

ORDINANCE NUMBER 2018-12

An ordinance of Weber County amending Title 108, Chapter 15 in the Weber County Land Use Code.

**WHEREAS**, the Weber County Land Use Code heretofore did not contain plain language regulating secondary kitchens in single family dwellings within most zones; and

**WHEREAS**, on August 14, 2018, 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 with respect to defining outdoor storage and determining its permissibility in the established zones, offered a positive recommendation to the County Commission; and

**WHEREAS**, on May 22, 2018, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments on the same, offered a positive recommendation to the County Commission; and

**WHEREAS**, on August 28, 2018, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

**WHEREAS**, the Weber County Board of Commissioners find that the ordinance amendments herein do not run contrary to the goals and objectives of the General Plans and provide plain language to facilitate efficient administration of the Weber County Land Use Code within the established zones;


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

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

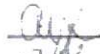
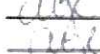

This ordinance shall become effective fifteen (15) days after publication.

Adopted and ordered published this 28 day of August, 2018.

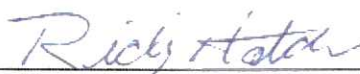
Weber County Commission

  
\_\_\_\_\_  
James H. "Jim" Harvey, Chair

Commissioner Ebert voted  
Commissioner Jenkins voted  
Commissioner Harvey voted

ATTEST:

  
\_\_\_\_\_  
Ricky Hatch, CPA  
Weber County Clerk/Auditor

## CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

### Sec. 108-15-1. - Codes and standards.

Any structure that is designed to be lived in by one family, and is located outside of a mobile or manufactured home park, camp, court, subdivision, or planned residential unit development (PRUD), shall meet all applicable standards and requirements including the International Building Code and those others listed below. If a structure, designed to be lived in by one family, is constructed as a mobile or manufactured home, it shall also meet all applicable standards and, if appropriate, be certified as meeting the U.S. Department of Housing and Urban Development's (HUD) Manufactured Home Construction and Safety Standards including the clear display of all necessary signage, insignias, labels, tags, and data plates.

(Ord. of 1956, § 37-1; Ord. No. 2017-17 , Exh. A, 5-9-2017)

### Sec. 108-15-2. - Other standards and requirements.

In addition to the above, the following standards and requirements shall also be met:

- (1) Single-family dwellings shall:
  - a. Be attached to a site-built permanent foundation which meets all applicable codes; and
  - b. Have all installation and transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
  - c. Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement, stucco, Masonite, metal, or vinyl; and
  - d. Be permanently connected to all required utilities; and
  - e. Be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property.
- (2) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a crawlspace area shall have those walls anchored to the perimeter of the dwelling. The walls shall be constructed of or faced with the following:
  - a. Concrete or masonry materials; or
  - b. Weather resistant materials that aesthetically imitate concrete or masonry foundation materials; or
  - c. Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling.
- (3) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, shall have:
  - a. A roof pitch of not less than a 2:12 ratio; and
  - b. Eaves that project a distance of not less than one foot as measured from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers; and

- c. A width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by identifying the lesser of two dimensions when comparing a front elevation to a side elevation.
- (4) One (1) or more additional kitchen(s) in detached single-family dwellings shall be allowed in all zones, where single family dwellings are permitted, if all of the following requirements are met:
- a. The dwelling unit shall have only one (1) front entrance.
  - b. The dwelling unit shall have only one (1) address.
  - c. An interior access shall be maintained to all parts of the dwelling unit to assure that an accessory apartment is not created. No portion of the single family dwelling shall be locked for the purpose of rental.
  - d. The dwelling unit shall have no more than one (1) electrical meter.
  - e. Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an accessory or “out” building provided the use and occupancy limitations of this Section are met and no second dwelling unit or accessory apartment is established in the primary or accessory buildings.
  - f. The dwelling unit owner shall sign a notarized covenant to run with the land, as prescribed by Weber County, which provides that the dwelling unit, including any accessory building, may not be converted into two (2) or more dwelling units unless allowed by and in accordance with applicable provisions of this Title. The document shall be recorded with the Weber County Recorder’s Office prior to issuance of a building permit.
  - g. An additional kitchen shall not be established in a one-family dwelling unit which contains an accessory apartment, whether or not such apartment was established pursuant to Title 108 Chapter 19.

(Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17 , Exh. A, 5-9-2017)

Sec. 108-15-3. - Exceptions.

The planning director, or his/her designee, may waive any of the above architectural and/or massing standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

- (1) Explains his/her agreement to the waiver of any particular standard; and
- (2) Certifies that, in the absence of the subject standard(s), the dwelling will be considered architecturally compatible with the surrounding neighborhood due to the integration and use of compensating materials and/or architectural features.

