

ORDINANCE NUMBER 2017-18

AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE TO UPDATE AND CLARIFY PROVISIONS RELATED TO PROJECTIONS INTO A PRIVATE STREET RIGHT OF WAY.

WHEREAS, the Weber County Land Use Code heretofore contained regulations governing projections; and

WHEREAS, these regulations offered inadequate, vague, or inconsistent provisions related to projections into private street rights of way; and

WHEREAS, on April 11, 2017, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding proposed amendments to the Weber County Land Use Code with respect to projections into private street rights of way, and offered a positive recommendation to the County Commission for the changes; and

WHEREAS, on March 28, 2017, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding amendments to the Weber County Land Use Code with respect to projections into private street rights of way, and offered a positive recommendation to the County Commission for the changes; and

WHEREAS, on May 9, 2017, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments regarding amendments to the County Land Use Code with respect to projections into private street rights of way; and

WHEREAS, the Weber County Board of Commissioners find that the proposed ordinance amendments do not run contrary to the goals and objectives of the General Plan and provide clarification necessary to facilitate efficient administration of the Weber County Land Use Code;

NOW THEREFORE, the Weber County Board of Commissioners ordains an amendment to the Weber County Land Use Code as follows:

See Exhibit A (Clean Copy) and Exhibit B (Track Changes)

This ordinance shall become effective fifteen (15) days after publication.

Passed, adopted, and ordered published this 9th day of May, 2017, by the Weber County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY

By James Ebert,
James Ebert, Chair

Commissioner Ebert voted excused

Commissioner Gibson voted aye

Commissioner Harvey voted aye

ATTEST:

Ricky Hatch
Ricky Hatch, CPA
Weber County Clerk/Auditor

1 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

2

3 Sec. 108-7-1. - Purpose and intent.

4 The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the
5 zoning regulations appearing elsewhere in this title.

6 (Ord. of 1956, § 23-1; Ord. No. 2009-14)

7 Sec. 108-7-2. - Projections.

8 (a) *Projections permitted into a required yard setback.* Every part of a required yard setback shall be
9 open to the sky, unobstructed except for accessory buildings meeting the required setbacks of the
10 zone in which the building is located. Setbacks for all buildings are measured from the property line
11 to the outermost surface of a building's foundation wall. However, the following projections into the
12 required yard setbacks are permitted for single-family dwellings (including attached garages) only:

13 (1) Belt courses, sills, and lintels may project 18 inches into required front, rear and side yard
14 setbacks.

15 (2) Cornices, eaves and gutters may project three feet into a required front yard setback, five feet
16 into a required rear yard setback, and two feet into a required side yard setback.

17 (3) Outside stairways, fire escapes, flues, chimneys and fireplace structures not wider than eight
18 feet measured along the wall of a building, may project not more than five feet into a required
19 front yard setback, ten feet into a required rear yard setback, and three feet into a required side
20 yard setback.

21 (4) Unwalled porches including roof-covered patios, terraces, and balconies may project five feet
22 into a required front yard setback. Where the required rear yard setback is 30 feet or greater, a
23 projection of ten feet into the rear yard setback is allowed. Where the required rear yard setback
24 is less than 30 feet, a five-foot projection into the rear yard setback is allowed.

25 (5) Cantilevers may project no more than two feet into the required front and rear yard setback.
26 Cantilevers are not allowed in the required side yard setback.

27 (b) *Projections permitted into a private street right of way.* When a two-family dwelling, three-family
28 dwelling, four-family dwelling, multi-family dwelling, condominium, or commercial structure is
29 proposed to be built, and where the County's development standards allow a zero front yard setback,
30 projections into private street rights-of-way may be permitted when the following limitations,
31 requirements and standards are met:

32 (1) Projections shall be defined as and limited to architraves, awnings, balconies, bay windows, belt
33 courses, canopies, columns, cornices, eaves, footings, gutters, lintels, marquees, pedestrian
34 walkways, pediments, pilasters, railings, signs, sills, steps, and terraces.

35 (2) As determined by Weber County review agencies, the appropriate codes shall be applied and all
36 projections shall be demonstrated as compliant with those codes.

37 (3) The Weber County Building Official shall apply International Building Code standards related to
38 encroachments into public rights-of-ways.

39 (4) Where a public utility easement does not strictly prohibit the location of a structure immediately
40 adjacent to or within a private road right-of-way, a letter approving the projection(s), whether
41 above grade or below, shall be provided by all utility service providers that have located utilities
42 on the related side of the right-of way or have plans, within two years, to locate utilities on the
43 related side of the right-of-way.

- 44 (5) A letter approving the projection(s), whether above grade or below, shall be provided by the
- 45 owner of the right-of-way.
- 46 (6) In addition to all required street improvements, high-back curb or other barrier, determined
- 47 appropriate by the Weber County Engineer, shall be installed to separate and sufficiently protect
- 48 pedestrian areas or sidewalks from dangers associated with street travel lanes.
- 49 (7) Pedestrian areas or sidewalks shall not be less than 4.5 feet in width.
- 50 ...

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