



Staff Report to the Weber County Commission

Weber County Planning Division

Synopsis

Application Information

Application Request: Request to set the date of May 5, 2015 (at 10:00am) for a public hearing to consider and take action on a request to amend the Weber County Land Use Code Title 108, Chapter 12, to add provision for lots and buildings made nonconforming or noncomplying due to a public right-of-way expansion, and to provide administrative clarifications.

Agenda Date: Tuesday, April 21, 2015

Applicant: Weber County

File Number: ZTA 2014-05

Property Information

Approximate Address: Not Applicable

Project Area: Not Applicable

Zoning: Not Applicable

Existing Land Use: Not Applicable

Proposed Land Use: Not Applicable

Parcel ID: Not Applicable

Township, Range, Section: Not Applicable

Adjacent Land Use

North: Not Applicable	South: Not Applicable
East: Not Applicable	West: Not Applicable

Staff Information

Report Presenter: Charlie Ewert
cewert@co.weber.ut.us
(801) 399-8763

Report Reviewer: SW

Applicable Ordinances

- Weber County Land Use Code Title 108, Chapter 12: NONCOMPLYING STRUCTURES AND NONCONFORMING USES/PARCELS

Background

As part of various and ongoing public right-of-way expansion projects in the County, one concern that has been raised by a number of affected land owners is how the expansion may affect their property's compliance with lot and building setback standards of the land use code. Upon review, staff determined that the most efficient course of action is to create a simple ordinance that makes it clear if a lot standard or building setback standard is made noncompliant by a public right-of-way expansion then they automatically become legal, nonconforming. This will help clarify in the law that the current occupancy, use, and the right to initiate new uses, as may be allowed by the zone, may be continued on properties that drop below the zoning standards.

This ordinance will also help land owners avoid the need for an individual variance on a lot-by-lot basis, and will relieve the pressure on the Board of Adjustments from having to hear and grant those variances.

In the process of vetting language to enable this, staff found other areas of Chapter 12 related to noncomplying structures, nonconforming uses, and nonconforming parcels that need additional clarity. The intent of the proposed changes is not to change the application of law. The intent is to clarify the law in a manner that a reasonable man can understand. This effort is keeping with all ongoing ordinance revisions.