

WEBER COUNTY
ORDINANCE NUMBER 2023- 10

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY'S LAND USE CODE TO IMPLEMENT POLICIES AND RECOMMENDATION OF THE WESTERN WEBER GENERAL PLAN, INCLUDING SMART GROWTH REQUIREMENTS, LOT WIDTH REDUCTIONS, NEW RESIDENTIAL ZONE AND RELATED PROVISIONS AND STANDARDS, STREET AND PATHWAY CONNECTIVITY AND IMPROVEMENT REQUIREMENTS, AND RELATED CLERICAL AMENDMENTS.

WHEREAS, The Board of Weber County Commissioners has heretofore adopted land use regulations that govern the uses and development of land in unincorporated Weber County; and

WHEREAS, In August 2022 the Board of Weber County Commissioners adopted a new General Plan for the Western Weber Planning Area, pursuant to requirements of Utah State Code 17-27a; and

WHEREAS, The new Western Weber General Plan recommends development patterns and outcomes that the County's current land use regulations are not likely to optimally provide; and

WHEREAS, The Board of Weber County Commissioners desire to implement land use and development regulations and guidance that will help achieve the goals and objectives of the new Western Weber General Plan; and

WHEREAS, on April 11, 2023, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code and offered a positive recommendation to the Board of Weber County Commissioners for the proposed amendments; and

WHEREAS, on April 25, 2023, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code and offered a positive recommendation to the Board of Weber County Commissioners for the proposed amendments; and

WHEREAS, on May 16, 2023, the Board of Weber County Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

WHEREAS, the Board of Weber County Commissioners hereby find that the proposed amendments herein substantially advance many goals and objectives of the Western Weber General Plan and are not detrimental to the goals and objectives of the Ogden Valley General Plan; and

WHEREAS, the Board of Weber County Commissioners find that the proposed amendments serve to create the necessary regulatory framework that will guide future development of neighborhoods and communities;

NOW THEREFORE, be it ordained by the Board of County Commissioners of Weber County, in the State of Utah, as follows:

SECTION 1: AMENDMENT. The Weber County Code is hereby *amended* as follows:

1 **Part II Land Use Code**

2 ...

3 **TITLE 101 GENERAL PROVISION**

4 ...

5
6 **Chapter 101-2 Definitions**

7 ...

8 **Sec 101-2-13 Lot Definitions**

9 ...

10 **Lot, flag.** The term "~~flag-Flag lot~~Lot" means an "L" shaped ~~Lot lot~~ comprised of a narrow access strip
11 connected to a street (~~the flag's staff-portion~~) which opens into the ~~Lotlot~~ area (~~the flag-portion~~).

12 ...

13 ~~**Lot right-of-way.** The term "lot right-of-way" means a strip of land of not less than 16 feet wide connecting~~
14 ~~a lot to a street for use as private access to that lot.~~

15 ...

16 ~~**Lot line, front for flag lot.** The term "lot line, front for flag lot" means the front lot line of a flag lot which is~~
17 ~~the lot line parallel to a dedicated public street and at the end of the stem.~~

18 ...

19 **Sec 101-2-17 P Definitions**

20 ...

21 ~~**Private access right-of-way.** See "Shared private lane." The term "private access right-of-way" means~~
22 ~~an easement of not less than 50 feet wide reserved by dedication to the property or lot owners to be used~~
23 ~~as private access to serve the lots platted within the subdivision and complying with the adopted street~~
24 ~~cross section standards of the County and maintained by the property owners or other private agency.~~

25 ...

26 **Sec 101-2-20 Sh Definitions**

27 **Shared private lane.** The term "shared private lane," which may also be referred to herein as a "private
28 access right-of-way," means a lane or driveway, within a recorded private right-of-way easement, to be
29 used as a private access to a Lot or Lots.

30 ...

31 **Sec 101-2-20 St Definitions**

32 ...

33 ~~**Street-Block.** The term "street-block~~Street-Block," also referred to as "~~blockBlock~~," means a series of
34 streets that bound, or in the future will bound, land ~~bounded~~ on all sides ~~and that are~~ by a street or lane
35 ~~that is open to~~ open for use by the general public, or land which is designated as a ~~Blockblock~~ or ~~street-~~
36 ~~Street-Blockblock~~ on any recorded subdivision plat. A temporarily incomplete Street-Block is still a Street-
37 Block for the purposes of this definition.

38 ~~**Street, Collector.** The term "Collector Street~~collector-street" means a street existing or proposed of
39 considerable continuity which is the main means of collecting traffic from Major Neighborhood Streets,
40 Minor Neighborhood Streets, and other local streets, and providing eventual access to ~~the an Arterial~~
41 ~~Street.~~major street system.

42 ~~**Street, Arterial (mMajor).** The term "major-street~~Arterial Street," which may also be referred to as "Major

Street," or "Major Road," means a street, existing or proposed, which serves or is intended to serve as an Arterial-major traffic way connecting Collector Streets to the greater regional area. An Arterial Street is usually a controlled-access highway or freeway and is designated on the general plan, master street plan, or similar planning document as an Arterial Street, as a controlled-access highway, major-Major streetStreet, parkway or other equivalent term to identify those streets comprising the basicbackbone structure of the street plan.

Street, Major Neighborhood. The term "Major Neighborhood Street," means a street, existing or proposed, which is of limited community-wide continuity and which serves or is intended to serve the local needs of connecting neighborhoods to each other and to Collector Streets.

Street, Minor Neighborhood. The term "Minor Neighborhood Street," means a street, existing or proposed, which is of limited neighborhood continuity and which serves or is intended to serve the local needs of connecting neighborhoods to Major Neighborhood Streets.

~~Street, marginal access. The term "marginal access street," means a minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.~~

Street or street-route, temporarily terminal. The terms "temporarily terminal street" or "temporarily terminal street-route" means a street, portion of a street, series of streets, or a street-route that has a single point of entry from the greater Public Street~~public street~~ network, and is only intended to be terminal temporarily until it connects back into the greater Public Street~~public street~~ system through future extension, as shown in an applicable general plan, small area plan, master streets plan, development agreement, or similar legislatively adopted planning document.

Street, ~~p~~Private. The term "~~private~~ Private Street~~street~~" means a thoroughfare within a subdivision, to be used exclusively by the~~which has been reserved by dedication unto the subdivider or lot-Lot owners to be used as private access, to serve the lots platted within the subdivision~~ and complying with the adopted street cross section standards of the county, and maintained by the developer, adjoining Lot owners, or other private agency.

Street, ~~P~~public. The term "~~public street~~ Public Street" means a thoroughfare which has been dedicated or abandoned to the public~~and accepted by proper public authority,~~ or a thoroughfare, ~~not less than 26-foot wide,~~ which has been made public by right of use, ~~and which affords the principal means of access to abutting property.~~

~~Street, standard residential. The term "standard residential street," means a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.~~

76
77 ...

78 TITLE 102 ADMINISTRATION

79 ...

80 Chapter 102-1 General Provisions

81 ...

82 Sec 102-1-2 Planning Director Authority

83 (a) The planning director, or his designee, is authorized to deny, approve, or approve with conditions an
84 application for an administrative approval. Administrative approval can be given for the following
85 applications:

- 86 (1) Site plan approval, when required by this Land Use Code, for which the land use authority is not
87 otherwise specified by this Land Use Code;
- 88 (2) Design review for buildings under 10,000 square feet and which impact an area of less than one
89 acre, as provided in ~~section~~ Section 108-1-2;
- 90 (3) Home occupation, as provided in ~~section~~ Section 108-13-2;

- (4) Building ~~Parcel~~parcel designation, as provided in ~~section~~Section 108-7-33;
(5) Small subdivisions, as provided in ~~section~~Section 106-1-8(f).030 of this Land Use Code; and
(5)(6) Access to a land locked Lot or Parcel, as provided in Section 108-7-32.

~~(6) Flag lots, access to a lot/parcel using a private right-of-way or access easement, as provided in Sec 108-7-XX, and access to a lot/parcel at a location other than across the front lot line land locked Lot or Parcel, as provided in title 108, chapter 7 Section 108-7-32 of this Land Use Code.~~

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Chapter 102-5 Rezoning Procedures

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Sec 102-5-1 Purpose And Intent

Every property in the unincorporated area of the county is legally zoned as a result of comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the 1960s. The purpose of this chapter is to establish a legislative means by which applications to the county are processed to change zoning. Rezoning is intended to implement the adopted general plans for the different planning areas of the county.

Sec 102-5-2 Development To Be In Conformance To The General Plan

Rezoning of property should further the purpose of the zoning regulations listed in ~~Section~~Title 101, ~~4-2~~Chapter 2 of the county's Land Use Code by complying with the county's general plans.

Sec 102-5-3 Reserved

Sec 102-5-4 Application Requirements

(a) A rezoning application may be initiated by an owner of any property or any person, firm, or corporation with the written consent of the owner of the property, or be county-initiated.

(b) An application for a rezoning shall be prepared and submitted on forms provided by the planning division. The application shall be accompanied with the following information:

(1) The application shall be signed by the landowner or their duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule.

(2) A conceptual street, pathway, trail, and accessway or Alleyalley connectivity plan showing how the project or a future project can connect to existing, proposed, and potential future streets, pathways, trails, and accessways or Alleyalleys.

(3) TheA proposed parks and open space plan, including land, infrastructure, or monetary donations intended to be given to the park district, county, or other entity for the purpose of providing parks or open spaces.

(4) A narrative explaining the planned or potential future access to culinary and secondary water facilities, and wastewater disposal facilities.

(5) A proposed rezone may be required to be accompanied by a concept development plan in accordance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept development plan, may be required.

~~(1) A street, pathway, trail, and accessway or alley connectivity plan showing how the project or a future project can connect to both existing, proposed, and potential future streets, pathways, trails, and accessways or alleys.~~

~~(2)(1) The proposed parks and open space plan, including land, infrastructure, or monetary donations intended to be given to the park district, county, or other entity for the purpose of providing parks or open spaces.~~

~~(3)(1) A narrative explaining the planned or potential future access to culinary and secondary water facilities, and wastewater disposal facilities.~~

- ~~(4) If the land is located within an existing or future service area of a local water or sewer service provider, a letter of acknowledgment and conditions of future service.~~
- ~~(5) A narrative from the project engineer discussing the feasibility for the mitigation of stormwater runoff.~~
- (6) The applicant shall provide a narrative ~~addressing the following information~~ explaining:
- ~~a. The vision for the proposed zone change and, if known, the proposed development. Project narrative describing the project vision.~~
 - ~~a.b.~~ How ~~is~~ the change ~~is~~ in compliance with the general plan, or if not, the public interest the change is intended to address.?
 - ~~b.c.~~ Why ~~should~~ the present zoning should be changed to allow ~~this the proposal~~ rezone.?
 - ~~e.d.~~ How ~~is~~ the change is in the best interest of the public ~~interest.?~~
 - ~~d.e.~~ ~~What The~~ conditions and circumstances ~~have in the general area that have taken place~~ changed in the general area since the general plan was adopted to warrant such a change? the rezone.
 - ~~e.f.~~ ~~How does this The~~ reasons or ways the ~~proposal~~ rezone will promote the health, safety and general welfare of the inhabitants of the county.?
 - ~~f.a. Project narrative describing the project vision.~~
- (c) Supplemental application requirements for the rezone. of a large master planned area or any proposed rezone to the Destination and Recreation Resort Zone. supplementary requirements. Due to the anticipated scale and potential impact of a destination and recreation resort on the county and other surrounding areas, the following additional information, shall be required to accompany any application submitted for the rezone of a large master planned area or any proposed rezone to the consideration of a ~~d~~ Destination and Recreation Resort Zone approval. The additional information shall consist of the following:
- (1) For a rezone application of a large master planned area or for a rezone to the Destination and Recreation Resort Zone, the additional information in Subsection (c)(3) of this section shall be submitted with the initial rezone application.
 - ~~(7)~~(2) For a rezone other than those specified in Subsection (c)(1) of this section, after submittal of the initial rezone application, the additional information in Subsection (c)(3) of this section shall be submitted if requested by the Planning Director, Planning Commission, or County Commission at any point during the rezone procedure.
- (3) Supplemental application information.
- a. ~~A~~ ~~C~~ concept development plan, which shall include the project's conceptual layout and shall include a mapped depiction of ~~showing~~ sensitive land areas as described/mapped in Title 104, Chapter 28, Ogden Valley Sensitive Lands Overlay Zone and potential geologic hazards as identified in Chapter Title 108-, Chapter 22.
 - b. If the land is located within an existing or future service area of a local water or sewer service provider, a letter of acknowledgment and conditions of future service.
 - c. A narrative from the project engineer discussing the feasibility for the mitigation of stormwater runoff.
 - ~~b.d.~~ Traffic impact analysis.
 - ~~e.e.~~ Cost benefit analysis.
 - ~~d.f.~~ Recreation facilities plan.
 - ~~e.g.~~ ~~Seasonal w~~ Workforce housing plan.
 - ~~f.h.~~ Emergency services plan including a letter of feasibility from the Weber fire district and Weber County sheriff's office.
 - ~~g.i.~~ Letter of feasibility from the electrical power provider.

h.j. Density calculation table showing proposed density calculations.

i.k. Thematic renderings demonstrating the general vision and character of the proposed development.

