A set forth in SWMC 10.01.110.

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 appendix A set forth in SWMC 10.01.110.

LOT, INSIDE OTHER THAN RECTANGULAR:

1. A yard extending across the full width of a lot between the most rear of the main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building to the nearest part of a rear lot line.
2. On the lots that are other than rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of a dwelling to the nearest point of the rear lot line, however the shortest distances used in determining the average may be not less than fifteen feet (15'). See appendix A set forth in SWMC 10.01.110.

LOT LINE FRONT: The boundary line of a lot bordering a street. In the case of a corner lot or multifrontage lot, any lot boundary line having adequate frontage to meet the requirements of the particular zone may be designated by the owner as the front lot line. See appendix A set forth in SWMC 10.01.110.

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 Appendix A set forth in SWMC 10.01.110.

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 Appendix A set forth in SWMC 10.01.110.

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 Appendix A set forth in SWMC 10.01.110.

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 Appendix A set forth in SWMC 10.01.110.

## LOT WIDTHS FOR INSIDE LOTS:

1. 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.
2. 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 major collector streets. The classification of streets shall be as specified in the currently adopted South Weber City General Plan.

**MANUFACTURED HOME:** A single-family dwelling unit which is fabricated in one or more sections in a location other than the home site by assembly line production techniques after June 15, 1976, to standards established by the U.S. Department of Housing and Urban Development. Such dwellings shall be installed on a permanent foundation and according to other standards contained herein.

**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.

**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.

**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.

**PRESCHOOL HOME OCCUPATION:** An activity conducted within a residence for the care, whether or not for compensation, of up to twelve (12) children at any one time, for less than four (4) hours, other than members of the family residing on the premises.

**RECREATION:** The act of reinvigorating one's self through play or amusement solely for personal, physical or mental benefit and not for, or as part of, a business enterprise.

**RECREATIONAL VEHICLE:** A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently tow-able by a one-ton or lighter truck or passenger vehicle; and
4. Designed to provide accommodation for recreational, camping, travel, or seasonal use

A Recreational Vehicle also includes campers, travel trailers, fifth wheel trailers, motor homes, park models, and tiny homes.

1. **TINY HOME:** A vehicle designed for living in temporary locations which:
  1. is tow-able by a bumper hitch, frame towing hitch or fifth-wheel connection;
  2. is no larger than allowed by Utah State Law for movement on public highways without special escorts;
  3. contains at least 140 square feet of the first-floor interior living space and does not exceed 500 square feet of first-floor interior living space; and
  4. meets ANSI 119.2 or ANSI 119.5 or NFPA 1192 or is RVIA certified

**RECREATIONAL VEHICLE PARK OCCUPANCY:** The length of stay at a recreational vehicle park shall be no greater than 180 consecutive days provided that:

1. 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 five (5) consecutive days before returning

**RESIDENTIAL FACILITY FOR HANDICAPPED PERSONS:** A single-family or multiple-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Department of Social Services, and is operated by or operated under contract with that Department.

**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.

**SERVICE ACCESSORY USE:** A use of the land in conjunction with a business that is clearly incidental and secondary to the use of the dwelling for dwelling purposes. The accessory uses of the land are in a location, of a size and screened so as 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.

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

**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 slopping 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:

1. A thoroughfare for public use, designated primarily for vehicular traffic.
2. The principal means of access to abutting properties.
3. For the installation of public utilities, service lines and/or pipes.
4. 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.
5. 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 Director and the City Engineer is dedicated to public use.

**STRUCTURAL ALTERATIONS:** See 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.

**TRAVEL TRAILER:** A vehicular portable structure not more than eight feet wide and thirty five feet long (8' x 35'), which is designed for extended highway travel, to be pulled by a private vehicle which requires no special permit for the same and intended for vacation and recreational purposes only; or a camp car, a motor home, or a tent trailer, with or without motive power, and identified as a recreational vehicle by the manufacturer.

**TRAVEL TRAILER PARK:** A parcel of land under single ownership, where one or more spaces are rented or leased or held out for rent or lease to persons for occupancy of travel trailers, whether or not a fee is charged for the use of the space.

**TRAVEL TRAILER SPACE:** That part of a travel trailer park rented for the exclusive use of the occupants of a single travel trailer. The travel trailer space shall include the exclusive adjoining park space and the required open space around the travel trailer

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

YARD: A space or lot other than a court, unoccupied and obstructed 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 appendix A set forth in SWMC 10.01.110.

