CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

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

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

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

Sec. 108-7-2. - Projections permitted into required yard setbacks.

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

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

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

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

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

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

(Ord. of 1956, § 23-2; Ord. No. 1-2008; Ord. No. 2009-14)

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

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

1. As determined by the Weber County Building Official, the appropriate building code shall be applied and all projections shall be demonstrated as compliant.
2. A letter approving the projection(s), whether above grade or below, shall be provided by all utility service providers that have located utilities on the related side of the right-of way or have plans, within two years, to locate utilities on the related side of the right-of-way.
3. A letter of approving the projection(s), whether above grade or below, shall be provided by the owner of the right-of-way.
4. Street improvements shall include high-back curb that separates pedestrian areas or sidewalks from street travel lanes.
5. Pedestrian areas or sidewalks shall not be less than 4.5 feet in width.

Sec. 108-7-3. - Fencing requirements.

(a) A wall, fence or hedge not exceeding four feet in height may be located and maintained anywhere on a lot except as required by section 108-7-7. A wall, fence, or hedge not more than six feet in height may be located anywhere on an interior lot except within the area comprising the required front yard setback. A wall, fence, or hedge not more than six feet in height may be located anywhere on a corner lot except within the areas comprising the required front yard setback and the required side yard setback which faces the street. A wall, fence, or hedge on a corner lot shall comply with the requirements of section 108-7-7

(b) Notwithstanding the requirements of subsection (a) of this section, residential subdivisions and projects may be encompassed in whole or in part by a perimeter fence of not more than six feet in height, subject to design review and provided that access to lots is allowed only from approved interior public or private streets that are part of the approved subdivision or project. In addition, a permanent means of landscaping and maintaining the parking strip between the fence and the street curb shall be provided.

(c) Where a retaining wall protects a cut below the natural grade, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall, or hedge, provided that in any event a protective fence or wall not more than four feet in height may be erected at the top of the retaining wall. These provisions shall comply with the requirements of section 108-7-7

(d) Fences for uses such as tennis or sport courts may be a maximum of 12 feet high, provided the fence meets all of the required setbacks for an accessory building in the zone in which it is located and a land use and building permit are obtained.

(e) The provisions of this section shall not apply to fences required by state law to surround and enclose public utility subdivisions and public schools.

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

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

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

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

Sec. 108-7-5. - Exceptions to height limitations.

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

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

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

Sec. 108-7-6. - Minimum height of dwelling.

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

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

Sec. 108-7-7. - Clear view of intersecting streets.

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

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

Sec. 108-7-8. - Setbacks for animals and fowl.

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

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

Sec. 108-7-9. - Water and sewage requirements.

(a) In all cases, where a proposed building or use will involve the use of sewage facilities, and a public sewer is not available, and in all cases where a proposed supply of piped culinary water is not available, the sewage disposal and the domestic culinary water supply shall comply with requirements of the county board of health and/or state board of health and the application for a building and land use permit shall be accompanied by a certificate of approval from the board of health.

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

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

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

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

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

Sec. 108-7-11. - Group dwellings.

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

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

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

Sec. 108-7-12. - Towers.

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

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

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

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

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

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

(a) The facility shall meet all county building, safety, and health codes applicable to similar dwellings.

(b) The operator of the facility shall provide assurances that the residents of the facility will be properly supervised on a 24-hour basis.

(c) Shall be licensed or certified by the department of human services under Title 62A, chapter 2, Licensure of Programs and Facilities (U.C.A. 1953, § 62A-1-101 et seq.).

(d) A minimum of two off-street parking spaces plus one off-street parking space for each staff member other than the resident manager or house parents shall be provided.

(e) The facility shall be capable of use as a residential facility for persons with a disability without structural or landscaping alterations that would change the structure's residential character.

(f) The facility shall meet all requirements and definitions by reference to either the Federal Fair Housing Amendments Act (42 USC 3602) or its successor statutes or the Utah Fair Housing Act (U.C.A. 1953, § 57-21-1 et seq.) or its successor statutes.

(g) No person being treated for alcoholism or drug abuse shall be placed in a residential facility for persons with a disability.

