

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 permitted into required yard setbacks.

8 Every part of a required yard setback shall be open to the sky, unobstructed except for accessory
9 buildings meeting the required setbacks of the zone in which the building is located. Setbacks for all
10 buildings are measured from the property line to the outermost surface of a building's foundation wall.
11 However, the following projections into the required yard setbacks are permitted for single-family
12 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 (Ord. of 1956, § 23-2; Ord. No. 1-2008; Ord. No. 2009-14)

28 Sec. 108-7-3. – Projections permitted into private street rights-of-way.

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

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

- 37 (2) As determined by Weber County review agencies, the appropriate codes shall be
 38 applied and all projections shall be demonstrated as compliant with those codes.
- 39 (3) The Weber County Building Official shall apply International Building Code standards
 40 related to encroachments into public rights-of-ways.
- 41 (4) Where a public utility easement does not strictly prohibit the location of a structure
 42 immediately adjacent to or within a private road right-of-way, a letter approving the
 43 projection(s), whether above grade or below, shall be provided by all utility service
 44 providers that have located utilities on the related side of the right-of way or have plans,
 45 within two years, to locate utilities on the related side of the right-of-way.
- 46 (5) A letter approving the projection(s), whether above grade or below, shall be provided by
 47 the owner of the right-of-way.
- 48 (6) In addition to all required street improvements, high-back curb or other barrier,
 49 determined appropriate by the Weber County Engineer, shall be installed to separate
 50 and sufficiently protect pedestrian areas or sidewalks from dangers associated with
 51 street travel lanes.
- 52 (7) Pedestrian areas or sidewalks shall not be less than 4.5 feet in width.

53 Sec. 108-7-34. - Fencing requirements.

- 54 (a) A wall, fence or hedge not exceeding four feet in height may be located and maintained anywhere on
 55 a lot except as required by section 108-7-7. A wall, fence, or hedge not more than six feet in height
 56 may be located anywhere on an interior lot except within the area comprising the required front yard
 57 setback. A wall, fence, or hedge not more than six feet in height may be located anywhere on a
 58 corner lot except within the areas comprising the required front yard setback and the required side
 59 yard setback which faces the street. A wall, fence, or hedge on a corner lot shall comply with the
 60 requirements of section 108-7-7
- 61 (b) Notwithstanding the requirements of subsection (a) of this section, residential subdivisions and
 62 projects may be encompassed in whole or in part by a perimeter fence of not more than six feet in
 63 height, subject to design review and provided that access to lots is allowed only from approved
 64 interior public or private streets that are part of the approved subdivision or project. In addition, a
 65 permanent means of landscaping and maintaining the parking strip between the fence and the street
 66 curb shall be provided.
- 67 (c) Where a retaining wall protects a cut below the natural grade, such retaining wall may be topped by
 68 a fence, wall or hedge of the same height that would otherwise be permitted at the location if no
 69 retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to
 70 retain the fill shall be considered as contributing to the permissible height of a fence, solid wall, or
 71 hedge, provided that in any event a protective fence or wall not more than four feet in height may be
 72 erected at the top of the retaining wall. These provisions shall comply with the requirements of
 73 section 108-7-7
- 74 (d) Fences for uses such as tennis or sport courts may be a maximum of 12 feet high, provided the
 75 fence meets all of the required setbacks for an accessory building in the zone in which it is located
 76 and a land use and building permit are obtained.
- 77 (e) The provisions of this section shall not apply to fences required by state law to surround and enclose
 78 public utility subdivisions and public schools.

79 (Ord. of 1956, § 23-3; Ord. No. 18-90; Ord. No. 2009-14)

80 Sec. 108-7-4. - Area of accessory building.

81 No accessory building or group of accessory buildings in any residential estates zone, cluster
82 subdivision, or PRUD shall cover more than 25 percent of the rear yard.

83 (Ord. of 1956, § 23-4; Ord. No. 2009-14)

84 Sec. 108-7-~~56~~. - Exceptions to height limitations.

85 (a) Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar
86 equipment required to operate and maintain the building, and fire or parapet walls, skylights,
87 cupolas, solar panels, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or
88 television masts, theater lofts, silos or similar structures may be erected above the height limit of the
89 zone in which they are located, but no space above the height limit shall be allowed for the purpose
90 of providing additional floor space, and if in proximity to an airport, no heights exceptions are
91 permitted above the maximum allowed under airport height regulations.