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. On lots with (5) or more sides, the required minimum rear yard setback may be reduced to fifteen (15) feet measured from any point of the building foundation to the nearest point of a lot line. Only one corner of a dwelling may project into the required rear yard space. See appendix A set forth in SWMC 10.01.110.

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 appendix A set forth in SWMC 10.01.110.

### 10.5A.3

1. Conditions for approval shall be determined by the planning commission or as otherwise provided in SWMC 10.07.
2. Church (temporary churches held in the open area or in tents or in temporary structures excluded).
3. Daycare centers and preschools, whether held within a residence or in a separate facility.
4. Excavations of over two hundred (200) cubic yards, as allowed by SWMC 10.06.020.
5. Golf courses, public or privately owned, whether or not operated as a business
6. Hobby kennels.
7. Planned dwelling group with a maximum of two (2) dwellings.
8. Planned unit developments (PUDs).
9. Public buildings and public utility buildings.
10. Public parks and/or playgrounds, also privately owned playgrounds and recreational grounds or parks not operated as a business, in whole or in part, and to which no admission charge is made.
11. Schools, public or privately owned.
12. Small wind energy systems.
13. Temporary businesses only in public parks, church properties or other public properties as approved by the planning commission and not to exceed ninety (90) days in length.
14. Two-Family Dwelling on a corner lot of a Major Intersection.

### 10.5B.3

1. Conditions for approval shall be determined by the planning commission or as otherwise provided in SWMC 10.07.
2. Church (temporary churches held in the open area or in tents or in temporary structures excluded).

3. Daycare centers and preschools, whether held within a residence or in a separate facility.
4. Excavations of over two hundred (200) cubic yards, as allowed by SWMC 10.06.020.
5. Golf courses, public or privately owned, whether or not operated as a business
6. Hobby kennels.
7. Planned dwelling group with a maximum of two (2) dwellings.
8. Planned unit developments (PUDs).
9. Public buildings and public utility buildings.
10. Public parks and/or playgrounds, also privately owned playgrounds and recreational grounds or parks not operated as a business, in whole or in part, and to which no admission charge is made.
11. Schools, public or privately owned.
12. Small wind energy systems.
13. Temporary businesses only in public parks, church properties or other public properties as approved by the planning commission and not to exceed ninety (90) days in length.
14. Two-Family Dwelling on a corner of a Major Intersection.

### 10.5D.3

1. Conditions for approval shall be determined by the planning commission or as otherwise provided in SWMC 10.07.
2. Church (temporary churches held in the open area or in tents or in temporary structures excluded).
3. Daycare centers and preschools, whether held within a residence or in a separate facility.
4. Excavations of over two hundred (200) cubic yards, as allowed by SWMC 10.06.020.
5. Golf courses, public or privately owned, whether or not operated as a business
6. Hobby kennels.
7. Planned dwelling group with a maximum of two (2) dwellings.
8. Planned unit developments (PUDs).
9. Public buildings and public utility buildings.
10. Public parks and/or playgrounds, also privately owned playgrounds and recreational grounds or parks not operated as a business, in whole or in part, and to which no admission charge is made.
11. Schools, public or privately owned.
12. Service accessory use subject to the regulations set forth in SWMC 10.07, Article B.
13. Small wind energy systems.
14. Temporary businesses only in public parks, church properties or other public properties as approved by the planning commission and not to exceed ninety (90) days in length.
15. Twin homes subject to regulations set forth in SWMC 10.07, Article C.
16. Two-family dwelling on a corner of a major intersection.-

## 10.07 Conditional Uses

*Add the following to Chapter 7 Conditional Uses:*

*Add to the index:*

Article L Two-Family Dwellings at a Major Intersection

*Add Article L*

## **Article L Two-Family Dwellings at a Major Intersection**

10.7L.1 Purpose

10.7L.2 Conditions Required

### **10.7L.1 Purpose**

The purpose of this section is to establish conditions under which two-family dwellings may be allowed in single-family residential zones where, due to existing street and traffic conditions, the building of single-family homes may be less desirable.