(e)(d) All documents submitted as part of the application shall be accompanied by a in a corresponding PDF formatted file.

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Sec 102-5-6 Rezone Procedure

(a) **Preapplication meeting; concept plan requirement.** Prior to submittal of a rezone application, the applicant shall attend a pre-application meeting in which the proposal is discussed with County planning staff. After the pre-application meeting, the Planning Director or designee may require a concept development plan to be submitted with the application. After application submittal, if no concept plan was previously required, the Planning Director or designee, the Planning Commission, or the County Commission may require a concept development plan or any other information to address emerging impacts.

(b) **Application process.** ~~When a~~ rezoning application ~~is not entitled to be reviewed until it~~ meets the requirements outlined in Section 102-5-4 of this ~~Chapter~~chapter, and ~~after when~~ the application is deemed complete by the Planning Director or designee, ~~Once complete,~~ the application ~~is entitled to will~~ be processed in the following manner:

(1) **Planning Commission review and recommendation.** Upon receiving a recommendation from staff regarding ~~an amendment to the zoning map~~ a rezone application, and after holding a public hearing pursuant to State Code, the Planning Commission shall review the ~~application amendment~~ and prepare its recommendation. The Planning Commission may recommend approval, approval with modifications, or denial of the proposed amendment, ~~and shall~~ The Planning Commission's recommendation shall then be submitted to its recommendation to the County Commission for review and decision.

(2) **County Commission review and decision.** Upon receiving a recommendation from the Planning Commission regarding ~~an amendment to the zoning map~~ a rezone application, the County Commission shall schedule and hold a public hearing to review and make a decision on the application. Following the public hearing the County Commission may approve, approve with modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to the Planning Commission's recommendation, the County Commission may, but is not obligated to, remand the ~~amendment application~~ to the Planning Commission with a request for another recommendation with additional or specific considerations.

(3) **Decision criteria.** A decision to amend the zoning map is a matter committed to the legislative discretion of the County Commission and is not controlled by any one standard. However, in making an amendment, the County Commission and Planning Commission are encouraged to consider the following factors, among other factors they deem relevant:

a. Whether the proposed amendment is consistent with goals, objectives, and policies of the County's general plan.

b. Whether the proposed amendment is compatible with the overall character of existing development in the vicinity of the subject property, and if not, consideration of the specific incompatibilities within the context of the general plan.

c. The extent to which the proposed amendment may adversely affect adjacent property.

d. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, ~~schools,~~ stormwater drainage systems, water supplies, wastewater, and refuse collection.

e. Whether the proposed rezone can be developed in a manner that will not substantially degrade natural/ecological resources or sensitive lands.

f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing below an acceptable level of service.

233 ...

234 (c) **Notice.** The first public hearing regarding the rezone shall be noticed as required by State Code, and
235 mailed to the owner of record of each ~~Parcel~~^{parcel} within 500 feet of the boundary of the area proposed
236 to be rezoned. The mailed notice shall be postmarked at least 10 calendar days prior to the first public
237 hearing.

238 **Sec 102-5-7 Approved Development Proposals**

239 After rezoning is granted, applications for development within the rezoned area shall be reviewed as
240 required by the Land Use Code. ~~The development~~^{An application for development plans} shall be consistent
241 with the approved concept development plan ~~and-or~~ development agreement, if applicable.

242 **Sec 102-5-8 Development Agreement**

243 The county commission may require an applicant, at the time of zoning approval, to enter into a zoning
244 development agreement as outlined in ~~Chapter Title 102-~~^{Chapter 6}. Any rezone that is conditioned on a
245 concept development plan requires a development agreement in order for the concept development plan
246 to govern the development.

247 **Sec 102-5-9 Rezone Expiration And Reversion**

248 (a) Unless authorized otherwise in an adopted development agreement, a rezone that is approved based
249 on a concept development plan, as provided in Section 102-5-5, shall by default expire after three years
250 of no substantial construction action toward installing the improvements depicted in the development
251 plan. For the purpose of this section, "substantial construction action" shall mean the actual installation,
252 inspection, and acceptance by the County Engineer of a subdivision or development improvement, as
253 provided in Title 106, Chapter 4.

254 (b) A request for an extension, if applicable, shall be submitted to the Planning Division in writing with a
255 new rezone fee. After receiving recommendation from the Planning Commission, the County
256 Commission may extend the rezone expiration timeframe if the County Commission determines that
257 nothing has substantially changed since the original approval that would alter the outcome of a
258 resubmittal of the same rezone application and concept development plan.

259 (c) Unless authorized otherwise in an adopted development agreement, ~~U~~^upon expiration, the zone shall
260 immediately and automatically revert back to the zone or zones that existed prior to the rezone
261 approval.

262 ~~(d) The concept plan, and the expiration and zone reversion, shall be specified in the ordinance that adopts~~
263 ~~the rezone, and the ordinance shall be recorded to the title of the property.~~

264 ~~(e)~~^(d) Nothing in this part shall be construed to limit the County Commission's legislative authority to
265 rezone the property in the future.

266 ~~(f) This section shall not affect a rezone that is not conditioned on a concept development plan.~~

267 **Sec 102-5-10 ^{Rezone of Property Disconnecting} From Incorporated Cities**

268 Properties that disconnect from incorporated cities shall submit a rezone application and fees to the county
269 planning division. Prior to any disconnection, the subject property needs to comply with its current city
270 zoning and approved site plan.

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273 **TITLE 104 ZONES**

274 **Chapter 104-1 In General**

275 **Sec 104-1-1 Establishment Of Zones**

276 For the purpose of this title, the Territory of Weber County to which this title applies is divided into classes
277 of zones as follows:

ZONE DISTRICTS	ZONE NAME
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Residential Estates Zones Residential Estates Zone	RE-15	
	RE-20	
Gravel Zone	G	
Agricultural Zones Agricultural Zone Agricultural Zone	A-1	
	A-2	
	A-3	
Agricultural Valley Zone	AV-3	
Forestry Zones Forestry Zone Forestry Zone	F-5	
	F-10	
	F-40	
Forest Valley Zone	FV-3	
Shoreline Zone	S-1	
Commercial Valley Resort Recreation Zone	CVR-1	
Residential Zone	R-1-12	
Residential Zone	R-1-10	
Forest Residential Zone	FR-1	
<u>Single-Family Residential Zones</u>	R1	<u>R1-15</u>
		<u>R1-12</u>
		<u>R1-10</u>
<u>Two-Family</u> Residential Zone	R2	
<u>Multi-Family</u> Residential Zone	R3	
Forest Residential Zones	<u>FR-1</u>	
	FR-3	

Residential Mobile/Manufactured Home Park Zone	RMHP
Residential Manufactured Home Zone	RMH-1-6
Commercial Zone, Neighborhood	C-1
Commercial Zone, Community	C-2
Commercial Zone, Regional	C-3
Commercial Valley Zone, Neighborhood	CV-1
Commercial Valley Zone, Community	CV-2
Manufacturing Zone, Light	M-1
Manufacturing Zone, Medium	M-2
Manufacturing Zone, Heavy	M-3
Manufacturing Zone, Valley	MV-1
Form-Based Zone	FB
Open Space Zone	O-1
Master Planned Development Overlay Zone	MPDOZ
Ogden Valley Sensitive Lands Overlay Zone	SLOZ
Ogden Valley Destination and Recreation Resort Zone	DRR-1
Large Solar Energy System Overlay Zone	SOZ

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Chapter 104-12 ~~Single-Family Residential Zones~~ R1, R2, and R3 ~~R-1-12, R-1-10~~

Sec 104-12-1 Purpose And Intent

(a) The purpose of the R1 zone is to provide regulated areas for Single-Family Dwelling uses at three different low-density levels. The R1 zone includes the R1-15, R1-12, and R1-10 zones. Any R-1-12 and R-1-10 zones shown on the zoning map or elsewhere in the Land Use Code are synonymous with the R1-12 and R1-10 zones, respectively.

(b) The purpose of the R2 Zone classification is to accommodate a need for moderate density residential districts incorporating both Single-Family Dwellings and Two-Family Dwellings. Any R-2 zone shown on the zoning map or elsewhere in the Land Use Code is synonymous with the R2 zone.

(c) The purpose of the R3 Zone classification is to provide residential areas that will accommodate the development of dwelling types from Single-Family Dwellings through Multiple-Family Dwellings with their associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses. Any R-3 zone shown on the zoning map or elsewhere in the Land Use Code is synonymous with the R3 zone.

~~The purpose of the R-1-12, R-1-10 Zone classification is to provide regulated areas for single-family residential use at two different low density levels.~~

Sec 104-12-2 Permitted Uses

~~The following are permitted uses in the Single-Family Residential Zones R-1-12, R-1-10:~~

- ~~1. Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.~~
- ~~2. Accessory dwelling unit, in compliance with Chapter 108-19.~~
- ~~3. Agriculture.~~
- ~~4. Church, synagogue or similar building used for regular religious worship.~~
- ~~5. Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code.~~
- ~~6. Educational institution.~~
- ~~7. Golf course, except miniature golf course.~~
- ~~8. Greenhouse, for private use only.~~
- ~~9. Home occupations.~~
- ~~10. Household pets, which do not constitute a kennel.~~
- ~~11. Parking lot accessory to uses permitted in this zone.~~
- ~~12. Public building, public park, recreation grounds and associated buildings.~~
- ~~13. Single-family dwelling.~~
- ~~14. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.~~
- ~~15. Residential facilities for persons with a disability meeting the requirements of section 108-7-13.~~

Sec 104-12-3 Conditional Uses

~~The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108, chapter 4 of this Land Use Code:~~

- ~~1. Educational/institutional identification sign.~~
- ~~2. Private park, playground or recreation area, but not including privately owned commercial amusement business.~~
- ~~3. Public utility substations.~~
- ~~4. Residential facility for elderly persons meeting the requirements of section 108-7-15.~~
- ~~5. Water storage reservoir developed by a public agency and meeting requirements of title 108, chapter 10 of this Land Use Code.~~

Sec 104-12-2 (Reserved)

Sec 104-12-3 Land Use Table

The following tables display the uses permitted, conditionally permitted, or not permitted in the these Residential Zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108, Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. A use listed is a main use, unless specifically listed as an accessory use.

(a) **Accessory uses.** An accessory use is prohibited unless located on the same Lot or Parcel as the main use to which it is accessory.

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>ACCESSORY USES</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Accessory building, when accessory and incidental to the use of a main building and when not otherwise specified in this table.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Accessory Dwelling Unit.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Title 108, Chapter 19. This use is only allowed when accessory to one Single-Family Dwelling per Lot.</u>
<u>Accessory use, when accessory and incidental to a permitted or conditional use and when not otherwise specified in this table.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Accessory uses for a cemetery, including but not limited to a mortuary, crematory, staff housing, service shop and chapel.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	
<u>Home occupation, when accessory to a residential use.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Title 108, Chapter 13.</u>
<u>Household pets, when accessory to a residential use.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Main building, which is accessory to, and designed or used to accommodate, a main use.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Parking lot, when accessory to a main use allowed in the zone.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

<u>Temporary building or use, accessory and incidental to onsite construction work typical for the area.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>The building or use shall be removed upon completion or abandonment of the construction work.</u>
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338 (b) Agricultural uses, non-animal

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>AGRICULTURAL USES, NON-ANIMAL</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Agriculture, limited.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Limited to noncommercial crop production in private or community gardens no greater than one acre.</u>

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340 (c) (Reserved)

341 (d) Commercial uses. The following are uses that typically generate customer-oriented traffic to the Lot
342 or Parcel.

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>COMMERCIAL USES</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Child day care.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	

343 ~~(a)~~(e) Institutional or governmental uses.