(h) No person who is violent shall be placed in a residential facility for persons with a disability.

(i) Placement in a residential facility for persons with a disability shall be on a strictly voluntary basis and not a part of or in lieu of, confinement, rehabilitation, or treatment in a correctional facility.

(j) The land use permit and business license granted in accordance with the provisions of this chapter, is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for persons or, if the structure fails to comply with the county's building, safety, and health codes or the requirements of this section.

(k) These facilities must be licensed by the county's business licensing department with the original license and any renewals thereof subject to the inspection and prior approval of the county health and building departments.

(l) No residential facility for persons with a disability shall be made available to any individual whose tenancy therein would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

(Ord. of 1956, § 23-13; Ord. No. 17-87; Ord. No. 99-26; Ord. No. 2009-14)

**State Law reference—** Residences for persons with a disability, U.C.A. 1953, § 17-27a-519.

Sec. 108-7-14. - Residential facility for troubled youth; facility requirements.

(a) A residential facility for troubled youth shall:

(1) Be owned or leased by the residents or an immediate family member of the residents, or by a charitable, or beneficial organization, or by the state or a licensee thereof;

(2) Be consistent with existing zoning of the desired location;

(3) Be occupied on a 24-hour basis by no more than eight qualified youth in a family-type arrangement;

(4) Conform with applicable standards of the state department of human services and be inspected and licensed by that department.

(b) The facility shall meet all applicable building, safety, zoning and health codes and ordinances applicable to similar dwellings.

(c) The facility shall be capable of use as a residential facility for troubled youth without structural or landscaping alterations that would change the structure's residential character and the structure shall not be used as a lock-down facility for the incarceration of the youth that it houses.

(d) No residential facility for troubled youth shall be established within five miles of another residential facility for troubled youth as defined in this chapter.

(e) Troubled youth who qualify for placement in the facility shall:

(1) All be of the same gender within any one facility;

(2) Be no less than ten years of age and no more than 18 years of age;

(3) Not be convicted of or charged with any sexual offence, arson or aggravated assault;

(4) Not be individuals with such severe psychiatric problems that they present a danger to themselves or others;

(5) Attend school classes and matriculate in local area schools.

(f) No home for troubled youth shall house children whose respective ages span more than four years. For instance, if the home houses children ten years of age, the oldest child in the home can be no more than 14 years of age.

(g) The land use permit and any other license granted in accordance with the provisions of this chapter, is not transferable and terminates if the structure is devoted to a use other than a residential facility for troubled youth or if the structure fails to comply with the county's building, safety and health codes or the requirements of this chapter.

(h) No residential facility for troubled youth shall occupy a lot in a recorded subdivision of four or more lots, including all subdivision phases.

(i) The facility shall be permanently occupied by a married couple who will serve as house parents to the youth who reside therein. Their duties will be as follows:

(1) To offer counseling and guidance to the youth under their care;

(2) To supervise the orderly functioning of the household;

(3) To provide meals to the youth who occupy the home;

(4) To assign the duties, chores and other tasks to each of the youth who occupy the home;

(5) Supervise the preparation of homework and studies each of the youth is required to complete for their education in local schools;

(6) To immediately report to the appropriate state agency any difficulties, problems, breaches of the peace or violations of law engaged in by any of the youth under their care;

(7) To also report the same conduct to the organization who employs them directly.

(j) The house parents living within the home must meet the standards of the department of human services and obtain all licenses, permits or certificates required by the state before undertaking their duties as house parents.

(k) In the event that the house parents terminate their employment without first training suitable replacements, the facility must replace them with trained house parents within 30 days, or the home for troubled youth must cease operating.

(Ord. of 1956, § 23-14; Ord. No. 6-92; Ord. No. 2-93; Ord. No. 2009-14)

Sec. 108-7-15. - Residential facility for elderly persons; facility requirements.

(a) A residential facility for elderly persons may not operate as a business.

(b) A residential facility for elderly persons shall:

(1) Be owned by one of the residents or by an immediate family member of one of the residents, or by a charitable, or beneficial organization, including a facility for which the title has been placed in trust for a resident;

(2) Be consistent with existing zoning of the desired location;

(3) Be occupied on a 24-hour-per-day basis by eight or fewer elderly persons in a family-type arrangement; and

(4) Conform with applicable standards of the state department of human services and be licensed and inspected by that department.