### **10.7L.2 Conditions Required**

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

- A. The lot is adjacent to two roads that form a Major Intersection as defined in Section 10.01.100.
- B. The minimum lot size shall be the minimum lot size for a single-family residence in the same zone.
- C. Access to driveway shall be as far from the intersection as practical and driveway access points for the individual units shall be combined into one access point where practical as approved by the Planning Commission.
- D. The driveway/s are required to access only the major collector.
- E. The intersections applicable are as follows:
  - a South Weber Drive & Future South Bench Drive
  - b South Weber Drive & 1200 E
  - c South Weber Drive & 1900 E
  - d Deer Run Drive & 2700 E
- F. Site plans must be approved by the Planning Commission.
- G. Driveways must be designed so that vehicles enter and exit in a forward motion.

**SEVERABILITY CLAUSE:** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part there of other than the part so declared to be unconstitutional or invalid.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Blair Halverson				
Kent Hyer				
Angie Petty				
Merv Taylor				
Wayne Winsor				

---

Jo Sjoblom, Mayor South Weber City

Date

Attest

---

Mark McRae, City Recorder, South Weber City

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING** In accordance with Utah Code Annotated §142-182-184 as amended, I hereby certify that the foregoing Ordinance was duly passed and published or posted at: 1) *South Weber Elementary, 1285 E Lester Drive* 2) *South Weber City Building, 1600 E South Weber Drive* on above referenced dates.

**SOUTH WEBER CITY**

**ORDINANCE 18-07**

**AMENDMENT TO TITLE 10 CODE ORDINANCE**

**TWO FAMILY DWELLINGS AT MAJOR INTERSECTIONS**

**Whereas**, a proposed ordinance amendment was made for allowing two-family dwellings at a Major Intersection; and

**Whereas**, this proposal was reviewed by the Planning Commission on September 13, 2018; and

**Whereas**, City Council has reviewed all pertinent material and finds the changes in the interest of South Weber City;

**NOW THEREFORE**, be it ordained by the Council of South Weber City, in the State of Utah, as follows:

**SECTION 1: AMENDMENT** "Amendment to Title 10 Code Ordinance, Two-Family Dwellings at Major Intersections" of the South Weber Municipal Code is hereby *amended* as follows:

**A M E N D M E N T**

**10.01.100**

For the purpose of this title, the following terms and their derivations shall have the meaning as given herein when not consistent with the context. Words in the singular number include the plural and the plural the singular. The word "shall" is always mandatory. Words not included herein but which are defined in the building code shall be construed as defined therein. Words which are not included herein or in the building code shall be given their usual meaning as found in the English dictionary unless the context of the words clearly indicate a different meaning.

Definitions of words applicable particularly to certain chapters shall be included in those chapters.

**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 farming activity limited to the tilling of soil, the raising of crops, horticulture and gardening, accessory uses of which 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.

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.

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 ( $\frac{1}{2}$ ) 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.

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.

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:** The vertical distance shall be measured from the average existing or natural grade at the outside corners of the front facade of the building to the highest point of the roof. Where, due to unusual building design, there is no corner, the average grade will be measured at point of tangency with a line perpendicular to the front property line.

**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.

**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.

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

1. Guyed Tower: A tower requiring guy wires or other stabilizers for support.
2. Lattice Tower: A self-supporting multiple sided steel frame tower.
3. Monopole Tower: A self-supporting tower consisting of a single pole without guy wires or stabilizers.

**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. The width of a court is its least horizontal dimension measured between opposite sides in the same general direction as the yard or lot line on which the court opens. The length of the court is its horizontal dimension measured at right angles to its width. Courts shall have a minimum width of not less than thirty feet (30').

**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, NURSERY:** Any building or premises used for the care of children other than those residing upon the premises. Where a day care/nursery exists, any children that reside upon the premises and who are not attending public school or an accredited private school are counted as part of the total number of children under care.

**DWELLING:** A building designed and used for residential purposes including one-, two-, three- or four-family units, but not including apartments, boarding houses, hotels, lodging houses or tourist courts.

**DWELLING, GROUP-PLANNED:** Two (2) or more dwelling structures arranged to create a park-like environment and not subdivided into customary streets and lots which will not be so subdivided, providing access from a dedicated street for parking and each dwelling unit of which has separate utility connections.

**DWELLING, MULTI-FAMILY:** A building designed to be occupied by more than four (4) families.

DWELLING UNIT: One or more connected rooms occupied by or designed for residential purposes by one household.

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.