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>INSTITUTIONAL OR GOVERNMENTAL USES</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Cemetery.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>At least half an acre devoted to the cemetery shall be provided.</u>
<u>Church, synagogue, or similar building used for regular religious worship.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Convalescent or rest home.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	

<u>Private park, playground or recreation area.</u> Fees collected, if any, shall be devoted to operations and maintenance of the park. No commercial venture allowed.	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	A private park and related infrastructure approved as part of a subdivision or development agreement shall be a permitted use provided compliance with the standards of Title 108, Chapter 4.
<u>Public building.</u> A building used by a governmental agency, or a nonprofit entity that provides typical governmental or government-sponsored functions.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Public park,</u> recreation grounds and associated buildings.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Public school,</u> or private educational institution having a curriculum similar to that ordinarily given in public schools.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

344 (f) **Residential uses.**

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>RESIDENTIAL USES</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Dwelling, Group</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	See Section 108-7-11. No more than 24 Dwelling units allowed per Lot.
<u>Dwelling, Single-Family. A</u> Single-Family Dwelling, as defined by Title 101, Chapter 2.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Dwelling, Two-Family. A Two-Family Dwelling,</u> as defined by Title 101, Chapter 2	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	
<u>Dwelling, Three-Family. A</u> Three-Family Dwelling, as defined by Title 101, Chapter 2.	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	
<u>Dwelling, Four-Family. A Four-Family Dwelling,</u> as defined by Title 101, Chapter 2.	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	
<u>Dwelling, Multi-Family. A Multi-Family Dwelling,</u> as defined by	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	

Title 101, Chapter 2.						
Residential facility for elderly persons.	P	P	P	P	P	See Section 108-7-15.
Residential facility for handicapped persons.	P	P	P	P	P	See Section 108-7-13.
Residential facility for troubled youth.	P	P	P	P	P	See Section 108-7-14.
Short-term rental. A short-term rental.	N	N	N	N	N	See Section 108-7-11.

(g) [Utility uses.](#)

	R1			R2	R3	SPECIAL REGULATIONS
UTILITY USES	R1-15	R1-12	R1-10			
Public utility substations.	C	C	C	C	C	
Water storage reservoir, when developed by a utility service provider.	C	C	C	C	C	See Title 108, Chapter 10.

[Sec 104-12-4 \(Reserved\)](#)

[Sec 104-12-4.5 Site Development Standards](#)

The following site development standards apply to the ~~Single-Family~~ Residential Zones [R1, R2, and R3](#), unless specified otherwise in this Land Use Code ~~R-1-12, R-1-10:~~

(a) [Lot area:](#)

	R1			R2	R3	SPECIAL REGULATIONS
LOT AREA	R1-15	R1-12	R1-10			
Minimum Lot area, Single-Family Dwelling. The minimum Lot area for a Single-Family Dwelling shall be:	15,000 square feet	12,000 square feet	10,000 square feet	6,000 square feet	3,000 square feet	See alternative Lot area allowances elsewhere in this Land Use Code for cluster subdivisions, lot-averaged subdivisions, and connectivity incentivized subdivisions
Minimum Lot area, non-	NA	NA	NA	9,000	8,000	A development with multiple

<u>Single-Family Dwelling.</u> The minimum Lot area for all Dwelling s other than a Single-Family Dwelling:				<u>square feet</u>	<u>square feet</u>	<u>Dwellings per Lot shall provide the minimum Lot area per building. An additional 2,000 square feet of Lot area is required for each Dwelling Unit in excess of two per building.</u>
<u>Other main building.</u> The minimum Lot Area for a main building other than a Dwelling:	<u>15,000 square feet</u>	<u>12,000 square feet</u>	<u>10,000 square feet</u>	<u>9,000 square feet</u>	<u>8,000 square feet</u>	

(b) **Lot width:**

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>LOT WIDTH</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Minimum Lot width:</u>	<u>80</u>	<u>70</u>	<u>60</u>	<u>50</u>	<u>50</u>	<u>Unless located at least 30 feet behind the front-most part of the Dwelling, one or more front-facing garage door(s) shall have a cumulative width no greater than 18 percent of the width of the Lot.</u>

(c) **Yard setback:**

(1) **Front yard setback:**

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>FRONT YARD SETBACK</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Minimum for Single-, Two-, Three-, and Four-Family Dwelling:</u>	<u>20 feet, except 15 feet if the Lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley¹.</u>					<u>No parking area, pad, or driveway within the front setback shall be less than 20 feet deep when measured from the Front Lot Line.</u>
<u>Minimum for Multi-Family Dwelling:</u>	<u>N/A</u>				<u>15</u>	<u>Parking shall be located on the opposite side of the building than the Public Street on which the building fronts; if a Corner Lot, the predominant Public Street.</u>

¹ To qualify for the reduced setback, the Alley shall first comply with Section 106-2-2.100.

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(2) Side yard setback:

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>SIDE YARD SETBACK</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Minimum for Dwellings other than multi-family Dwellings:</u>	<u>5 feet on one side, 10 feet on the other.</u>			<u>5 feet</u>		<u>Both sides may be 5 feet if the Lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley¹. No parking area, pad, or driveway shall be provided within the 15-foot front setback.</u>
<u>Minimum for Multi-Family Dwelling:</u>	<u>N/A</u>			<u>NA</u>	<u>8 feet²</u>	<u>Parking shall be located on the opposite side of the building than the Public Street on which the building fronts; if a Corner Lot, the predominant Public Street.</u>
<u>Minimum for other main building:</u>	<u>20 feet</u>			<u>20 feet</u>		
<u>Minimum for side fronting street on Corner Lot:</u>	<u>15 feet</u>					
<u>Minimum for accessory building:</u>	<u>Same as main building, except 1 foot if located at least 6 feet in rear of main building.</u>					<u>If an accessory building greater than 1000 square feet, see Section 108-7-16 for side setback requirements.</u>

¹ To qualify for the reduced setback, the Alley shall first comply with Section 106-2-2.100.

² This shall be increased to 18 feet for a side adjacent to a Lot that has an existing Single-, Two-, Three-, or Four-Family Dwelling.

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(3) Rear yard setback:

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>REAR YARD SETBACK</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Minimum rear yard setback for main building:</u>	<u>30 feet</u>			<u>20 feet</u>		
<u>Minimum rear yard setback for accessory</u>	<u>1 foot, except 10 feet when on a corner Lot and</u>					<u>The entrance of an Alley-facing garage, carport, or</u>

<u>building:</u>	<u>adjacent to the adjoining Lot's front-yard.</u>		<u>similar shall be setback from the Alley right-of-way no less than 15 feet.</u>
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(d) Building height:

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>BUILDING HEIGHT</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Minimum building height for main building:</u>	<u>1 story</u>					
<u>Maximum building height for main building</u>	<u>35 feet</u>					
<u>Maximum building height for accessory building:</u>	<u>25 feet</u>					<u>See Section 108-7-16 for an accessory buildings over 1,000 sq. ft.</u>

(e) Lot coverage:

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>LOT COVERAGE</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Maximum percent of Lot coverage by buildings:</u>	30 percent	<u>Not applicable</u>		<u>40 percent</u>		

(f) Floor to area ratio:

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>Floor to area ratio</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Maximum ratio of total floor-area of buildings to Lot area:</u>	<u>N/A</u>			<u>1:1</u>		

Residential Zones	<u>R-1-15</u>	<u>R-1-12</u>	<u>R-1-10</u>
Minimum lot areas (in-	<u>15,000</u>	<u>12,000</u>	<u>10,000</u>

square feet)			
Minimum lot width	60 feet	90-60 feet	80-60 feet
Minimum yard setbacks (in feet)			
Front	30 feet	30 feet	20 feet
Side			
Dwelling with total width not less than		10 feet	10 feet
		24 feet	24 feet
Other main bldg. each side		20 feet	20 feet
Accessory bldg.		10 feet	10 feet
Exception: Where located at least 6 feet from rear of main building or 60 feet back from the front lot lines, 1 foot, but not closer than 10 feet to dwellings on adjacent lots.			
Side-facing street on-corner lot		20 feet	20 feet
Exception: Average of existing buildings where 50 percent frontage is developed but not less than 15 feet			
Rear			
Main building		30 feet	20 feet
Accessory building		10 feet	10 feet
Main building height			
Minimum		Same for all zones:	1-story
Maximum			35 feet
Accessory building height		25 feet, unless meeting requirements of section-108-7-16, Large accessory buildings.	

Sec 104-12-5 Sign Regulations

The height, size and location of the following permitted signs shall be in accordance with the regulations set forth in this Land Use Code:

1. ~~Business sign for legal nonconforming commercial and industrial uses.~~
2. ~~Identification and information.~~
3. ~~Nameplate.~~

4. ~~Property.~~

5. ~~Service.~~

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Chapter 104-15 (Reserved) Two-Family Residential Zone R-2

Sec 104-15-1 Purpose And Intent

~~The purpose of the R-2 Zone classification is to accommodate a need for moderate density residential districts incorporating both single-family and two-family dwelling units.~~

Sec 104-15-2 Permitted Uses

~~The following uses are permitted in the Two-Family Residential Zone R-2:~~

- ~~1. Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.~~
- ~~2. Accessory dwelling unit, in compliance with Chapter 108-19.~~
- ~~3. Agriculture.~~
- ~~4. Bachelor and/or bachelorette dwelling with 24 or less dwelling units.~~
- ~~5. Church, synagogue or similar permanent building used for regular religious worship.~~
- ~~6. Educational institution.~~
- ~~7. Golf course, except miniature golf course.~~
- ~~8. Greenhouse for private use only.~~
- ~~9. Group dwelling with 24 or less dwelling units in accordance with section 108-7-11 of this Land Use Code.~~
- ~~10. Home occupations.~~
- ~~11. Household pets.~~
- ~~12. Parking lot accessory to uses permitted in this zone.~~
- ~~13. Public building, public park, recreation grounds and associated buildings.~~
- ~~14. Residential facility for handicapped persons meeting the requirements of section 108-7-13.~~
- ~~15. Residential facility for elderly persons meeting the requirements of section 108-7-15.~~
- ~~16. Single-family dwelling.~~
- ~~17. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.~~
- ~~18. Two-family dwelling.~~

Sec 104-15-3 Conditional Uses

~~The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108, chapter 4 of this Land Use Code.~~

- ~~1. Cemetery with customary incidental uses including, but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.~~
- ~~2. Educational/institutional identification signs.~~
- ~~3. Private park, playground, or recreation area, but not including privately owned commercial amusement business.~~
- ~~4. Public utility substations.~~
- ~~5. Water storage reservoir developed by a public agency and meeting requirements of title 108, chapter 10 of this Land Use Code.~~

Sec 104-15-4 Site Development Standards

~~The following site development standards are applicable in the Two-Family Residential Zone R-2:~~

Minimum lot area
One-building dwelling

Single-family	6,000 square feet
Two-family or other main building	9,000 square feet
Minimum lot width	60 feet
Minimum yard setbacks	
Front	25 feet, except average of existing dwellings where 50 percent frontage is developed, but not less than 20 feet
Side	
Main building	8 feet with total width of two required yards of: One building: not less than 18 feet for single-family dwelling or two-family dwelling, and 20 feet each side for other main building
Accessory building	8 feet, except one foot if located at least six feet from rear of main building, but not closer than eight feet to dwelling on adjacent lot
Side facing street on corner lot	20 feet, except average of existing buildings where 50 percent frontage is developed, but not less than 15 feet
Rear	
Main building	30 feet
Accessory building	1 foot, except 8 feet where accessory building rears on side yard of adjacent corner lot
Main building height	
Minimum	1 story
Maximum	35 feet
Accessory building height	25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings

Sec 104-15-5 Sign Regulations

The height, size and location of the following permitted signs shall be in accordance with the regulations set forth in this Land Use Code:

1. ~~Business sign for legal nonconforming commercial and industrial uses.~~
2. ~~Identification and information.~~
3. ~~Nameplate.~~
4. ~~Property.~~

5. ~~Service.~~

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Chapter 104-16 (Reserved) Multiple-Family Residential Zone R-3

Sec 104-16-1 Purpose And Intent

The purpose of the R-3 Zone classification is to provide residential areas that will accommodate the development of dwelling types from single-family through multiple-family units with their associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses.

Sec 104-16-2 Permitted Uses

The following uses are permitted in the Multiple-Family Residential Zone R-3:

1. ~~Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.~~
2. ~~Accessory dwelling unit, in compliance with Chapter 108-19.~~
3. ~~Agriculture.~~
4. ~~Bachelor and/or bachelorette dwelling with 24 or less dwelling units.~~
5. ~~Church, synagogue or similar permanent building used for regular religious worship.~~
6. ~~Educational institution.~~
7. ~~Golf course, except miniature golf course.~~
8. ~~Greenhouse for private use only.~~
9. ~~Group dwelling with 24 or less dwelling units in accordance with section 108-7-11.~~
10. ~~Home occupations.~~
11. ~~Household pets.~~
12. ~~Library or museum, public or nonprofit.~~
13. ~~Multiple-family dwelling with 24 or less dwelling units.~~
14. ~~Parking lot accessory to uses permitted in this zone.~~
15. ~~Public building, public park, recreation grounds and associated buildings.~~
16. ~~Residential facility for handicapped persons meeting the requirements of section 108-7-13.~~
17. ~~Residential facility for elderly persons meeting the requirements of section 108-7-15.~~
18. ~~Single family dwelling.~~
19. ~~Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.~~
20. ~~Two-family dwelling.~~

Sec 104-16-3 Conditional Uses

The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108 of this Land Use Code.