( Ord. No. 2017-17 , Exh. A, 5-9-2017)

1 CHAPTER 15. - STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS

2 Sec. 108-15-1. - Codes and standards.

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4 manufactured home park, camp, court, subdivision, or planned residential unit development (PRUD),  
5 shall meet all applicable standards and requirements including the International Building Code and those  
6 others listed below. If a structure, designed to be lived in by one family, is constructed as a mobile or  
7 manufactured home, it shall also meet all applicable standards and, if appropriate, be certified as meeting  
8 the U.S. Department of Housing and Urban Development's (HUD) Manufactured Home Construction and  
9 Safety Standards including the clear display of all necessary signage, insignias, labels, tags, and data  
10 plates.

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14 (1) —Single-family dwellings shall:

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17 shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
- 18 c. Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement,  
19 stucco, Masonite, metal, or vinyl; and
- 20 d. Be permanently connected to all required utilities; and
- 21 e. Be taxed as real property. If the dwelling is a mobile or manufactured home that has  
22 previously been issued a certificate of title, the owner shall follow and meet all applicable  
23 Utah State Code titling provisions that result in the mobile or manufactured home being  
24 converted to an improvement to real property.

25 (2) —Single-family dwellings, except for those located within a mobile or manufactured home park,  
26 camp, court, subdivision, or PRUD or those located within a non-mobile or non-manufactured  
27 home PRUD, a county approved master planned community, or the Ogden Valley Destination  
28 and Recreation Resort Zone, that have exterior walls or surfaces, that enclose or create a  
29 crawlspace area shall have those walls anchored to the perimeter of the dwelling. The walls  
30 shall be constructed of or faced with the following:

- 31 a. Concrete or masonry materials; or
- 32 b. Weather resistant materials that aesthetically imitate concrete or masonry foundation  
33 materials; or
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44 c. A width, not including garage area, of at least 20 feet or more. The width of the dwelling is  
45 determined by identifying the lesser of two dimensions when comparing a front elevation to  
46 a side elevation.

47 (4) One (1) or more additional kitchen(s) in detached single-family dwellings shall be allowed in all  
48 zones, where single family dwellings are permitted, if all of the following requirements are met:

49 a. The dwelling unit shall have only one (1) front entrance.

50 b. The dwelling unit shall have only one (1) address.

51 c. An interior access shall be maintained to all parts of the dwelling unit to assure that an  
52 accessory apartment is not created. ~~There shall be no keyed or dead bolt locks, or other~~  
53 ~~manner of limiting or restricting access from the additional kitchen(s) to the remainder of~~  
54 ~~the dwelling unit. No portion of the single family dwelling shall be locked off for the purpose of~~  
55 rental.

56 d. The dwelling unit shall have no more than one (1) electrical meter.

57 e. Additional kitchen(s) may exist as part of the primary dwelling structure or be installed in an  
58 accessory or "out" building provided the use and occupancy limitations of this Section are met  
59 and no second dwelling unit or accessory apartment is established in the primary or accessory  
60 buildings.

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62 prescribed by Weber County, which provides that the dwelling unit, including any accessory  
63 building, may not be converted into two (2) or more dwelling units unless allowed by and in  
64 accordance with applicable provisions of this Title. The document shall be recorded with the  
65 Weber County Recorder's Office prior to issuance of a building permit.

66 g. An additional kitchen shall not be established in a one-family dwelling unit which contains an  
67 accessory apartment, whether or not such apartment was established pursuant to Title 108  
68 Chapter 19. 19.

69

70 (Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17 , Exh. A, 5-9-2017)

71 Sec. 108-15-3. - Exceptions.

72 The planning director, or his/her designee, may waive any of the above architectural and/or massing  
73 standards if the dwelling owner can provide a letter, from a professionally licensed architect, that:

74 (1) Explains his/her agreement to the waiver of any particular standard; and

**Commented [K1]:** The Planning Director added the language due to some zones not allowing single family dwellings

**Commented [K2]:** The OVPC modified the additional language which will allow the property owner the freedom to lock their home as they wished and put in language that made it clear what the restriction is and why.

**Commented [K3]:** The County Attorney modified agreement to covenant due to being consistent with what we are having signed.

75 (2) Certifies that, in the absence of the subject standard(s), the dwelling will be considered  
76 architecturally compatible with the surrounding neighborhood due to the integration and use of  
77 compensating materials and/or architectural features.

78 ( Ord. No. 2017-17 , Exh. A, 5-9-2017)