92 (b) All exceptions to height shall be subject to design review and all mechanical equipment shall be
93 screened by materials consistent with those used on the exterior of the building.

94 (Ord. of 1956, § 23-5; Ord. No. 2009-14)

95 Sec. 108-7-~~67~~. - Minimum height of dwelling.

96 No dwelling shall be erected to a height less than one story above natural grade.

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

98 Sec. 108-7-~~78~~. - Clear view of intersecting streets.

99 In all zones which require a front yard setback, no obstruction to view in excess of three feet in
100 height shall be placed on any corner lot within the area designated as the clear view triangle, except
101 those noted below. The clear view triangle is a triangular area formed by the front and side (street facing)
102 property lines and a line connecting them at points 40 feet from their intersection.

103 (Ord. of 1956, § 23-7; Ord. No. 2009-14)

104 Sec. 108-7-~~89~~. - Setbacks for animals and fowl.

105 No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling and not closer
106 than 75 feet from any dwelling on an adjacent lot. Any barn, stable, coop, pen, corral, or enclosure for the
107 housing or keeping of animals or fowl shall be kept, constructed, or maintained not less than 100 feet
108 from a property line adjacent to a street and not less than 25 feet from any lot line.

109 (Ord. of 1956, § 23-8; Ord. No. 2009-14)

110 Sec. 108-7-~~910~~. - Water and sewage requirements.

111 (a) In all cases, where a proposed building or use will involve the use of sewage facilities, and a public
112 sewer is not available, and in all cases where a proposed supply of piped culinary water is not
113 available, the sewage disposal and the domestic culinary water supply shall comply with
114 requirements of the county board of health and/or state board of health and the application for a

115 building and land use permit shall be accompanied by a certificate of approval from the board of
116 health.

117 (b) Building permits shall not be issued by the building inspector or county official unless private water
118 supply and private sewage disposal is approved in accordance with the requirements of subsection
119 (a) of this section.

120 (Ord. of 1956, § 23-9; Ord. No. 4-83; Ord. No. 2009-14)

121 Sec. 108-7-~~10~~11. - Required building setback from designated collector or arterial streets.

122 Where a street is designated on the master street plan of the county as a collector or arterial (major)
123 street and where the existing street right-of-way requires widening to meet the right-of-way standards of
124 such collector or arterial (major) street, the minimum front and side yard setback for all buildings shall be
125 based upon the future designated right-of-way width as shown on the county master plan and shall be
126 measured from the future lot line of the collector or arterial (major) street designated right-of-way instead
127 of the existing lot line of the present street right-of-way.

128 (Ord. of 1956, § 23-10; Ord. No. 15-72; Ord. No. 2-89; Ord. No. 2009-14)

129 Sec. 108-7-~~11~~12. - Group dwellings.

130 (a) Yard regulations. Group dwellings shall be considered as one building for the purpose of front, side,
131 and rear yard requirements, the entire group as a unit requiring one front, one rear, and two side
132 yards as specified for dwelling structures. The minimum distance between structures shall be ten
133 feet for single-story buildings, 15 feet for two-story buildings and 20 feet for three- or more story
134 buildings.

135 (b) Group dwelling PRUD. A group dwelling complex shall be developed as a PRUD if the area of the
136 complex is equal to or exceeds the minimum number of units or area required for a PRUD for the
137 zone in which the complex is located. (See section 108-5-5(a))

138 (Ord. of 1956, § 23-11; Ord. No. 7-78; Ord. No. 2009-14)

139 Sec. 108-7-~~12~~13. - Towers.

140 (a) No commercial tower installation shall exceed a height equal to the distance from the base of the
141 tower to the nearest overhead power line by less than five feet.

142 (b) A tower that exceeds the height limitation of the zone in which it is to be located as permitted by
143 section 108-7-5, shall be considered a conditional use.

144 (c) In all zones, except in commercial and manufacturing zones, towers shall not be located within the
145 minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a
146 corner lot, nor on the roof of a residential structure.

147 (d) A building permit shall be required for a tower. An application for a permit shall include construction
148 drawings showing the method of installation and a site plan depicting structures on the property and
149 on any affected adjacent property and a structural engineering certification by a registered structural
150 engineer from the state.