1. ~~Bachelor and/or bachelorette dwelling with 25 or more dwelling units.~~
2. ~~Cemetery with customary incidental uses including, but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.~~
3. ~~Day care center.~~
4. ~~Educational/institutional identification signs.~~
5. ~~Group dwellings with 25 or more dwelling units in accordance with section 108-7-11 of this Land Use Code.~~
6. ~~Multiple-family dwelling with 25 or more dwelling units.~~
7. ~~Nursing home.~~
8. ~~park, playground, or recreation area, but not including privately owned commercial amusement business.~~
9. ~~Public utility substations.~~
10. ~~Water storage reservoir developed by a public agency and meeting requirements of title 108, chapter 10 of this Land Use Code.~~

Sec 104-16-4 Site Development Standards

Minimum lot area	
One-building dwelling	
Single-family	6,000 square feet
Two-family or other main-building	8,000 square feet
Multiple family	8,000 square feet plus 2,000 square feet for each unit in excess of two
Bachelor or bachelorette	Same as above plus 1,000 square feet for each dwelling unit
Group dwelling	8,000 square feet for each building plus 2,000 for each dwelling unit in excess of two in each building; bachelor or bachelorette same as above plus 1,000 square feet for each occupant in excess of four in each dwelling unit
Other main building	8,000 square feet for nursing home and additional 750 square feet for each guest or patient accommodations in excess of four
Minimum lot width	60 feet
Minimum yard setbacks	
Front	25 feet, except average of existing dwellings where 50 percent frontage is developed, but not less than 20 feet
Side	
Main building	8 feet with total width of two required yards of not:
One building	Less than 18 feet dwelling and plus one foot each side for each one-foot main group dwelling building is over 35 feet high
Other main building	20 feet each side plus one foot for each one foot building is over 35 feet high
Accessory building	8 feet except one foot if located at least six feet from rear of main building but not closer than eight feet to dwelling on adjacent lot
Side facing street on corner lot	20 feet, except average where corner lot 50 percent frontage is developed, but not less than 15 feet
Rear	

Main building	30 feet
Accessory building	1 foot, except eight feet where accessory building rears on side yard of adjacent corner lot
Main building height maximum	35 feet
Accessory building height	25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings
Lot coverage	No building or group of buildings with their accessory buildings shall cover more than 40 percent of the lot area
Open green space	At least 40 percent
Special regulations	In no case shall the ratio of total floor area in the building to the total lot area exceed 1:1

Sec 104-16-5 Sign Regulation

The height, size and location of the following permitted signs shall be in accordance with the regulations set forth in title 110, chapter 1 of this Land Use Code:

1. ~~Business sign for legal nonconforming commercial and industrial uses.~~
2. ~~Identification and information.~~
3. ~~Nameplate.~~
4. ~~Property.~~
5. ~~Service.~~

TITLE 106 SUBDIVISIONS

Chapter 106-1 General Provisions

Sec 106-1-8 Final Plat Requirements and Approval Procedure

Sec 106-1-8.010 Final Plat Required

Sec 106-1-8.020 Final Plat Requirements

The following are requirements for final plat consideration:

- (b) ***Plat notes required.*** The following plat notes shall be placed on every page of the final plat, when applicable:

- (1) ***Boundary and corners note.*** A note on the plat shall indicate the subdivision boundary and the lot ~~lot~~ Lot corners are set as required by state code and county ordinances.

- (2) **Hillside development plat note.** Pursuant to Section 106-2-4.010, a ~~Lot~~ that has an average percent of slope that is greater than 25-percent shall provide the following on the final plat:
- ~~Buildable area.~~ If the lot provides a ~~Buildable Area~~, as defined in Title 101, Chapter 2, ~~the~~ Buildable Area shall be delineated on the final plat by short dashed lines.
 - ~~A restricted area, if applicable.~~ The ~~restricted~~ area shall be labeled as "~~buildable-restricted~~ area. See note [enter note number here]." The note shall read as follows: "A Lot with a delineated "~~restricted~~ area" shall ~~only not~~ allow buildings within the designated ~~buildable restricted~~ area."
 - ~~Restricted lot.~~ If a lot is a ~~restricted lot~~, the letter "R" shall be placed immediately to the right of the lot number. The lot shall be labeled as "~~Restricted lot. See note [enter note number here].~~" The note shall read as follows: "A lot labeled with the letter "R" after the lot number is a restricted lot because it has an average percent of slope greater than 25-percent. Development thereon is subject to a hillside development review pursuant to the provisions of Title 108, Chapter 14."
- ~~(3)~~
- ~~(4)~~(3) **Agricultural uses plat note.** A subdivision located in an Agriculture A-1, A-2, A-3, or AV-3 Zone shall have the following plat note: "Agriculture is the preferred use in the agricultural zones. Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any time including the operation of farm machinery and no allowed agricultural use shall be subject to restriction on the basis that it interferes with activities of future residents of this subdivision."
- ~~(5)~~(4) **Lot-averaged subdivision plat note.** A lot-averaged subdivision shall have the following plat note: "For each zone in this subdivision, the average area and average width of ~~Lot~~lots within the zone equal or exceed the minimum area and minimum width allowed in the zone. A subdivision amendment within any part of the overall subdivision boundary shall comply with Section 106-2-4.020 of the Weber County Code."
- ~~(6)~~(5) **Connectivity-incentivized subdivision plat note.** A connectivity-incentivized subdivision shall have the following plat note: "This subdivision was allowed flexible ~~Lot~~lot area ~~Area~~ and width in exchange for superior street connectivity. A subdivision amendment within any part of the overall subdivision boundary shall comply with Section 106-2-4.030 of the Weber County Code."
- ~~(7)~~(6) **Moderate income housing or workforce housing plat note.** Pursuant to Section 104-27-6 ~~or Section 104-22-12~~, a ~~Lot~~lot or unit set aside for moderate-income housing ~~or workforce housing~~ shall have a plat note explaining the nature of the housing restriction and the method by which occupancy and moderate-income ~~or workforce~~ affordability will be regulated.
- ~~(8)~~(7) **Privately operated and maintained street or shared private lane plat note.**
- ~~Private Street.~~ A ~~parcel~~Parcel dedicated to the county but intended for a privately operated and maintained street, pursuant to Section 106-2-2.020~~4(b)~~, shall be labeled as "Privately operated and maintained street. See note [enter note number here]." The note shall read as follows: "Use of a street labeled as "Privately operated and maintained street" is reserved for the exclusive and private use of the adjoining ~~Lot~~lot owners until and unless the governing body assumes public responsibility for the street."
 - ~~a.b.~~ **Shared private lane.** A shared private lane, pursuant to Section 106-2-2.030, shall be labeled as "Shared private lane." If the shared private lane is temporarily in lieu of a street, then it shall be labeled as "Shared private lane. See note [enter note number here]." The note shall read as follows: "The shared private lane is also an easement held in favor of the County for possible conversion to a Public Street at a time the County deems it appropriate, if ever."
- (8) **Alley operations and maintenance plat note.** Pursuant to Section 106-2-2.100, an Alley shall be labeled as "Public Alley, see note [enter note number here]." The note shall read as follows: "An Alley is a dedicated public thoroughfare, but the operations and maintenance is the collective and equitable responsibility of all landowners whose Lots and Parcels and/or parking areas gain access from it."
- (9) **Landscaping and watering restrictions plat note.** Pursuant to Section 106-4-2.010, a ~~Lot~~lot that will have landscaping and watering restrictions shall have a note placed on the final recorded plat that generally explains the landscaping and watering restrictions per ~~Lot~~lot, and references the

recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.010, if applicable.

- (10) **Substitute monuments plat note.** Pursuant to Section 106-4-2.110, substitute monuments, when used, shall be noted on the subdivision plat and must be durably and visibly marked or tagged with the registered business name or the letters "P.L.S." followed by the registration number of the surveyor in charge.

- (11) **Outdoor lighting in a cluster subdivision plat note.** Pursuant to Section 108-3-8, a cluster subdivision plat shall contain a note stating that all Lotlets in the subdivision are required to comply with the outdoor lighting requirements of Title 108, Chapter 16.

- (12) **Natural hazard report disclosure plat note.** If any Lotlet in the subdivision is in a natural hazard study area, a note shall be placed on the subdivision plat as provided in Section 108-22-4.

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Sec 106-1-8.030 Final Plat Approval Process

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Sec 106-1-8.040 Final Plat Recordation

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Chapter 106-2 Subdivision Standards

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Sec 106-2-2 Street Standards

Sec 106-2-2.010 ~~Streets Generally~~ Public Street Requirement

~~Public street requirement.~~ The standard method of ensuring ease of access, efficient mobility, reduced response time for first responders, effective emergency management, strong neighborhood relationships through interconnectivity, and a more equitable means of access to community opportunities, is by requiring ~~Public Streets~~ public streets and ~~Public Street~~ public street connectivity at the time new development is proposed. As such, the default requirement for each subdivision Lotlet is to provide ~~Lotlet frontage~~ Frontage on a street dedicated to the County as a public right-of-way and thoroughfare.

- (a) **Public ~~S~~street dedication.** Each street in a subdivision shall be dedicated to the county as a ~~Public Street~~ public street, except when a ~~Private Street~~ private street is allowed or required as provided in this section.

- (b) **Standard street cross-sections.** All proposed ~~Public Streets~~ public streets shall conform to the county street cross-section standards, unless explicitly specified otherwise.

Sec 106-2-2.020 Private Street Option

~~Private street option.~~ The provisions of Section 106-2-2.010 notwithstanding, ~~in~~, the County, and in some cases the applicant, may find benefit from a street being temporarily or permanently private. In those cases, the Land Use Authority may require or an applicant may volunteer a proposed street to be privately owned or privately operated and maintained. Development of or along a ~~Private Street~~ private street shall comply with the following:

- (a) **No entitlement.** An applicant is not entitled to make a street private. The Land Use Authority has full discretion, subject to the regulations herein, to allow or require a street to be private.

- (b) **Prohibition.** A ~~Private Street~~ private street shall not be allowed if:

- (1) It creates a hardship for other landowners in the area to ~~provide~~ access ~~and to~~ develop their land ~~in accordance with the provisions of this Land Use Code~~, or

- (2) A ~~Public Street~~ public street is needed in the location of the ~~proposed Private Street~~ private street, as determined by the Land Use Authority.

~~(2)~~(3) It is in the Western Weber Planning Area and is not a permanently terminal street, as provided in Subsection (g) of this section.

(c) **Responsibility for construction.** The applicant shall pay for and construct the ~~Private Street~~private street.

(d) **Ownership.** The final plat shall dedicate the land under the ~~Private Street~~private-street to the County for the purpose of future conversion to a ~~Public Street~~public-street at a time the governing body determines a ~~Public Street~~public-street is necessary, if ever.

(1) **Street-Parcel dedication waiver.** The Land Use Authority may waive this requirement if development or further development on adjacent ~~lots~~ or ~~parcels~~-Parcels to which the street could be extended is extremely unlikely, or to which future public access offers very little public benefit, or future development benefit, as determined by the Land Use Authority.

a. **No Sstreet-Bblock waiver.** A street needed to satisfy the ~~Street-Block~~street-block requirements of Section 106-2-3 is not eligible for this waiver unless there is no way in which that street can be configured in the subdivision to support the creation of the ~~street~~Street-blockBlock.

b. **Pathway in lieu waiver.** In circumstances where current or future public access by vehicle is unwarranted, the Land Use Authority may grant a waiver and in lieu require the dedication and installation of a 12-foot wide public easement and pathway or trail connection. The minimum pathway or trail design shall provide for either a 10-foot wide hard-surface pathway with a maximum average grade of 10 percent, or a single-track dirt trail with a maximum average grade of 18 percent.

c. **Waiver requires joint ownership.** If a waiver is granted, the street-Parcel shall be held in joint ownership of the owners of all ~~Lot~~lots that gain access from it.

(2) **Street-Parcel configuration.** The ~~Parcel~~parcel being dedicated to the county shall be the length of the ~~Private Street~~private-street and extend to adjacent developable land or another street regardless of whether the ~~Private Street~~private-street infrastructure does. The ~~Parcel~~parcel shall be the same width required for a ~~Public Street~~public-street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.

(3) **Transfer of street-Parcel.** If adjacent ~~Parcel~~parcels to which the ~~Private Street~~private-street could connect reach full build-out or otherwise change in a manner that renders a future ~~Public Street~~public-street connection extremely unlikely, or if future public access to those ~~Parcel~~parcels offers very little public benefit, the county, at its sole option, may transfer the land, in accordance with all legal requirements, to the joint ownership of the owners of all ~~Lot~~lots that gain access from it.

(e) **Operation, maintenance, and use.** Except after the county assumes responsibility for the street, if ever, the operations and maintenance of the installed ~~Private Street~~private-street improvements shall be the sole responsibility of the owners of each ~~Lot~~lot gaining access from the ~~Private Street~~private street. The Land Use Authority may allow these owners to restrict access to the street by the general public, except county officials conducting official county business on a county-owned street-Parcelparcel.

(f) **Building setback standards.** The minimum building setbacks shall be measured from the boundary of the county-owned street-Parcelparcel.