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.

FARM INDUSTRY: Includes generally all phases of farm operation, 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, except commercial stock slaughter.

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, servicing, repairing, equipping, hiring or selling motor driven vehicles.

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 multifrontage lot, the average level of the ground adjacent to and measured along all frontage setback lines of the building.

GROUP HOME: A residential facility for elderly persons or handicapped persons consistent with the zoning of the desired location, that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer individuals in a family type arrangement and in conformance with applicable standards of the Utah department of social services.

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, real estate offices, 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 designed or occupied as the more or less temporary abiding place of fifteen (15) or more individuals who are, for compensation, lodged with or without meals.

HOUSEHOLD PET: Animals which are customarily allowed in the home for the sole pleasure and enjoyment of the occupants but not raised or kept for commercial purposes or for food, but not including a sufficient number of dogs to constitute a "kennel", as defined in this title. Not more than a total of two (2) pairs of small animals (such as rabbits, squirrels, chinchillas, hamsters, guinea pigs, etc.) and their dependent young, not more than four (4) months old may be classed as household pets; provided, that they are penned or caged, and the pen or cage for the same is located at least seventy five feet (75') from any dwelling on an adjacent lot.

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 AND HOBBY KENNEL:

1. A kennel is any lot of at least one acre in A, A-10 or T-1 zone on which three (3) or more dogs, four (4) months old or older are kept.
2. Hobby kennel is any lot of at least one acre in an R-L or R-M zone on which no more than five (5) dogs over one year old are kept, together with dependent young up to four (4) months in age and one dog up to one year in age.

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 multifrontage lot. See appendix A set forth in SWMC 10.01.110.

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 appendix A set forth in SWMC 10.01.110.

LOT DEPTH FOR INSIDE LOTS: The mean horizontal distance between the front lot line and the rear lot line. See appendix A set forth in SWMC 10.01.110.

LOT DEPTH FOR MULTIFRONTAGE AND CORNER LOTS: The horizontal distance between opposite boundaries of the lot measured along the center line thereof. See appendix A set forth in

LOT, INSIDE: An imaginary straight line lying midway between and in the mean direction of the side lot lines. See appendix A set forth in SWMC 10.01.110.

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 appendix A set forth in SWMC 10.01.110.

LOT, INSIDE OTHER THAN RECTANGULAR:

1. A yard extending across the full width of a lot between the most rear of the main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building to the nearest part of a rear lot line.
2. On the lots that are other than rectangular in shape, the required minimum rear yard may be an average of the distances measured from the rear corners of a dwelling to the nearest point of the rear lot line, however the shortest distances used in determining the average may be not less than fifteen feet (15'). See appendix A set forth in SWMC 10.01.110.

LOT LINE FRONT: The boundary line of a lot bordering a street. In the case of a corner lot or multifrontage lot, any lot boundary line having adequate frontage to meet the requirements of the particular zone may be designated by the owner as the front lot line. See appendix A set forth in SWMC 10.01.110.

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 Appendix A set forth in SWMC 10.01.110.

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 Appendix A set forth in SWMC 10.01.110.

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 Appendix A set forth in SWMC 10.01.110.

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 Appendix A set forth in SWMC 10.01.110.

## LOT WIDTHS FOR INSIDE LOTS:

1. 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.
2. 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 major collector streets. The classification of streets shall be as specified in the currently adopted South Weber City General Plan.

MANUFACTURED HOME: A single-family dwelling unit which is fabricated in one or more sections in a location other than the home site by assembly line production techniques after June 15, 1976, to standards established by the U.S. Department of Housing and Urban Development. Such dwellings shall be installed on a permanent foundation and according to other standards contained herein.

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.

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.

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.

**PRESCHOOL HOME OCCUPATION:** An activity conducted within a residence for the care, whether or not for compensation, of up to twelve (12) children at any one time, for less than four (4) hours, other than members of the family residing on the premises.

**RECREATION:** The act of reinvigorating one's self through play or amusement solely for personal, physical or mental benefit and not for, or as part of, a business enterprise.

**RECREATIONAL VEHICLE:** A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently tow-able by a one-ton or lighter truck or passenger vehicle; and
4. Designed to provide accommodation for recreational, camping, travel, or seasonal use

A Recreational Vehicle also includes campers, travel trailers, fifth wheel trailers, motor homes, park models, and tiny homes.