151 (Ord. of 1956, § 23-12; Ord. No. 2008-8; Ord. No. 2009-14)

152 Sec. 108-7-~~13~~14. - Residential facility for persons with a disability facility requirements.

CHAPTER 32

ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

SECTION 3201
GENERAL

3201.1 Scope. The provisions of this chapter shall govern the encroachment of structures into the public right-of-way.

3201.2 Measurement. The projection of any structure or portion thereof shall be the distance measured horizontally from the *lot line* to the outermost point of the projection.

3201.3 Other laws. The provisions of this chapter shall not be construed to permit the violation of other laws or ordinances regulating the use and occupancy of public property.

3201.4 Drainage. Drainage water collected from a roof, *awning*, canopy or marquee, and condensate from mechanical equipment shall not flow over a public walking surface.

SECTION 3202
ENCROACHMENTS

3202.1 Encroachments below grade. Encroachments below grade shall comply with Sections 3202.1.1 through 3202.1.3.

3202.1.1 Structural support. A part of a building erected below grade that is necessary for structural support of the building or structure shall not project beyond the *lot lines*, except that the footings of street walls or their supports which are located not less than 8 feet (2438 mm) below grade shall not project more than 12 inches (305 mm) beyond the street *lot line*.

3202.1.2 Vaults and other enclosed spaces. The construction and utilization of vaults and other enclosed spaces below grade shall be subject to the terms and conditions of the applicable governing authority.

3202.1.3 Areaways. Areaways shall be protected by grates, *guards* or other *approved* means.

3202.2 Encroachments above grade and below 8 feet in height. Encroachments into the public right-of-way above grade and below 8 feet (2438 mm) in height shall be prohibited except as provided for in Sections 3202.2.1 through 3202.2.3. Doors and windows shall not open or project into the public right-of-way.

3202.2.1 Steps. Steps shall not project more than 12 inches (305 mm) and shall be guarded by *approved* devices not less than 3 feet (914 mm) in height, or shall be located between columns or pilasters.

3202.2.2 Architectural features. Columns or pilasters, including bases and moldings shall not project more than 12 inches (305 mm). Belt courses, lintels, sills, architraves, pediments and similar architectural features shall not project more than 4 inches (102 mm).

3202.2.3 Awnings. The vertical clearance from the public right-of-way to the lowest part of any *awning*, including valances, shall be not less than 7 feet (2134 mm).

3202.3 Encroachments 8 feet or more above grade. Encroachments 8 feet (2438 mm) or more above grade shall comply with Sections 3202.3.1 through 3202.3.4.

3202.3.1 Awnings, canopies, marquees and signs. *Awnings*, canopies, marquees and signs shall be constructed so as to support applicable loads as specified in Chapter 16. *Awnings*, canopies, marquees and signs with less than 15 feet (4572 mm) clearance above the sidewalk shall not extend into or occupy more than two-thirds the width of the sidewalk measured from the building. Stanchions or columns that support *awnings*, canopies, marquees and signs shall be located not less than 2 feet (610 mm) in from the curb line.

3202.3.2 Windows, balconies, architectural features and mechanical equipment. Where the vertical clearance above grade to projecting windows, balconies, architectural features or mechanical equipment is more than 8 feet (2438 mm), 1 inch (25 mm) of encroachment is permitted for each additional 1 inch (25 mm) of clearance above 8 feet (2438 mm), but the maximum encroachment shall be 4 feet (1219 mm).

3202.3.3 Encroachments 15 feet or more above grade. Encroachments 15 feet (4572 mm) or more above grade shall not be limited.

3202.3.4 Pedestrian walkways. The installation of a pedestrian walkway over a public right-of-way shall be subject to the approval of the applicable governing authority. The vertical clearance from the public right-of-way to the lowest part of a *pedestrian walkway* shall be not less than 15 feet (4572 mm).

3202.4 Temporary encroachments. Where allowed by the applicable governing authority, vestibules and storm enclosures shall not be erected for a period of time exceeding seven months in any one year and shall not encroach more than 3 feet (914 mm) nor more than one-fourth of the width of the sidewalk beyond the street *lot line*. Temporary entrance *awnings* shall be erected with a clearance of not less than 7 feet (2134 mm) to the lowest portion of the hood or *awning* where supported on removable steel or other *approved* non-combustible support.