(g) **Private sStreet required.** Unless the County Engineer or the Land Use Authority authorizes otherwise based on the public benefit outweighing the long term operations and maintenance expense, a ~~Public Street~~public-street is not allowed in the following circumstances:

(1) **Permanent terminal street.** A non-temporary terminal street;

(2) **Geologic hazards.** A street that traverses a geologic hazards study area shall be a ~~Private Street~~private-street, unless the hazards study, as required by ~~Chapter Title 108, Chapter 22~~, provides compelling evidence that demonstrates the hazard risk to a ~~Public Street~~public-street is low.

- (h) **Construction standards.** Unless otherwise required by the local Fire Authority or County Engineer, a Private Street~~private street~~ shall be constructed to Public Street~~public street~~ standards.
- (i) **Plat notes.** On the final plat, the county-owned street-Parcel~~parcel~~, where applicable, shall be labeled and noted as required by Section 106-1-8.020.
- (j) **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides that:
- (1) The owners of all Lot~~lots~~ that gain access from the Private Street~~private street~~ are solely and equally responsible for operations and maintenance of the street.
 - (2) If applicable, that by purchasing a Lot~~lot~~ that gains access from a Private Street~~private street~~, the owner acknowledges that the street-Parcel~~parcel~~ is owned in fee by the governing body for possible future Public Street~~public street~~ purposes, but that the governing body assumes no responsibility or liability for the street or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.
 - (3) The owner is responsible for disclosing the nature of the street to prospective purchasers, renters, or lessees.
 - (4) The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational Public Street~~public street~~ standards at the time the governing body assumes responsibility for it; and agrees to not protest the creation of a special assessment area or other similar revenue generating mechanism the governing body deems necessary to bring the Private Street~~private street~~ to operational Public Street~~public street~~ standards.

Sec 106-2-2.030 Shared Private Lane (Reserved)

Shared private lane. Unless specified otherwise in this section a shared private lane is only allowed in locations where a street or street connection is not otherwise required or planned as provided in the applicable general plan, and where its placement will not violate the applicable Street-Block requirement of Section 106-2-3. Construction of a shared private lane is a subdivision improvement requirement and shall comply with the relevant sections of Title 106, Chapter 4 of this Land Use Code.

- (a) **Shared private lane design, configuration, and construction requirements.** A shared private lane shall be:
- (1) Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum improved surface width of 20 feet. A greater right-of-way width may be required by the County Engineer for a cross-slope easement.
 - (2) Configured and constructed so that any curve will safely facilitate the turning radius and weight of the Fire Authority's largest fire apparatus.
 - (3) Constructed of all-weather material, have a grade of no greater than ten percent, a clearance no less than 14 and a half feet. In a development with an average density that is greater than one unit per acre, the lane shall be hard-surfaced.
 - (4) Be on a Parcel that is held in common ownership by a homeowner's association that governs the Lots that gain access therefrom, or be an easement recorded in favor of the owners of all Lots that gain access therefrom.
 - (5) If terminal, the shared private lane shall be no longer than
 - a. 200 feet in the Western Weber Planning Area, and provide access to no more than seven Dwelling Units.
 - b. 600 feet in the Ogden Valley Planning Area, and provide access to no more than 15 Dwelling Units. However, if longer than 200 feet in length it shall be designed with a fire apparatus turn-around approved by the local fire authority at the end.
- (b) **Shared private lane temporarily in lieu of street.** As long as development on other properties in the general area to which a street could extend is not imminent, a private lane may be installed in place of

a required public or Private Street, and in the Ogden Valley it may be longer than 600 feet in length, under the following circumstances:

(1) **No interruption of street connectivity.** Doing so shall not disrupt the orderly build-out or inhibit the future street connectivity of the area.

(2) **Compliance with general plan.** It shall not be contrary to the General Plan's recommendations that are specifically applicable to the area.

(3) **Easement required.** With the final plat, an easement shall be given over the shared private lane to Weber County for the purpose of reserving an area that can become a future Public Street right-of-way at a time the governing body determines that a Public Street is necessary, if ever.

a. The easement being dedicated to the county shall be the length of the Private Street and extend to adjacent developable land or another street regardless of whether the Private Street infrastructure does.

b. The easement shall be the same width required for a Public Street right-of-way, and be configured at a grade that will not create an unreasonable burden for future street-building and connectivity given typical grading and construction methods.

(4) **Operation, maintenance, and use.** The operations and maintenance of the shared private lane shall be the sole responsibility of the owners of each Lot gaining access from it.

(5) **Building setback standards.** The minimum front building setback shall be 33 feet greater than otherwise required, and shall be measured from the centerline of the shared private lane.

(6) **Plat note.** On the final plat, the area of the county-owned easement shall be labeled and noted as required by Section 106-1-8.020.

(7) **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to run with the land that provides for the following:

a. The owners of all Lots that gain access from the shared private lane are solely and equally responsible for operations and maintenance of the lane.

b. If applicable, that by purchasing a Lot that gains access from a Shared Private Street, the owner acknowledges that the lane easement is owned by the governing body for possible future Public Street purposes, but that the governing body assumes no responsibility or liability for the lane or for the uses thereof or thereon until and unless, if applicable, the governing body assumes responsibility for it.

c. The owner is responsible for disclosing the nature of the lane to prospective purchasers, renters, or lessees.

d. The landowner of record or authorized representative agree to pay a proportionate amount of the costs associated with improving or restoring the street to operational Public Street standards at the time the governing body assumes responsibility for it; and agrees to not protest the creation of a special assessment area or other similar revenue generating mechanism the governing body deems necessary to bring the shared private lane to operational Public Street standards.

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Sec 106-2-2.040 Terminal Streets

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Sec 106-2-2.2050 Arterial And Collector Streets

(a) Unless specified otherwise in this Land Use Code, an ~~a~~Arterial or Collector Street~~collector-street~~ shall be dedicated to conform to the right-of-way width designated ~~on~~in the general plan, master street plan, capital improvement or facilities plan, impact fee facilities plan, development agreement, or similar adopted planning or street design document. Setback from an Arterial and Collector Street shall be in compliance with Section 108-7-10.

~~(a)(b)~~ Both Arterial and Collector Streets are limited access streets. Subdivisions shall be designed to avoid providing Lots direct access from an Arterial or Collector Street, wherever possible. If a subdivision cannot be designed to avoid providing a Lot access directly from an Arterial or Collector Street, then access to the Lot shall follow the access provisions of Section 108-7-29. Residential access may be gained from the Arterial or Collector Street by sharing another previously existing residential access.

...
Sec 106-2-2.060 (Reserved)

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Sec 106-2-2.070 (Reserved)

...
Sec 106-2-2.080 Street Cross Sections and Design

(a) **Street cross section design.** A proposed new street or street extension shall comply with the standards and specifications provided in Section 106-4-5 of this Land Use Code, as shall half of an existing street adjacent to the ~~Lot~~lots in the subdivision, if applicable. The County Engineer is authorized to require the applicant to make offsite improvements on streets in the area if the impact of the subdivision on those streets necessitates the improvements. In the FB Zone, street design shall comply with the specific standards therein.

(b) **Development on a substandard street.** Development on a substandard street shall comply with the provisions of Section 108-7-19.

~~When an applicant is proposing a lot or lots that will gain access from a substandard street, or from a terminal street or terminal street route that is substandard at any point leading to the lot or lots, the applicant can either choose to bring the street to the applicable standard or the following provisions shall apply:~~

~~Paying proportionate share. As part of a "project improvement," as defined in UCA 11-36a-102, the applicant shall pay the cost of a proportionate share of street design, street improvements, and, if applicable, street right-of-way acquisition to bring that street into or closer to compliance with County standards. The cost of the proportionate share shall be determined as follows:~~

~~Engineer's cost estimate. Estimate the cost to improve the street to County standards from the point it becomes substandard to the furthest extent of the applicant's subdivision along the street, in compliance with the following:~~

~~This shall be furnished by the applicant in the form of an engineer's cost estimate. The estimate shall use up-to-date market costs for engineering and design, surveying, construction material, labor, and any other expense necessary to improve the street to County standards. The added expense of an intersection or other street component that is not related to providing a standard street to the applicant's subdivision shall be excluded from the calculation;~~

~~The County Engineer may require the applicant to furnish engineered drawings of the street and an itemized cost estimate in order to substantiate the estimated cost;~~

~~The County Engineer has the discretion to adjust the cost estimate for inflation or market fluctuations during the duration of construction of the applicant's obligations; and~~

~~A subdivision improvement that is required of the applicant by the Land Use Code regardless of the condition of the street shall not be included in this calculation, and shall be provided as otherwise required by this Title.~~

~~Determine street's buildout potential. Find the sum of the estimated number of lots expected along the street at buildout, plus the applicant's proposed number of lots, as follows:~~

~~Measure the length of the substandard street or street route from the point it becomes substandard to the furthest extent of the applicant's subdivision along the substandard street or street route;~~

~~Determine the estimated number of lots expected along the street at buildout by dividing the length of the street, the result of Subsection (b)(1)b.1., by the standard minimum lot width of the zone, as found in Title 104 of this Land Use Code. Do not use alternative lot widths, such as those allowed in a cluster subdivision or a lot-averaged subdivision, even if the applicant's subdivision has them; then~~

~~Combine the estimated number of lots expected along the street at buildout, the results of Subsection (b)(1)b.2. with the applicant's proposed number of subdivision lots.~~

~~Final proportionate share calculation. Divide the cost to improve the street or street route to County standards, the result of Subsection (b)(1)a. by the sum of the estimated number of lots expected along the street at buildout plus the applicant's proposed number of lots, the results of Subsection (b)(1)b. Required improvements, escrow, and allowed deferral. The County Engineer shall:~~
~~Required improvements. Require the applicant to make improvements to the substandard street or street route in an amount up to but not exceeding the applicant's cost of the proportionate share, as determined herein. The County Engineer has full authority and discretion to determine what improvements are required of the applicant;~~
~~Escrow. Require this cost to be deposited with the County for the County to add a street's needed improvements into scheduled road maintenance and improvements; or~~
~~Deferral. If the County Engineer determines that the funds that would be made available are insufficient to provide meaningful project improvements along the substandard street or street route, he may allow a substandard road agreement in lieu of the project improvements required in this section. In this case, all owners having interest in the new subdivision shall execute a substandard road agreement and notice to new owners. The content of the substandard road agreement and notice shall be as specified by the county. At a minimum, it shall:-~~
~~Explain that the new subdivision has only a single street access connecting it to the greater interconnected public street network, and the single street access is not built to the minimum design and safety standards adopted by the County;~~
~~Require a deferral agreement that specifies that the owners or successors and heirs are responsible, at a time the governing authority deems it necessary, to pay for their proportionate share of improving the parts of the single access street route that do not conform to County standards;~~
~~Allow the governing authority, at its option, to withhold any written protest filed by the owners or their successors or heirs under the State Code's Assessment Area Act, Provisions For Local Districts, or any similar government revenue generation mechanism, from the final tally of collected protests, provided that the revenue generated by the mechanism is used to improve access to the subdivision; and~~
~~Be recorded to the property at the time of subdivision recordation or sooner.~~

...

Sec 106-2-2.090 Street Grades

Except ~~where due to~~ for rare and special circumstances, street grades over sustained length shall not exceed the following percentages: on ~~major public streets~~ Arterial Streets, eight percent; on ~~C~~ collector Streets, ten percent; on ~~minor streets~~ Major and Minor Neighborhood Streets, 12 percent; on Private Street or Shared Private Lane ~~private streets~~, where allowed by this Land Use Code, 15 percent. All street grades shall be reviewed and approved by the ~~county Local Fire Authority~~ fire district and ~~county engineer~~ County Engineer.

...

Sec 106-2-2.100 Alleys

(a) Alleys shall have a minimum width of 20 feet unless specified otherwise in this Land Use Code or the Local Fire Authority.

(b) An Alley shall be provided snow storage areas abutting the Alley of sufficient size and configuration to easily accommodate the Alley's snow storage needs, as determined by the County Engineer.

(c) An Alley shall be dedicated for public use, as provided in Section 106-7-1, but the operations and maintenance of the Alley shall be the collective and equitable responsibility of all landowners whose Lots, Parcels or parking areas gain access from it.

(d) A note shall be placed on the final subdivision plat as provided in Section 106-1-8.020. An association of owners may be created to specify the details of the management thereof.