1. **TINY HOME:** A vehicle designed for living in temporary locations which:
  1. is tow-able by a bumper hitch, frame towing hitch or fifth-wheel connection;
  2. is no larger than allowed by Utah State Law for movement on public highways without special escorts;
  3. contains at least 140 square feet of the first-floor interior living space and does not exceed 500 square feet of first-floor interior living space; and
  4. meets ANSI 119.2 or ANSI 119.5 or NFPA 1192 or is RVIA certified

**RECREATIONAL VEHICLE PARK OCCUPANCY:** The length of stay at a recreational vehicle park shall be no greater than 180 consecutive days provided that:

1. 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 five (5) consecutive days before returning

**RESIDENTIAL FACILITY FOR HANDICAPPED PERSONS:** A single-family or multiple-family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer handicapped persons in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Department of Social Services, and is operated by or operated under contract with that Department.

**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.

**SERVICE ACCESSORY USE:** A use of the land in conjunction with a business that is clearly incidental and secondary to the use of the dwelling for dwelling purposes. The accessory uses of the land are in a location, of a size and screened so as 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.

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

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 slopping 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:

1. A thoroughfare for public use, designated primarily for vehicular traffic.
2. The principal means of access to abutting properties.
3. For the installation of public utilities, service lines and/or pipes.
4. 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.
5. 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 Director and the City Engineer is dedicated to public use.

STRUCTURAL ALTERATIONS: See 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.

TRAVEL TRAILER: A vehicular portable structure not more than eight feet wide and thirty five feet long (8' x 35'), which is designed for extended highway travel, to be pulled by a private vehicle which requires no special permit for the same and intended for vacation and recreational purposes only; or a camp car, a motor home, or a tent trailer, with or without motive power, and identified as a recreational vehicle by the manufacturer.

TRAVEL TRAILER PARK: A parcel of land under single ownership, where one or more spaces are rented or leased or held out for rent or lease to persons for occupancy of travel trailers, whether or not a fee is charged for the use of the space.

TRAVEL TRAILER SPACE: That part of a travel trailer park rented for the exclusive use of the occupants of a single travel trailer. The travel trailer space shall include the exclusive adjoining park

space and the required open space around the travel trailer.

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

YARD: A space or lot other than a court, unoccupied and obstructed 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 appendix A set forth in SWMC 10.01.110.

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. On lots with (5) or more sides, the required minimum rear yard setback may be reduced to fifteen (15) feet measured from any point of the building foundation to the nearest point of a lot line. Only one corner of a dwelling may project into the required rear yard space. See appendix A set forth in SWMC 10.01.110.

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 appendix A set forth in SWMC 10.01.110.

### 10.5A.3

1. Conditions for approval shall be determined by the planning commission or as otherwise provided in SWMC 10.07.
2. Church (temporary churches held in the open area or in tents or in temporary structures excluded).
3. Daycare centers and preschools, whether held within a residence or in a separate facility.
4. Excavations of over two hundred (200) cubic yards, as allowed by SWMC 10.06.020.
5. Golf courses, public or privately owned, whether or not operated as a business
6. Hobby kennels.
7. Planned dwelling group with a maximum of two (2) dwellings.
8. Planned unit developments (PUDs).
9. Public buildings and public utility buildings.
10. Public parks and/or playgrounds, also privately owned playgrounds and recreational grounds or parks not operated as a business, in whole or in part, and to which no admission charge is made.
11. Schools, public or privately owned.
12. Small wind energy systems.
13. Temporary businesses only in public parks, church properties or other public properties as approved by the planning commission and not to exceed ninety (90) days in length.
14. Two-Family Dwelling on a corner lot of a Major Intersection.

### 10.5B.3

1. Conditions for approval shall be determined by the planning commission or as otherwise provided in SWMC 10.07.
2. Church (temporary churches held in the open area or in tents or in temporary structures excluded).

3. Daycare centers and preschools, whether held within a residence or in a separate facility.
4. Excavations of over two hundred (200) cubic yards, as allowed by SWMC 10.06.020.
5. Golf courses, public or privately owned, whether or not operated as a business
6. Hobby kennels.
7. Planned dwelling group with a maximum of two (2) dwellings.
8. Planned unit developments (PUDs).
9. Public buildings and public utility buildings.
10. Public parks and/or playgrounds, also privately owned playgrounds and recreational grounds or parks not operated as a business, in whole or in part, and to which no admission charge is made.
11. Schools, public or privately owned.
12. Small wind energy systems.
13. Temporary businesses only in public parks, church properties or other public properties as approved by the planning commission and not to exceed ninety (90) days in length.
14. Two-Family Dwelling on a corner of a Major Intersection.