(c) A residential facility for elderly persons may not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.

(d) The owner of a residential facility for elderly persons may not charge residents administrative costs or salaries greater than 15 percent of that fee.

(e) A person charging a fee shall:

(1) Keep a record of all expenses and costs related to the fee; and

(2) Make that record available for inspection by any resident of the facility, the state department of human services, and county building or zoning officials.

(f) The facility shall meet all applicable building, safety, zoning and health codes and ordinances applicable to similar dwellings:

(1) A minimum of one off-street parking space for each adult resident person or married couple shall be provided;

(2) The facility shall be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;

(3) No person being treated for alcoholism or drug abuse shall be placed in a residential facility for elderly persons;

(4) Placement in a residential facility for elderly persons shall be on a strictly voluntary basis and not a part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional facility;

(5) The land use permit and business license granted in accordance with the provisions of this chapter, is nontransferable and terminates if the structure is devoted to a use other than a residential facility for elderly persons or if the structure fails to comply with the county's building, safety and health codes or the requirements of this chapter; and

(6) The decision by the county regarding an application for a conditional use permit for a residential facility for elderly persons shall be based upon legitimate land use criteria and shall not be based upon a general discrimination against the grouping of elderly persons in such a facility or because of age and its attendant characteristics. Upon application for a conditional use permit in any area where residential dwellings are allowed, the county shall determine only whether or not the facility conforms to this Land Use Code. If the county determines that the facility complies with the ordinances, it shall grant the requested permit.

(Ord. of 1956, § 23-15; Ord. No. 12-91; Ord. No. 99-26; Ord. No. 2009-14)

**State Law reference—** Residential facilities for elderly persons, U.C.A. 1953, § 17-27a-515; county ordinances governing elderly residential facilities, U.C.A. 1953, § 17-27a-516; county approval of elderly residential facilities, U.C.A. 1953, § 17-27a-517; elderly residential facilities in areas zoned exclusively for single-family dwellings, U.C.A. 1953, § 17-27a-518.

Sec. 108-7-16. - Large accessory buildings (1,000 square feet or larger).

(a) Accessory buildings 1,000 square feet or larger in area that accommodate uses meeting zoning requirements shall:

(1) Be located at least six feet from the rear of a dwelling in the residential estates zones and at least ten feet from the rear of a dwelling in the agricultural and forest zones.

(2) Have a side yard setback of at least ten feet on an interior lot and 40 feet on a corner lot where the side property line is adjacent to a street.

(3) Have a maximum height of 25 feet.

Exceptions. The side yard may be reduced to three feet (except in a forest zone) and the height increased to 35 feet if the accessory building is located at least 100 feet from a property line adjacent to a street and at least 40 feet from a dwelling on an adjacent lot.

(b) One accessory building which is subordinate to the dwelling in area and height may be located in front or to the side of the dwelling provided:

(1) It is located not less than 40 feet from any property line adjacent to a street.

(2) The large accessory building conforms to the dwelling in architectural style and materials on all sides of the building and the roof. Large accessory buildings on agricultural parcels containing at least 5.25 acres and a single-family dwelling shall be exempt from this requirement provided that the accessory building is located at least 100 feet from a property line adjacent to a street.

(3) It meets the side yard requirement for a main building in the zone in which the building is located, and it is located at least 40 feet from a dwelling on an adjacent parcel.

(4) In no case shall the front yard setback be less than the required front yard setback for a main building in the zone in which the building is located.

(c) Accessory buildings that exceed the dwelling in area by more than double as measured by the footprint of the dwelling shall require approval by the planning commission as a design review.

(d) Accessory buildings used for the keeping of animals and fowl shall also meet the requirements of section 108-7-8. Accessory buildings shall also meet the requirements of section 108-7-4

(Ord. of 1956, § 23-16; Ord. No. 14-91; Ord. No. 99-26; Ord. No. 2004-19; Ord. No. 1-2008; Ord. No. 2009-14)

Sec. 108-7-17. - New construction in residential and commercial developments.