~~Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the planning commission.~~

Sec 106-2-2.110 Protection Strips

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Sec 106-2-4 Lot Standards

Sec 106-2-4.010 Lot Standards Generally

- (a) **Lot configuration.** The ~~Lot~~ arrangement and design shall provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future development conditions. The applicant shall demonstrate that each Lot intended for a building or other site improvements is buildable.
- (b) **Lot size and exceptions.** Unless specifically allowed otherwise in this Land Use Code or a development agreement, All Lots shown on the subdivision plat must conform to the minimum area and width requirements of the Land Use Code for the zone in which the subdivision is located, as provided in the applicable zone pursuant to Title 104 of this Land Use Code. ~~However, the following are exceptions to this requirement:~~
- ~~**Variance.** When otherwise permitted by the granting of a variance by the board of adjustment as authorized by the Land Use Code.~~
- ~~**Cluster subdivision or master planned development.** When in accordance with the cluster subdivision or master planned development provisions of this Land Use Code.~~
- ~~**Septic system and wellhead protection.** When required by the local health department as being the minimum area necessary for septic tank disposal and water well protection if greater than the above area requirements.~~
- (c) **Lot frontage.** Each ~~Lot~~ shall have frontage on a street or shared private lane that meets County standards, unless specifically provided otherwise in this Land Use Code. A ~~Lot~~ having double frontage is prohibited unless the rear of the ~~Lot~~ is abutting a collector or Arterial street, or a street planned to become a collector or Arterial street, or extreme topography makes other design inappropriate, as determined by the County Engineer. If allowed, the rear ~~Lot~~ Line of a ~~double~~ Double ~~frontage~~ Frontage lot-Lot shall be labeled as "no access allowed."
- (d) **Side ~~Lot~~ Lines.** Side lines of ~~Lots~~ shall be approximately at right angles, or radial to the street line, from the street line to at least the minimum required building setback.
- (e) **Flag Lot.** A Flag Lot shall comply with the following provisions:
- (1) **Area.** Regardless of any other alternative Lot Area provision of this Land Use Code, the area of the Lot shall be no less than twice the minimum Lot Area required by the zone, as specified in Title 104, but need not exceed three acres in a zone that has a minimum Lot Width less than three acres. A Flag Lot in a zone that has a minimum Lot Width of three acres or greater shall comply with the minimum Lot Width of the zone, as specified in Title 104.
- (2) **Avoiding street requirement not allowed.** Unless otherwise allowed in this Land Use Code, a Flag Lot shall not be allowed if it avoids the installation of a street contemplated by this Land Use Code, an adopted general plan, master transportation plan, development agreement, or other adopted document intended to govern the placement, connectivity, or creation of a street or Street-Block.
- (3) **Access.**
- a. Each Flag Lot shall gain access to a street by means of its own fee title access strip (the flag's staff). Successive stacking of Lots on the same access strip is not permitted.
- b. No access strip shall exceed 800 feet in length.
- ~~a.c.~~ A maximum of two Flag Lot access strips may be located adjacent to each other.
- d. The access strip shall be configured in a manner that has the ability to support a future street if one is ever needed. The access strip shall be no less than 60 feet wide and extend from the street or shared private lane to the furthest extent of the Lot. This may be reduced to 30 feet if two Flag Lot access strips are adjacent to each other.
- e. The access strip shall be denoted on the plat as the access strip to the Flag Lot, and the Lot's front shall be determined as facing this access strip. The front setback shall be measured from the access strip.

f. A Flag Lot may be platted as long as an easement is platted over the entirety of the access strip in favor of the County for the purpose of creating a Public Street at a time the governing body determines a Public Street is necessary, if ever. However, the future street easement is not required in the following circumstances:

1. The adjacent area to which a future street could otherwise be extended is built-out such that no reasonable street connection can be made thereto;
2. The adjacent area to which a future street could otherwise be extended has characteristics that significantly reduce the likelihood the Street-Block will be needed, as determined by the Land Use Authority. These characteristics include, but are not limited to, sensitive lands such as geologic hazards, riverways, floodplains, wetlands, and slopes on which no reasonable street configuration can be created that complies with allowed street grades; or
3. The adjacent area to which a future street could otherwise be extended has culturally or locally important lands that can, are, or will be permanently preserved in a manner that benefits the general public. The Land Use Authority may require the applicant to secure the permanent preservation in a manner satisfactory to the Land Use Authority.

~~(e)~~(f) **Remnant ~~P~~parcel.** A subdivision of land shall not exclude from its boundary any part or remainder of a ~~Parcel~~parcel affected by the subdivision unless the remnant ~~Parcel~~parcel is exempt from the definition of a subdivision under state and county code, or is exempt from platting requirements by state code.

- (1) **Remnant ~~P~~parcel size.** An allowed remnant ~~Parcel~~parcel shall be no smaller than five acres, and be recorded with the agricultural notice specified in UCA § 17-27a-605.
- (2) **Retroactive compliance.** Any ~~Parcel~~parcel that was created as the result of being a remainder from a platted subdivision, including those that do not comply with the recorded notice provisions of UCA § 17-27a-605, that is later used for any use other than agriculture is no longer exempt from the requirements of this Title and shall retroactively be made to comply with this Title and applicable state code.

~~(f)~~(g) **Multiple ownership.** Where the land covered by a subdivision includes two or more ~~Parcel~~parcels in separate ownership and the ~~Lot~~lot arrangement is such that a property ownership line divides one or more proposed ~~Lot~~lots, the land in each ~~Lot~~lot so divided shall be properly executed to correctly vest title to the owner or owners prior to recording the plat.

~~(g)~~(h) **Easements.**

- (1) **Lot frontage public utility easements.** Each ~~Lot~~lot shall have a ten-foot public utility easement abutting a street right-of-way and spanning the ~~Lot~~lot width. This ten-foot easement is not required in a zone that allows a zero front setback.
- (2) **Other public utility easements.** Other public utility easements shall be provided if, and only if, authorized or required by the County Engineer or Land Use Authority, who shall specify the easement's location and width, with a minimum width no less than five feet.
- (3) **Surface water drainage easements.** If the applicant cannot demonstrate that surface water runoff onto other property will not exceed historic runoff rates, a land drain easement and drainage infrastructure shall be provided by the applicant in a manner that protects other properties in the area and public infrastructure. The land drain shall be installed as part of the subdivision improvements.
- (4) **Agricultural water drainage easements.** When a subdivision is proposed on land to which irrigation water runoff has historically and lawfully drained from other property, a land drain easement and drainage infrastructure shall be provided by the applicant in a manner that protects the new ~~Lot~~lots, public infrastructure, and historic irrigation flows from and to other property. The land drain shall be installed as part of the subdivision improvements.

(h)(i) **Taxing district annexation.** ~~Parcel~~ Parcels that are split by a taxing district shall have the entire ~~Parcel~~ parcel annexed into that taxing district prior to the recording of the subdivision. Exceptions will be made for bond obligations by the taxing district.

(j)(i) **Hillside development.** A ~~Lot~~ lot that has an average percent of slope, as defined in ~~Section-Title~~ 101-, Chapter 2 of this Land Use Code, that is greater than 25-percent shall provide for the following:

- (1) **Buildable area.** If a ~~Lot~~ lot has a ~~buildable- Buildable area~~ Area, as defined in ~~Section-Title~~ 101-, Chapter 2, a hillside development review is not required. The buildable area shall be delineated on the final plat by short dashed lines.
- (2) **Restricted ~~Lot~~ lot.** Each Lot shall be configured, designed, and constructed in a manner that mitigates detrimental effects to future owners or the surrounding area. Each Lot shall provide a Buildable Area that can reasonably contain buildings typical for the zone. Each Lot that has area that has not been adequately studied and mitigated to prove buildability shall have the area clearly delineated and denoted on the final plat as "restricted area." A Lot that has a restricted area may be amended to reduce or eliminate the restriction after appropriate studies and mitigation measures have been completed, as provided elsewhere in this Land Use Code. A note shall be placed on the final plat pursuant to Section 106-1-8.020. A lot that cannot contain a buildable area is a restricted lot and is subject to a hillside development review pursuant to the requirements of Title 108, Chapter 14. The letter "R" shall be placed immediately to the right of the lot number. All development conditions and restrictions resulting from the hillside development review shall be noted or referenced on the final plat.

(k) **Sensitive lands restrictions.** A lot subject to development restrictions found in Title 104, Chapter 28 of this Land Use Code shall show the restrictions on the final plat. This shall include but may not be limited to wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

Sec 106-2-4.020 Lot-Averaged Subdivision

In the A-1, A-2, A-3, and AV-3 zones, a ~~Lot~~ lot's area and width standards may be reduced in a ~~Lot~~ lot-averaged subdivision below the standard minimum ~~Lot~~ lot ~~area~~ Area or minimum ~~lot~~ lot ~~width~~ Width as specified in the applicable zone or zones found in Title 104. A ~~lot~~ lot-averaged subdivision shall comply with the following:

- (a) **The averaged area and width of all lots to comply with zone standards.** The averaged ~~lot~~ lot ~~area~~ Area and averaged ~~lot~~ lot ~~width~~ Width of all ~~Lot~~ lots located within a ~~Lot~~ lot-averaged subdivision shall be no less than the minimum ~~Lot~~ lot ~~area~~ Area and minimum ~~lot~~ lot ~~width~~ Width found in the applicable zone or zones. A pre-existing nonconforming ~~Lot~~ lot of record that is smaller in ~~Lot~~ lot ~~area~~ Area or ~~Lot~~ lot ~~width~~ Width shall be excluded from the calculation, and may continue with the smaller dimensions as long as it is not made more nonconforming.
- (b) **Lot standards.** The ~~Lot~~ lot ~~area~~ Area and ~~Lot~~ lot ~~width~~ Width of an individual ~~Lot~~ lot located within a ~~Lot~~ lot-averaged subdivision shall be no less than shown in the following table, provided that the averaged area and width of all ~~Lot~~ lots in the subdivision maintains compliance with Subsection (a) of this section.

	A-1 and A-2 Zones	A-3 and AV-3 Zones
Lot area	20,000 square feet	40,000 square feet
Lot width	80 feet	100 feet

- (c) **Subdivision plat table.** A table shall be provided with the subdivision application and on the final subdivision plat showing the area and width of each ~~Lot~~ lot within the overall subdivision boundary, the average area and width of all ~~Lot~~ lots within the overall subdivision boundary, and the average area and width of all ~~Lot~~ lots within each zone in the subdivision boundary. If platted in phases, the "overall subdivision boundary" shall mean the exterior boundary of all phases in the approved preliminary plat.
- (d) **Plat subtitle.** Pursuant to Section 106-1-8.020, a subtitle and note referencing this provision shall be placed on the final plat.

Sec 106-2-4.030 Connectivity-Incentivized Subdivision

(a) **Intent.** The intent of this section is to provide efficient, convenient, logical, and frequent street and pathway connections to, within, through, and out of a proposed subdivision in a manner that other provisions of this Land Use Code do not. In exchange for providing the additional infrastructure, the applicant may use the acreage otherwise occupied by streets and pathways as credit toward creating Lots.

(b) **Voluntary compliance.** The provisions of this section offer a voluntary alternative to traditional and typical Lot development standards otherwise set forth in the applicable zone. An applicant shall not be allowed to use this section unless the applicant volunteers to comply with all provisions herein. Applying for a connectivity-incentivized subdivision constitutes the applicant's agreement to be governed by this section, and constitutes the applicant's acknowledgement that the discretionary authority this section offers to the Land Use Authority may result in a decision contrary to the applicant's initial intent. The applicant accepts all risk, including lost time and money, for voluntarily applying for subdivision review under these provisions. Otherwise, the applicant shall use other development types authorized by this Land Use Code to subdivide their land.

(c) **Maximum allowed density.** If the applicant provides a street and pathway layout that complies with this section and is approved at the discretion of the Land Use Authority after receiving a favorable recommendation from staff, the applicant may use the Base Density calculation, as defined in Section 101-2-3, to compute the maximum allowed Lots in the subdivision. Further, when calculating the Base Density, the area of the subdivision proposed to be occupied by public improvements is not required to be omitted from the net developable acreage.

~~In the zones listed herein, when an applicant voluntarily designs a subdivision's public street layout in accordance with the preferred layout of the County Planning Division Director and County Engineer, the applicant may use the base density calculation, as defined in Chapter 101-2-3, to determine the number of lots allowed in the subdivision. The following provisions also apply:-~~

~~(a) **No entitlement.** An applicant is not entitled to the provisions of this section and the County is not obligated to apply the provisions of this section to any application.-~~

~~(b) **Base density incentive.** When calculating the base density, the area proposed to be encumbered by a public street right-of-way, up to ten percent of the gross developable acreage, is not required to be omitted from the net developable acreage of the subdivision. Base density shall be calculated using the minimum lot area and minimum lot width of the applicable zone, pursuant to the provisions in Title 104.-~~

~~(a)(d)~~ **Allowed zones.** A connectivity-incentivized subdivision is allowed only in the following zones: S-1, F-5, AV-3, FV-3, A-3, A-2, A-1, RE-20, RE-15, R1-15, R1-12, R1-10, R2, R3, FR-3, and CVR-1

- (1) Unless excepted in Subsection (e)(2) of this section, at no time shall the ~~Lot~~ **lot area** ~~Area~~ and ~~Lot~~ **lot width** ~~Width~~ of any residential ~~Lot~~ be less than provided in this table:

	S-1	F-5	AV-3	FV-3	A-3	A-2	A-1	RE-20	RE-15	FR-3	R-1-12	R-1-10	R-1	R-2	R-3	CVR-1
Reduced minimum Lot area:	50-percent of the zone's minimum.							80-percent of the zone's minimum.			6000 ¹ square feet		80-percent of the zone's minimum.			No minimum.
Reduced minimum Lot width:	50-percent of the zone's minimum.							80-percent of the zone's minimum.			60 feet		80-percent of the zone's minimum.			No minimum.