### 10.5D.3

1. Conditions for approval shall be determined by the planning commission or as otherwise provided in SWMC 10.07.
2. Church (temporary churches held in the open area or in tents or in temporary structures excluded).
3. Daycare centers and preschools, whether held within a residence or in a separate facility.
4. Excavations of over two hundred (200) cubic yards, as allowed by SWMC 10.06.020.
5. Golf courses, public or privately owned, whether or not operated as a business
6. Hobby kennels.
7. Planned dwelling group with a maximum of two (2) dwellings.
8. Planned unit developments (PUDs).
9. Public buildings and public utility buildings.
10. Public parks and/or playgrounds, also privately owned playgrounds and recreational grounds or parks not operated as a business, in whole or in part, and to which no admission charge is made.
11. Schools, public or privately owned.
12. Service accessory use subject to the regulations set forth in SWMC 10.07, Article B.
13. Small wind energy systems.
14. Temporary businesses only in public parks, church properties or other public properties as approved by the planning commission and not to exceed ninety (90) days in length.
15. Twin homes subject to regulations set forth in SWMC 10.07, Article C.
16. Two-family dwelling on a corner of a major intersection.

## 10.07 Conditional Uses

*Add the following to Chapter 7 Conditional Uses:*

*Add to the index:*

Article L Two-Family Dwellings at a Major Intersection

*Add Article L*

## Article L Two-Family Dwellings at a Major Intersection

10.7L.1 Purpose

10.7L.2 Conditions Required

### 10.7L.1 Purpose

The purpose of this section is to establish conditions under which two-family dwellings may be allowed in single-family residential zones where, due to existing street and traffic conditions, the building of single-family homes may be less desirable.

### 10.7L.2 Conditions Required

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

- A. The lot is adjacent to two roads that form a Major Intersection as defined in Section 10.01.100.
- B. The minimum lot size shall be the minimum lot size for a single-family residence in the same zone.
- C. Access to driveway shall be as far from the intersection as practical and driveway access points for the individual units shall be combined into one access point where practical as approved by the Planning Commission.
- D. The driveway/s are required to access only the major collector.
- E. The intersections applicable are as follows:
  - a South Weber Drive & Future South Bench Drive
  - b South Weber Drive & 1200 E
  - c South Weber Drive & 1900 E
  - d Deer Run Drive & 2700 E
- F. ~~Building~~ Site plans must be approved by the Planning Commission.
- G. Driveways must be designed so that vehicles enter and exit in a forward motion.

**SEVERABILITY CLAUSE:** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part there of other than the part so declared to be unconstitutional or invalid.

	AYE	NAY	ABSENT	ABSTAIN
Blair Halverson				
Kent Hyer				
Angie Petty				
Merv Taylor				
Wayne Winsor				

Attest

---

Mark McRae, City Recorder, South Weber City

Leading Authority

---

Jo Sjoblom, Mayor South Weber City

Date

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING** In accordance with Utah Code Annotated §142-182-184 as amended, I hereby certify that the foregoing Ordinance was duly passed and published or posted at: 1) *South Weber Elementary, 1285 E Lester Drive* 2) *South Weber City Building, 1600 E South Weber Drive* on above referenced dates.

**PROPOSED ORDINANCE AMENDMENTS  
ALLOWING TWO-FAMILY DWELLINGS AT MAJOR INTERSECTIONS**

It is proposed that the following amendments be made to Title 10 of the South Weber Code:

**10.01.100 Definitions**

Add the following definition:

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

**10.5A.3 Conditional Uses**

*Add the following land use to the list of Conditional Uses:*

14. Two-Family Dwelling on a corner lot of a Major Intersection.

**10.5B.3 Conditional Uses**

*Add the following land use to the list of Conditional Uses:*

14. Two-Family Dwelling on a corner lot of a Major Intersection.

**10.5D.3 Conditional Uses**

*Add the following land use to the list of Conditional Uses:*

16. Two-Family Dwelling on a corner lot of a Major Intersection.

**10.07 Conditional Uses**

*Add the following to Chapter 7 Conditional Uses:*

*Add to the index:*

Article L Two-Family Dwellings at a Major Intersection

*Add Article L*

**Article L Two-Family Dwellings at a Major Intersection**

10.7L.1 Purpose

10.7L.2 Conditions Required

**10.7L.1 Purpose**

The purpose of this section is to establish conditions under which two-family dwellings may be allowed in single-family residential zones where, due to existing street and traffic conditions, the building of single-family homes may be less desirable.