In approved residential and commercial developments, where developers may have up to two years to complete utility, road and other improvements, land use permits and building permits shall not be issued until all utility improvements requisite for residential occupancy are installed, except for the asphalt, curb, gutter, and sidewalk on the road.

(Ord. of 1956, § 23-17; Ord. No. 14-91; Ord. No. 99-26; Ord. No. 2002-9; Ord. No. 2009-14)

Sec. 108-7-18. - Swimming pools.

An outdoor, permanent, in ground swimming pool shall be permitted to the side or rear of a dwelling or private/public facility as an accessory use provided the requirements listed below are met. This section does not apply to outdoor, temporary, above ground pools.

(1) The location of the outdoor, permanent, in ground swimming pool or accessory machinery shall not be less than ten feet from any property line; however, if a zone requires a larger setback, the more restrictive requirement shall apply. Structures that enclose pool accessory machinery are permitted with the same setbacks required for other accessory buildings in the zone in which they are located.

(2) An outdoor, permanent, in ground swimming pool shall be completely enclosed by a substantial fence of not less than six feet in height, or by a power safety cover meeting the requirements of the International Building Codes. The term "substantial fence" shall mean any fence that will not allow normal passage by any person except through an otherwise locked gate.

(3) Lights used to illuminate the pool or its accessories shall be so arranged as to reflect the light away from adjoining premises.

(Ord. of 1956, § 23-18; Ord. No. 14-92; Ord. No. 2008-1; Ord. No. 2009-14)

Sec. 108-7-19. - Building on dedicated substandard streets or public by right of use roads.

(a) An applicant for a land use and building permit for property which abuts and has access from a substandard dedicated street or public by right of use road, shall, as a condition of issuance of such permits, be required:

(1) To sign a substandard road agreement provided by the county.

(2) To dedicate, if the road is substandard in width, sufficient road right-of-way widening to meet county road standards or as recommended by the county engineer in situations that warrant an alternative width such as unusual topographic or boundary conditions.

(b) Where a dedicated street or public by right of use road is determined to be of less right-of-way width than the county standard, the minimum front and corner (facing street) side yard setbacks for all buildings and structures shall be measured from the future county standard street right-of-way line location, rather than from the present right-of-way line.

(Ord. of 1956, § 23-19; Ord. No. 2-89; Ord. No. 2009-14)

Sec. 108-7-20. - Occupying recreational vehicles.

(a) Occupying any parked, self contained, recreational vehicle within the county is allowed as a temporary use in the following locations:

(1) Forest zones.

(2) Recreational vehicle parks.

(3) Mobile home parks with recreational vehicle provisions.

(b) Occupying a parked recreational vehicle, by the property owner, may be permitted for a period of six months on the property where a home is under construction, provided that the recreational vehicle is hooked up to an approved wastewater disposal system.

(c) Recreation vehicles lawfully parked at a private residence are allowed to be used exclusively by the owner or guests, if self contained, for a period not to exceed 30 days in a calendar year or more than 14 consecutive days. A copy of the land use permit shall be clearly displayed in a window of the recreational vehicle being so used.

(Ord. of 1956, § 23-20; Ord. No. 2009-14)

Sec. 108-7-21. - No obstruction of irrigation ditches, drains and/or canals.

No development shall obstruct the flow of water from an irrigation ditch, drain and/or canal. Any alteration or diversion of such waterways shall be approved by the county engineer and the irrigation company.

(Ord. of 1956, § 23-21; Ord. No. 2002-9; Ord. No. 2009-14)

Sec. 108-7-22. - Temporary real estate sales office.

A temporary real estate sales office may, by conditional use permit, be allowed within a model home or the garage area of a model home located within a residential subdivision development of ten or more lots or phase of more than ten lots, for the sale of real estate within that specific subdivision or phase subject to the following conditions:

(1) Prior to use of the structure as a temporary real estate office, it shall have a certificate of occupancy.

(2) The front yard of a model homes with a temporary sales offices shall be landscaped, as approved by the planning commission.