¹Each Lot adjacent to a Lot in another subdivision, including across a street, shall be no smaller than the lesser of: 80 percent of the square footage specified for the maximum allowed density; or the actual Lot area of the Lot or Lots to which it is adjacent.

- (2) The following are exceptions to the ~~Lot~~~~lot area~~-Area and ~~Lot~~~~lot width~~-Width provisions of Subsection (e)(1) of this section:

- a. A lot in a cluster subdivision shall not be reduced to less than 90 percent of the lot area and lot width standards of the cluster subdivision ordinance.
- b. A pre-existing nonconforming lot of record that is smaller than fifty-percent of the lot area or lot width may continue with smaller dimensions as long it is not made more nonconforming.

~~(c) **Preferred public street layout.** In determining the preferred public street layout, the County Planning Division Director and County Engineer shall focus on enhancing the overall public good. This may include, but need not be limited to using industry best practices regarding:~~

- (e) **Public street layout.** Nothing here shall waive the minimum street or pathway requirements as provided elsewhere in this Land Use Code. A subdivision shall be designed in a manner that prioritizes circulation efficiencies both within the subdivision and to adjacent neighborhoods. Priority shall be given to both vehicular and pedestrian connectivity. To this end, a connectivity incentivized subdivision is only allowed if it meets the following minimum standards.

- (1) **Street-Block.** A Street-Block shall have a length of no greater than 660 feet. The Land Use Authority may, but is not obligated to, approve an exception to this rule if a Street-Block cannot be formed as a result of one or more of the following. However, in each case the applicant shall provide a Street-Block or a connection that will help form a future Street-Block as near as is otherwise reasonably practicable:

- a. The adjacent area to which a street could otherwise be extended is built-out such that no reasonable street connection can be made thereto;
- b. The adjacent area to which a street could otherwise be extended has characteristics that significantly reduce the likelihood the Street-Block will be needed, as determined by the Land Use Authority. These characteristics include, but are not limited to, sensitive lands such as geologic hazards, riverways, floodplains, wetlands, and slopes on which no reasonable street configuration can be created that complies with allowed street grades;
- c. The adjacent area to which a street could otherwise be extended has culturally or locally important lands that can, are, or will be permanently preserved in a manner that benefits the general public. The Land Use Authority may require the applicant to secure the permanent preservation in a manner satisfactory to the Land Use Authority;
- d. Adherence to the maximum Street-Block length will interrupt a regionally significant pedestrian pathway delineated in the area's general plan or similar planning document; or
- e. Strict adherence to the maximum Street-Block length will result in a Street-Block that is less than 200 feet in length.

- (2) **Street efficiency.** A street or street segment shall provide the shortest connection reasonably possible without compromising the buildability of adjoining lots given compliance with other requirements of this Land Use Code.

- (3) **Intersections.** Street intersections shall be four-way intersections wherever possible.

- (4) **Directional continuity.** Streets shall provide directional continuity. Regardless of how a street may wind through a subdivision, whenever possible it shall exit the subdivision in the same general direction it entered so that it provides users a consistent direction of travel along the same street.

- (5) **Permanently terminal streets.** Cul-de-sac and dead end streets shall be avoided. A cul-de-sac or dead end street may be allowed in rare circumstances if the same or similar characteristics as specified in the exceptions of Subsection (e)(1) of this section are present.

- (6) **Alignment and connection to other streets.** Whenever possible, streets shall connect or be aligned to provide a future connection to other existing streets in the general area, with special deference for connecting to existing stubbed streets.

- ~~(1) Street and neighborhood connectivity for both motorized and nonmotorized street users;~~
~~(2) Efficiency of street routes in terms of distance traveled;~~
~~(3) Reducing block length;~~
~~(4) Enhancing pedestrian circulation and safety;~~
~~(5) Supporting four-way intersections over three-way intersections where appropriate; and~~
~~—Superior street alignment that will create best community outcomes.~~

(f) **Pathway location and design standards.** Nothing here shall waive the minimum street or pathway requirements as provided elsewhere in this Land Use Code. A subdivision shall be designed in a manner that prioritizes circulation efficiencies both within the subdivision and to adjacent neighborhoods. Priority shall be given to both vehicular and pedestrian connectivity. To this end, a connectivity incentivized subdivision is only allowed if it meets the following minimum standards.

(1) Pathways and sidewalks, generally.

- a. Each development shall be configured so that the maximum pathway or sidewalk walking-distance between a pathway or sidewalk intersection is 400 feet.
 - 1 This distance may be increased for a segment of a pathway that travels through a permanently preserved open space area or an area very unlikely to ever develop.
 - 2 A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another pathway, sidewalk, or street that has pedestrian facilities.
- b. Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-motorized modes of transportation.
- c. Pathways shall connect to each other using shortest distance reasonably possible.
- d. Pathway and sidewalk layout shall provide for the continuation of existing pathways or sidewalks in the general area, and for future planned pathways, as shown on an adopted pathway plan, general plan, master trails plan, or other applicable adopted planning document.
- e. A pathway or sidewalk stubbed from an adjacent property shall be connected to a pathway or sidewalk within the subdivision.
- f. Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with a stub to the subdivision boundary.
- g. Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating convenient and efficient access to nearby Lots or Parcels that are likely to eventually be developed.

(2) Street-adjacent pathway. Along each Arterial Street, Collector Street, and Major Neighborhood Street, as provided in an adopted general plan, master streets plan, or similar adopted document, a 10-foot wide hard-surfaced pathway shall be installed.

- a. When determining which side of the street the pathway is required, preference shall be given to the side of the street that has optimal sun exposure during winter months.
- b. The Planning Director may require a pathway be located on the other side of the street to support pathway connectivity based on other factors such as existing or planned future pathways in the vicinity and potential pedestrian conflicts.
- c. The pathway shall be located within the street right-of-way unless expressly authorized otherwise by the County Engineer. If not located within the street right-of-way, a pathway easement is required.
- d. Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of at least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with the top of asphalt travel surface. The pathway shall be constructed of three inches of asphalt on eight inches of base-course. Greater thickness may be required where it intersects a vehicle-way.

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e. Example: Street-Adjacent Pathway



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(3) **Non-street-adjacent pathway.** Where generally depicted on a map or in the text of an applicable street regulating plan, general plan, master streets plan, or when otherwise required herein or in a development agreement, a 10-foot wide hard-surfaced pathway shall be installed through the development.

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a. Where a pathway runs between buildings or fenced Lots, a minimum 30-foot pathway public right-of-way is required. The pathway shall run down the center of the 30-foot right-of-way.

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1. The pathway right-of-way may be reduced to 15 feet if both of the adjoining Lots or Parcels are or will be used for Single-Family Dwellings, and are deed-restricted to:

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2. Only allow a solid fence that is no greater than four-feet; or

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b. Only allow a fence that is 30 percent open with the openings evenly distributed.

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c. The adjoining land owners are responsible for the maintenance and upkeep of vegetation and waste on the half of the pathway right-of-way that is adjacent to their Lot or Parcel.

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d. Example: Non-Street-Adjacent Pathway



- (g) **Final plat note.** Pursuant to Section 106-1-8.020, a subtitle and plat note regarding connectivity-incentivized subdivision ~~referencing this provision~~ shall be placed on the final plat.

Chapter 106-4 Subdivision Improvements Required

Sec 106-4-2 Specific Requirements

Sec 106-4-2.010 Water Supply

Sec 106-4-2.020 Sewage Disposal

Sec 106-4-2.030 Stormwater

Sec 106-4-2.040 Street Grading And Surfacing

Sec 106-4-2.050 Curbs ~~And~~, Gutters, and Driveway Aprons.

- (a) **Curb and gutter.** Curbs and gutters shall be installed on existing and proposed streets by the applicant. The County Engineer may allow curb and gutter to be deferred to a later time if it is in the best interest of the street system. Deferrals shall be documented by recorded agreement, in a form as approved by the County Attorney, between the County and the owner. Deferrals for curb and gutter will be required for lots in the Ogden Valley. Curb and gutter shall be installed by the applicant in subdivisions along abutting Utah State Highways, ~~if required by~~ unless specified in writing by the Utah State Department of Transportation.

- (b) Driveway aprons. The applicant shall install driveway aprons to each Lot that has a Lot Width of 60 feet or less. These driveway aprons shall be provided on construction drawings. No driveway apron shall be of greater width than 25 feet and no lot shall have more than one driveway apron. Driveway aprons shall be constructed of concrete.

Sec 106-4-2.060 Sidewalks

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Sec 106-4-2.070 Street Monuments

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Sec 106-4-2.080 Street Trees

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Sec 106-4-2.090 Street Signs

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Sec 106-4-2.100 Ditch Or Canal Improvements

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Sec 106-4-2.110 Staking Subdivision Corners

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Sec 106-4-2.120 Peripheral Fencing

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Sec 106-4-2.130 Fire Protection

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TITLE 108 STANDARDS

Chapter 108-7 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.

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Sec 108-7-7 ~~Clear View of Intersecting Streets~~ Supplemental Street, Access, And Right-of-Way Standards

Sec 108-7-7.010 Obstructions in Right-of-Way

To ensure deposited items or materials do not interfere with pedestrian or vehicular traffic or in any way be dangerous to the health, safety, and welfare of the people of the county, it is unlawful for any person to place or deposit in or upon any Public Street, right-of-way, or other public property in unincorporated areas of the county any garbage, inoperable or abandoned vehicles, junk, weeds, or any other vegetation.

Sec 108-7-7.020 Vegetation and Snow Removal – Pedestrian Rights-of-Way

(a) It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

(b) In addition to the requirements of Section 32-8-2 of the Weber County Code, owners or occupants of a platted building Lot, or a Lot of record with an existing residential, commercial, or manufacturing use, that adjoins a paved pedestrian pathway and is less than five acres shall also be required to ensure continual removal of snow from the pathway.

Sec 108-7-7.030 Clear View of Intersecting Streets.

When an Alley or access way intersects with a public right-of-way, or when the subject property abuts the intersection of two or more public rights-of-way, the triangular areas described below shall provide unobstructed cross-visibility at a level between two and eight feet in height. Trees may be planted inside the triangular areas, but shall be trimmed such that no limbs or foliage extend into the cross-visibility zone, and placed so as not to create a traffic hazard. Plant materials, excepting turf grass, shall not be located closer than three feet from the edge of any access way pavement. No other obstruction to view in excess of three feet in height shall be allowed. The triangular areas referred to above are defined as follows:

- (1) The area of property on either side of an access way formed by the intersection of each side of the access way and the public right-of-way line. The two sides of the triangle shall be ten feet in length measured from the point of intersection and the third side (hypotenuse) being a line connecting the ends of these two sides.
- (2) The area of property located at a corner formed by the intersection of two or more public rights-of-way. The two sides of the triangle shall be formed by the street rights-of-way lines for a length of 40 feet back from their intersection and the third side being a line connecting the ends of these two sides.

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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~~ Collector Street or ~~arterial (major) street~~ Arterial 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 Collector Street or Arterial 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-street right-of-way~~ line of the collector or arterial (major) street Collector Street or Arterial Street designated right-of-way instead of the existing ~~Lot~~ lot line-Line of the present street right-of-way.

...

Sec 108-7-19 Development on a Substandard Street or Public by Right-of-Use Road
Building On-Dedicated Substandard Streets Or Public By Right Of Use Roads

(a) Section definitions. For purposes of this section, the following definitions apply:

(1) "Development activity" means:

- a. any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
- b. any change in use of a building or structure that creates additional demand and need for public facilities; or
- c. any change in the use of land that creates additional demand and need for public facilities.

(2) "Greater public street network" means the network of public streets that are interconnected, with multiple street routes available to and from any location, not including terminal streets or street-routes that have a single point of access connecting to and from the public street network.

(3) "Substandard" means not meeting minimum public street standards that are adopted by the county or required by law, including standards related to improvements and standards related to public right-of-way width.

(4) A "substandard street," with reference to proposed development activity, means a public or private street or street-route that is substandard at any location along the street or street-route between the proposed development activity and the greater public street network, or that is substandard at any location adjacent to the proposed development activity.

(5) A "standard street," with reference to proposed Development Activity, means a public or private street or street-route that is not Substandard at any location between the proposed Development Activity and the Greater Public Street Network.