### **10.7L.2 Conditions Required**

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

- A. The lot is adjacent to two roads that form a Major Intersection as defined in Section 10.01.100.
- B. The minimum lot size shall be the minimum lot size for a single-family residence in the same zone.
- C. Access to driveway shall be as far from the intersection as practical and driveway access points for the individual units shall be combined into one access point where practical as approved by the Planning Commission.
- D. The driveway/s are required to access only the major collector.
- E. The intersections applicable are as follows:
  - a South Weber Drive & Future South Bench Drive
  - b South Weber Drive & 1200 E
  - c South Weber Drive & 1900 E
  - d Deer Run Drive & 2700 E
- F. ~~Building~~ Site plans must be approved by the Planning Commission.
- G. Driveways must be designed so that vehicles enter and exit in a forward motion.

**Public Hearing and action on Amending Title 10 Code Ordinance allowing two-family dwellings at major intersections. Changes will affect sections 10.01.100 Definitions, 10.5A.3 Conditional Uses, 10.5B.3 Conditional Uses, 10.5D.3 Conditional Uses, and 10.07**

**Conditional Uses:** Commissioner Osborne stated this item was brought up because there are certain locations in the city that have been difficult to develop. He said this proposed ordinance amendment would allow two-family dwellings at Major Intersections. Major Intersections are intersections of a minor arterial street (South Weber Drive) and a major collector street or of two major collector streets.

Commissioner Osborne stated there are potentially four intersections, three currently and one in the future, where this condition could occur. One of those intersections would be eliminated if the proposal only allowed the condition to occur at intersections of minor arterials and major collectors. The two existing intersections of a major collector and South Weber Drive, 1200 E and 1900 E, would allow only two lots to contain a two-family dwelling. The future intersection of South Bench Drive and South Weber Drive would potentially have four lots where there could be two-family dwellings. The one intersection of two major collectors, Deer Run Dr. and 2700 E, would only have potentially one lot where this could occur. It is proposed that the following amendments be made to Title 10 of the South Weber Code:

**10.01.100 Definitions**

Add the following definition:

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

**10.5A.3 Conditional Uses**

Add the following land use to the list of Conditional Uses:

14. Two-Family Dwelling on a corner lot of a Major Intersection.

**10.5B.3 Conditional Uses**

Add the following land use to the list of Conditional Uses:

14. Two-Family Dwelling on a corner lot of a Major Intersection.

**10.5D.3 Conditional Uses**

Add the following land use to the list of Conditional Uses:

16. Two-Family Dwelling on a corner lot of a Major Intersection.

**10.07 Conditional Uses**

Add the following to Chapter 7 Conditional Uses:

Add to the index:

**Article L Two-Family Dwellings at a Major Intersection**

Add Article L

**Article L Two-Family Dwellings at a Major Intersection**

10.7L.1 Purpose

10.7L.2 Conditions Required

**10.7L.1 Purpose**

The purpose of this section is to establish conditions under which two-family dwellings may be allowed in single-family residential zones where, due to existing street and traffic conditions, the building of single-family homes may be less desirable.

**10.7L.2 Conditions Required**

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

- A. The lot is adjacent to two roads that form a Major Intersection as defined in Section 10.01.100.
- B. The minimum lot size shall be the minimum lot size for a single-family residence in the same zone.
- C. Access to driveways shall be as far from the intersection as practical and driveway access points for the individual units shall be combined into one access point where practical as approved by the Planning Commission.

Commissioner Osborne asked if there was any public comment.

**Mark Reese, 1519 East South Weber Drive**, asked what the current zoning is for these areas. Commissioner Osborne said they are currently single family residential. Mr. Reese asked the reason for the change. Commissioner Osborne for a person to purchase a single family home it is more difficult than someone who would rent a duplex. He said a lot on two major intersections is not worth as much as single family. Mr. Reese asked about safety issues. Barry explained access would come off the major collector verses the minor arterial.