(3) If the sales office is established in the garage, the garage door may be temporarily replaced with French doors, sliding glass doors or as approved by the planning commission. Permanent changes to the site are prohibited. When the temporary use expires, the applicant shall restore the structure to its originally intended use as a residence and/or garage.

(4) Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable provisions of the Land Use Code for the zone in which the use will be conducted and as approved with the conditional use permit. All signs shall be removed when the permit expires. Any zoning requirements for lighting shall be complied with.

(5) A temporary real estate sales office may operate daily between 8:00 a.m. and 8:00 p.m.

(6) A conditional use permit for a temporary sales office in a model home shall be limited to a five-year time period from the time that the certificate of occupancy is issued. Time extensions may be considered by the planning commission on a case-by-case basis.

(7) If construction of the model home temporary sales office is not completed within one year of the conditional use approval by the planning commission, the permit shall be considered null and void.

(Ord. of 1956, § 23-22; Ord. No. 2003-8; Ord. No. 2009-14)

Sec. 108-7-23. - River and stream corridor setbacks (Western Weber County).

(a) No structure, accessory structure, road, or parking area shall be built within the required setback from a river or stream as measured from the high water mark of the river or stream. The high water mark shall be determined by the county engineer. The areas within the setback shall be maintained in a manner that protects the quality of water in the river or stream and the habitat of native vegetation and wildlife along the river or stream.

(1) Structures, accessory structures, roads, or parking areas shall not be developed or located within 100 feet on both sides of the Weber River from the high water mark of the river.

(2) Structures, accessory structures, roads, or parking areas shall not be developed or located within 75 feet on both sides of year round streams, as determined from the high water mark of the stream.

(3) Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark of the natural ephemeral stream.

(b) Exceptions.

(1) Bridges or stream alterations approved by the Army Corps Of Engineers and Utah Department of Water Resources, Division of Water Quality.

(2) Trails.

(3) The Ogden River below Pineview Reservoir to its confluence with the Weber River.

(c) Streams are those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation littler or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year round. This definition is not meant to include stormwater runoff devices or entirely artificial watercourse unless they are used to store or convey pass-through stream flows naturally occurring prior to construction of such devices. Stream watercourses where the definition may apply are those that appear on the U.S.G.S. Quad maps.

(d) See title 104, chapter 28 (Ogden Valley Sensitive Lands Overlay Districts) for Ogden Valley River and Stream Corridor Setbacks.

(Ord. of 1956, § 23-23; Ord. No. 2008-4; Ord. No. 2009-14)

Sec. 108-7-24. - Wind energy conversion systems (small wind energy systems).

The intent of this section is to regulate the placement and installation of small wind energy conversion systems in the county while providing for the safe, effective, and efficient use of such systems. These systems will be used primarily to produce clean energy and reduce on-site consumption of utility power for individual properties. The following regulations shall apply to all small wind energy conversion systems:

(1) The minimum lot size required for a small wind energy system shall be 20,000 square feet.

(2) Small wind energy systems shall be set back a distance equal to 110 percent of the tower height plus the turbine blade length from all property lines and a distance equal to 150 percent of the tower height plus the turbine blade length from any dwelling on adjacent property. Small wind energy systems shall not be located within the minimum front yard setback of any lot, nor within the minimum side yard setback facing a street on a corner lot, nor on the roof of a residential structure.

(3) The maximum height of a small wind energy system (including tower and blades) shall not exceed 70 feet. Small wind energy systems proposed to be over 70 feet will require approval from the planning commission as part of the conditional use permit. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be 15 feet as measured at the lowest point of the arc of the blades.

(4) Small wind energy systems must comply with applicable Federal Aviation Administration (FAA) regulations, including any necessary approvals for installations close to airports.

(5) Small wind energy system towers shall maintain either a galvanized steel finish or a finish in a color approved by the planning commission as part of the conditional use, and shall not be artificially lighted unless required by the FAA.

(6) Small wind energy systems shall not exceed 60 decibels as measured at the closest property line except during short term severe wind events. A manufacturer's sound report shall be required with an application for a small wind energy system.

(7) Manufacturer specifications for components and installation shall be required with an application for a small wind energy system.