- (6) **“Development on a substandard street”** means any development activity for which one of the following conditions is true:
- a. The existing street adjacent to at least one of the Lots or Parcels being developed, from which the Lot or Parcel will be accessed, is Substandard at any location adjacent to that Lot or Parcel; or
 - b. At least one of the Lots or Parcels being developed cannot access the Greater Public Street Network via an existing Standard Street.
- (b) **Compliance required.** Development on a substandard street is not permitted unless in compliance with this section. New or improved accesses exclusively used for agricultural vehicles are exempt from these requirements.
- (c) **Roughly proportionate contribution.** An application for a permit, subdivision, or any other approval authorized by this Land Use Code that proposes to provide, add, or increase the intensity of access to a Lot or Lots from a Substandard Street shall not be approved unless the Substandard nature of the street or street-route is cured. However, if curing the Substandard nature of the street or street route is not roughly proportionate to the increased impact of the proposal, then the following provisions shall apply:
- (1) **Right-of-way dedication or conveyance.** In all cases, the applicant shall dedicate, by subdivision plat or deed conveyance, to the County the minimum required street right-of-way width that abuts the applicant’s subdivision, lot, or parcel being developed.
 - (2) **Street frontage improvements.** The applicant shall be financially responsible for the improvement of the applicant’s own street frontage. However, at the discretion of the County Engineer, a Lot that is not fully developed to the maximum potential of the zone’s minimum Lot Width and Lot Area may be allowed to have this reduced to no less than a width that is three times the applicable minimum Lot Width allowed in the zone, or the Lot’s entire frontage, whichever is less. The County Engineer has full authority and discretion to determine which improvements are installed, and which may be deferred to a later time.
 - (3) **Paying proportionate share.** As part of a "project improvement," as defined in UCA 11-36a-102, the applicant shall pay the cost of a proportionate share of street design, street improvements, and, if applicable, street right-of-way acquisition to bring that street into or closer to compliance with County standards. The cost of the proportionate share shall be determined as follows:
 - a. **Engineer’s cost estimate.** Estimate the cost to improve the substandard street or street-route to County standards from the point it becomes substandard, or from the nearest intersection with a non-terminal street or street-route, whichever is closer, to the furthest extent of the applicant’s proposed development adjacent to the street.
 1. This shall be furnished by the applicant in the form of an engineer’s cost estimate. The estimate shall use up-to-date market costs for engineering and design, surveying, construction material, labor, and any other expense necessary to improve the street to County standards. The added expense of an intersection or other street component that is not related to providing a standard street to the applicant’s subdivision shall be excluded from the calculation;
 2. The County Engineer may require the applicant to furnish engineered drawings of the street and an itemized cost-estimate in order to substantiate the estimated cost;
 3. The County Engineer has the discretion to adjust the cost-estimate for inflation or market fluctuations during the duration of construction of the applicant’s obligations; and
 4. A subdivision improvement that is required of the applicant by the Land Use Code regardless of the condition of the street shall not be included in this calculation, and shall be provided as otherwise required by this Title.
 - b. **Determine street’s estimated buildout potential.** Find the street’s estimated buildout potential, which is the sum of the estimated number of lots expected along the street at buildout plus the applicant’s proposed number of lots, as follows:

- 1314 1. Measure the length of the substandard street or street-route from the point it becomes
1315 substandard to the furthest extent of the applicant's subdivision along the substandard
1316 street or street-route;
- 1317 2. Divide the length of the street, the result of Subsection (c)(3)b.1. of this section, by the
1318 standard minimum lot width of the zone, as found in Title 104 of this Land Use Code. Do
1319 not use alternative lot widths, such as those allowed in a cluster subdivision or a lot-
1320 averaged subdivision, even if the applicant's subdivision has them; then
- 1321 3. Combine the estimated number of lots expected along the street at buildout, the results of
1322 Subsection (c)(3)b.2. of this section with the applicant's proposed number of subdivision
1323 lots.
- 1324 c. **Final proportionate share calculation.** Divide the cost to improve the street or street-route to
1325 County standards, the result of Subsection (c)(3)a. by the sum of the street's estimated buildout
1326 potential plus the applicant's proposed number of lots, the results of Subsection (c)(3)b.
- 1327 (4) **Required improvements, escrow, and allowed deferral.** The County Engineer shall:
- 1328 a. **Required improvements.** Require the applicant to make improvements to the substandard
1329 street or street-route in an amount up to but not exceeding the applicant's cost of the
1330 proportionate share, as determined herein. The County Engineer has full authority and
1331 discretion to determine the specific improvements required of the applicant;
- 1332 b. **Escrow.** Require this cost to be deposited with the County for the County to add a street's
1333 needed improvements into scheduled road maintenance and improvements; or
- 1334 c. **Deferral.** If the County Engineer determines that the funds that would be made available are
1335 insufficient to provide meaningful project improvements along the substandard street or street-
1336 route, a substandard road agreement may be allowed in lieu of the project improvements
1337 required in this section. In this case, the applicant, and all owners having interest in the subject
1338 Lot or Lots shall execute a substandard road agreement and notice to new owners. The content
1339 of the substandard road agreement and notice shall be as specified by the County, but at a
1340 minimum it shall:
- 1341 1. For a terminal substandard street or street route, explain that the subject Lot or Lots has
1342 or have only a single street access connecting it to the greater interconnected Public Street
1343 network, and the single street access is not built to the adopted minimum design and safety
1344 standards;
- 1345 2. Require a deferral agreement that specifies that the owners or successors and heirs are
1346 responsible, at a time the governing authority deems it necessary, to pay for their
1347 proportionate share of curing the substandard nature of the street or street-route;
- 1348 3. Allow the governing authority, at its option to withhold any written protest filed by the owners
1349 or their successors or heirs under the State Code's Assessment Area Act, Provisions For
1350 Local Districts, or any similar government revenue generation mechanism, from the final
1351 tally of collected protests, provided, however, that the revenue generated by the
1352 mechanism is used to improve access to the Lot or Lots; and
- 1353 4. Be recorded to the property at the time of subdivision recordation or sooner for subdivision
1354 approval, or prior to the issuance of a land use permit or final approval for other types of
1355 approvals.
- 1356 ~~(b) An applicant for a land use and building permit for property which abuts and has access from a~~
1357 ~~substandard dedicated street or public by right of use road, shall, as a condition of issuance of such~~
1358 ~~permits, be required:~~
- 1359 ~~(1) To sign a substandard road agreement provided by the county.~~
- 1360 ~~(2) To dedicate, if the road is substandard in width, sufficient road right-of-way widening to meet county~~
1361 ~~road standards or as recommended by the county engineer in situations that warrant an alternative~~
1362 ~~width such as unusual topographic or boundary conditions.~~
- 1363 ~~(c) Where a dedicated street or public by right of use road is determined to be of less right-of-way width~~
1364 ~~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.~~

...

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 ~~100-300~~ 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 and the Public Streets that lead to them provided those streets intersect the corridor at an approximate 90 degree angle, 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 litter 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-Title~~ 104, ~~chapter-Chapter~~ 28 (Ogden Valley Sensitive Lands Overlay Districts) for Ogden Valley River and Stream Corridor Setbacks.

Sec 108-7-24 Supplemental Energy Generation Standards ~~Wind Energy Conversion Systems- (Small Wind Energy Systems)~~

- (a) Small Wind Energy System. 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.

(b) Solar energy systems

- (1) **Small solar energy system.** A small solar energy system, as defined in Title 101, Chapter 2, is allowed in any zone, and 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.
- (2) **Large solar energy system.** A large solar energy system, as defined in Title 101, Chapter 2, is regulated by Title 104, Chapter 30 of this Land Use Code.

~~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:~~

- ~~(a) The minimum lot size required for a small wind energy system shall be 20,000 square feet.~~
- ~~(b) 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.~~
- ~~(c) 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.~~
- ~~(d) Small wind energy systems must comply with applicable Federal Aviation Administration (FAA) regulations, including any necessary approvals for installations close to airports.~~
- ~~(e) 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.~~
- ~~(f) 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.~~
- ~~(g)(c) Manufacturer specifications for components and installation shall be required with an application for a small wind energy system.~~

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Sec 108-7-27 (Reserved) Solar Energy Systems

- ~~(a) **Small solar energy system.** A small solar energy system, as defined in section 101-1-7, is allowed in any zone, and 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) **Large solar energy system.** A large solar energy system, as defined in section 101-1-7, is regulated by title 104, chapter 30, of this Land Use Code.~~

...

Sec 108-7-29 Flag Lot Access Strip, Private Right-Of-Way, And Access Easement Standards
Access and Standards for a Land Locked Residential Lot or Parcel

~~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.~~

(a) **Design standards. Access.** Unless otherwise allowed in this Land Use Code, the provisions of this section shall not be allowed if it avoids the installation of a street contemplated by this Land Use Code, an adopted general plan, master transportation plan, development agreement, or other adopted document intended to govern the placement, connectivity, or creation of a street or Street-Block. Otherwise, a land-locked Lot or Parcel intended for residential use shall have an access road or driveway that extends from a public right-of-way to the area of the Lot that will be developed.

(1) The access road or driveway shall be:-

- a. Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum improved surface width of 20 feet. A greater right-of-way width may be required by the County Engineer for a cross-slope easement.
- b. Configured and constructed so that curves can safely facilitate the turning radius and weight of the Fire Authority's largest fire apparatus.
- c. Constructed of all-weather material, have a grade of no greater than ten percent, and a clearance no less than 14 and a half feet.
- d. Be on a Parcel that is held in common ownership by a homeowner's association that governs the Lots that gain access therefrom, or be an easement recorded in favor of the owners of all Lots that gain access therefrom.
- e. If terminal, no longer than 600 feet.
- f. If terminal and longer than 200 feet in length, designed with a fire apparatus turn-around approved by the local fire authority at the end.

(b) **Other requirements:**

(1) The address of the Lot or Parcel shall be displayed in a prominently visible location at the street entrance to the Lot or Parcel's access from a public right-of-way.

(2) A fire hydrant or other suppression method may be required by the fire district.

(3) 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.

~~(4)~~(4) Buildings shall be set back a minimum of 63 feet from the center of the Lot's access right-of-way.

~~(2)~~(5) Conditions may be imposed by the Land Use Authority to ensure safety, accessibility, or privacy, or to maintain or improve the general welfare of the immediate area.

~~(3) 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.~~

~~(4) 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.~~

~~(5) 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.~~

~~(6) 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.~~

~~(7) The flag lot access strip, private right-of-way, or access easement shall have a minimum vertical clearance of 14.5 feet.~~

~~(8) No buildings, structures, or parking areas are allowed within the flag lot access strip, private right-of-way, or access easement.~~

~~(9) 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.~~

~~(10) 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.~~

~~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 serv~~

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

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~**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.~~

Sec 108-7-30 (Reserved) 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) 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.~~

Sec 108-7-31 (Reserved) 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:~~

~~(a) **Criteria.**~~

- ~~(1) The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is the main use; or~~
- ~~(2) 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~~
- ~~(3) 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.~~

~~(b) **Conditions.**~~

- ~~(1) 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~~

~~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.~~

Sec 108-7-32 Access To A Lot/Parcel At A Location Other Than Across The Front Lot Line

Access to ~~lots/parcels~~ a Lot or Parcel at a location other than across the ~~front lot line~~ Front Lot Line is not allowed unless otherwise specifically provided elsewhere in this Land Use Code or if the applicant can demonstrate that~~may be approved as the primary access, subject to the following criteria:~~

- ~~(a) 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~~ Front Lot Line; and-
- ~~(b) It shall be demonstrated that a~~ Appropriate and legal alternative 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.

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Chapter 108-16 Outdoor Lighting

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Sec 108-16-8 Violations, Enforcement, And Implementation

- (a) **Violations.** The following constitute violations of this chapter:

- (1) The installation, maintenance, or operation of any outdoor artificial light source not in compliance with the provisions of this chapter.
- (2) The alteration of any outdoor artificial light source after outdoor lighting plan approval without the review and approval of the land use authority when such alteration does not conform to the provisions of this chapter.
- (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in a manner that does not comply with this chapter.


- (b) **Enforcement.** Violations of this chapter are subject to enforcement and penalties as outlined in ~~section~~ Section 102-4-4.
- (c) **Creation of dark sky committee.** In the Ogden Valley. ~~The~~ county will create an Ogden Valley dark sky committee to include representatives as follows: one planning division employee, two unincorporated Ogden Valley residents at large, two unincorporated Ogden Valley ~~Business Association~~ business owners ~~members~~, ~~and one individual from the Ogden Weber Chamber of Commerce.~~ one from the Weber County Parks and Recreation Office, and one from Visit Ogden or similar local tourism bureau. The committee's purpose shall be to advise the county on dark sky best practices, implementation strategies, incentive programs, public/private partnerships, and anything else as the county commission deems necessary.


PASSED AND ADOPTED BY THE WEBER COUNTY BOARD OF COUNTY COMMISSIONERS ON THIS 16TH DAY OF MAY, 2023.

	AYE	NAY	ABSENT	ABSTAIN
Gage Froerer	✓			
Jim "H" Harvery	✓			
Sharon Arrington Bolos	✓			

Presiding Officer

Attest


Gage Froerer, Chair


Ricky D. Hatch, CPA, Clerk/Auditor