**Stacey Eddings, 2645 E. 7800 S.**, said when you put extra homes there will be more congestion. She is not okay with these houses or the traffic.

**Ivan Ray, 7268 S. 1600 E.**, asked if this will affect the current zoning as it now exists. Barry said the proposal doesn't change the zoning. Mr. Ray said he has property at 1550 East South Weber Drive that is zoned commercial. Barry said 1550 is a minor collector and this is for only major collectors.

**Commissioner Pitts moved to close the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Johnson and Walton voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\***

**Commissioner Grubb arrived at 6:41 p.m.**

Commissioner Pitts asked about how many intersections this affect. Barry said four current intersections but up to ten. Commissioner Grubb doesn't think the impact is great. He understands safety being an issue and would push for some sort of turnaround within the property with a hammerhead or circular drive. Barry said he understands the difficulty in selling property on a busy corner. He said the number of potential incidents where this can happen is really low. He said if you can design driveways that can help enter and exit safer, then he doesn't see it is a real problem. Commissioner Johnson is concerned about doubling the amount of traffic. Barry discussed adding a condition item D – *the driveway or driveways would be required to come out on the major collector and not the minor arterial*. Commissioner Osborne suggested identifying the specific intersections. He said any plans will be brought to the Planning Commission for approval.

**Commissioner Grubb moved to recommend approval of Amending Title 10 Code Ordinance allowing two-family dwellings at major intersections. Changes will affect sections 10.01.100 Definitions, 10.5A.3 Conditional Uses, 10.5B.3 Conditional Uses, 10.5D.3 Conditional Uses, and 10.07 Conditional Uses with the following:**

1. **Add Item D - the driveway or driveways would be required to come out on the major collector and not the minor arterial.**
2. **Add Item E identifying intersections future South Bench Drive & South Weber Drive, intersection at 1900 East South Weber Drive, and intersection at 1200 East and South Weber Drive, and intersection of Deer Run Drive and 2700 East.**
3. **Add Item F any building plan to be approved by Planning Commission**
4. **Add Item G Driveways must be designed so that vehicles enter and exit in a forward motion.**
5. **Barry will make sure language is correct prior to going before the City Council.**

**Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, and Osborne voted yes. Commissioner Johnson voted no. The motion carried 3 to 1.**

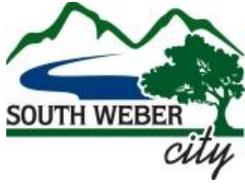
**Commissioner Pitts moved to open the public hearing. Commissioner Johnson seconded the motion. Commissioners Grubb, Pitts, Johnson and Osborne voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING\*\*\*\*\***

**Public Hearing and Action on Conditional Use 18-08. Application for PUD Overlay for the Cook Property at approximately 725 E 6640 S (29 lots) by applicant Bruce Nilson:**

Barry Burton, City Planner, stated this proposal to allow a PUD (Planned Unit Development) overlay on 13.17 acres of the Cook property. The advantage for the City in allowing this is that we will be able to preserve 4.00 acres of open space that contains a nice natural area with quite a few existing trees. No the trees didn't get burned up in the fire last year. This open space would be adjacent to the Posse Grounds and would allow the combination of the two into a more robust public space.

Barry said the advantage to the developer would be that they could essentially do patio homes on about 18.5 acres of the Cook parcel. This would allow them to reduce lot widths and sizes such that the patio homes are feasible within the R-M portion of the property.



**Council Meeting Date:** September 25, 2018

**Name:** David Larson

**Agenda Item:** #9

**Objective:** Receive a Status Update from Staff on Major Budget Items

**Background:** Each year the City Council goes through a budget process that identifies spending priorities for that year and tasks City Staff to make purchases and complete projects according to those budgeted priorities. Similar to other years' budgets, our current fiscal year budget includes many larger projects and capital equipment purchases along with the many standard operating expenses associated with providing ongoing city services. Today's item is a chance for staff to report on the current status and future timeline of those major purchases and projects for this fiscal year.

**Summary:** Status Update on Major Budget Items

**Committee Recommendation:** NA

**Planning Commission Recommendation:** NA

**Staff Recommendation:** NA

**Attachments:** NA

**Budget Amendment:** NA