(Ord. of 1956, § 23-24; Ord. No. 2008-8; Ord. No. 2009-14)

Sec. 108-7-25. - Nightly rentals.

The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than three days is considered a nightly rental. Nightly rentals are allowed only when listed as either a permitted or conditional use in a specific zone or when approved as part of a planned residential unit development (PRUD).

(Ord. of 1956, § 23-25; Ord. No. 2009-14)

Sec. 108-7-26. - Land use applications involving lots/parcels with existing violations.

No land use application shall be approved for any lot/parcel until all unresolved zoning, building, business license, nuisance, or other violations on any such lot/parcel, or on any parcel included in any manner as part of the application are resolved, unless approval of the application will resolve all of the existing violations. A land use application submitted for approval, which will resolve all of the existing violations, must be accompanied by a letter from the applicant stating what the existing violations are, and how the proposed land use application will resolve them.

(Ord. of 1956, § 23-26; Ord. No. 2009-14)

Sec. 108-7-27. - Solar energy systems.

(a) Solar energy systems located on individual parcels/lots, which are used to supply energy to a principal use or structure on the parcel/lot, shall be allowed in any zone as an accessory use to a principal use or structure. Solar energy systems shall meet the setback and height requirements for an accessory building in the zone in which the system is located. Setbacks shall be measured to the outermost edge of the system nearest the property line. Solar energy systems which are attached to a building shall meet the same setbacks that are required for the building.

(b) This section does not address large scale projects which include multiple solar energy systems designed to produce energy for wholesale purposes.

(Ord. of 1956, § 23-27; Ord. No. 2009-14)

Sec. 108-7-28. - Garage sales/yard sales.

Garage sales/yard sales of personal used items from a single-family dwelling shall not be held more than once every three months.

(Ord. No. 2011-17, § 2(23-28), 10-11-2011)

Sec. 108-7-29. - Flag lot access strip, private right-of-way, and access easement standards.

In order to provide for safe and consistent access to lots/parcels using flag lot access strips, private rights-of-way, or access easements as the primary means of ingress and egress to a dwelling unit, the following standards shall be met, in addition to the individual requirements of sections 108-7-30—108-7-32. These standards shall not apply to bona-fide agricultural parcels that are actively devoted to an agricultural use(s) that is the main use.

(1) Design standards.

a. The flag lot access strip, private right-of-way, or access easement shall be designed and built to a standard approved by the county engineer. The improved road surface does not require hard-surface paving, i.e., concrete or asphalt, but the improvements shall meet the following standards.

b. The flag lot access strip shall have a minimum width of 20 feet and a maximum width of 30 feet. A private right-of-way or access easement shall have a minimum width of 16 feet and a maximum width of 50 feet. The private right-of-way and access easement width standards may be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case basis.

c. The improved travel surface of the flag lot access strip, private right-of-way, or access easement shall be a minimum of 12 feet wide if the access serves fewer than five dwellings, and a minimum of 20 feet wide if the access serves five or more dwellings.

d. The improved road surface of the flag lot access strip, private right-of-way, or access easement shall be capable of supporting a minimum weight of 75,000 pounds.

e. A turnout measuring at least ten feet by 40 feet shall be provided adjacent to the traveled surface of the a flag lot access strip, private right-of-way, or access easement (private access) if the private access is greater than 200 feet in length. The turnout shall be located at the approximate midpoint of the private access if its length is between 200 and 800 feet. If the private access length is greater than 800 feet, turnouts shall be provided at least every 400 feet thereafter. These standards may be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case basis.

f. The flag lot access strip, private right-of-way, or access easement shall have a maximum grade of ten percent. This standard may be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case basis; however, the maximum grade shall not exceed 15 percent.

g. The flag lot access strip, private right-of-way, or access easement shall have a minimum vertical clearance of 14.5 feet.

h. No buildings, structures, or parking areas are allowed within the flag lot access strip, private right-of-way, or access easement.

i. New bridges, including decking and culverts shall be capable of supporting a minimum weight of 75,000 pounds. For existing bridges, a current certified engineer statement of load bearing capabilities must be submitted to the county engineer and the Weber Fire District for review.

j. The flag lot access strip, private right-of-way, or access easement shall have a minimum inside travel-way radius of 26 feet, outside travel-way radius of 45 feet, and outside clear zone radius of 50 feet on all curves, particularly switchbacks. The width of the access may need to be increased to accommodate these standards.

k. Water and sewer lines located within the flag lot access strip, private right-of-way, or access easement require written notification from the agencies providing such services.

(2) Safety standards.

a. The lot address shall be displayed in a prominently visible location at the street entrance to the flag lot access strip, private right-of-way, or access easement.

b. A turn-around area shall be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet).

c. A fire hydrant or other suppression method may be required by the fire district.

d. A site plan showing the location of the home, any proposed access roads and driveways, along with the location of and distance to the nearest fire hydrant (if available) shall be submitted to the fire district for review.

e. Conditions may be imposed by the land use authority to ensure safety, accessibility, privacy, etc., to maintain or improve the general welfare of the immediate area.

(3) Lot/parcel standards.

a. The lot/parcel shall meet all minimum yard and area requirements of the zone in which it is located.

b. Buildings shall be set back a minimum of 30 feet from the end of the flag lot access strip, private right-of-way, or access easement.

c. The lot/parcel shall meet the minimum lot width requirement for the zone in which the lot is located at the end of the access strip.

d. The lot/parcel shall have a flag lot access strip, private right-of-way, or access easement constructed in conformance with subsections (1), (2), and (3) of this section prior to the issuance of land use permits or building permits.

(4) Expiration. Flag lot access strips, private rights-of-way, and access easements which have been approved by the land use authority are valid for 18 months from the date of approval.

(Ord. No. 2012-7, § 5(23-28), 5-1-2012; Ord. No. 2013-32, 12-10-2013)

Sec. 108-7-30. - Flag lots.

(a) The land use authority shall determine whether or not it is feasible or desirable to extend a street to serve a lot(s)/parcel(s) or lots at the current time, rather than approving a flag lot. Criteria to be used in determining feasibility or desirability of extending a street shall include, but not be limited to topography, boundaries, and whether or not extending a road would open an area of five acres or more in Western Weber County and ten acres or more in the Ogden Valley for development.

(b) The lot area exclusive of the access strip shall be a minimum of three acres.

(c) Each lot shall access a street by means of its own fee title access strip. Successive stacking of lots on the same access strip is not permitted.

(d) No access strip shall exceed 800 feet in length.

(e) A maximum of two flag lot access strips may be located adjacent to each other.

(f) No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-subdivided, or changed in order to meet the requirements of this section.

(Ord. No. 2012-7, § 5(23-29), 5-1-2012)

Sec. 108-7-31. - Access to a lot/parcel using a private right-of-way or access easement.

Lots/parcels which do not have frontage on a street, but which have access by a private right-of-way or access easement may, under certain circumstances, use a private right-of-way or access easement as the primary access. Approval is subject to the applicant demonstrating compliance with the following criteria and conditions:

(1) Criteria.

a. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or

b. The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use and is the subject parcel of an approved agri-tourism operation; or

c. Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances that may support an approval of a private right-of-way/access easement as access to a lot/parcel may include but not be limited to unusual soil, topographic, or property boundary conditions.

(2) Conditions.

a. It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal access due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right; and

b. The landowner of record or authorized representative shall agree to pay a proportionate amount of the costs associated with developing a street if, at any time in the future, the county deems it necessary to have the landowner replace the private right-of-way/easement with a street that would serve as a required access to additional lots. The agreement shall be in the form considered appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain all matters of fact, including a lot/parcel boundary description, which are necessary to make the agreement intelligible and show its successive nature.

(Ord. No. 2012-7, § 5(23-30), 5-1-2012; Ord. No. 2012-19, pt. 9(§ 23-30), 12-18-2012)

Sec. 108-7-32. - Access to a lot/parcel at a location other than across the front lot line.

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

(1) The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line.

(2) It shall be demonstrated that appropriate and legal access exists due to historic use, court decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or granting such right.

(Ord. No. 2012-7, § 5(23-31), 5-1-2012)