

ORDINANCE NUMBER 2020- 2

AN ORDINANCE AMENDING THE WEBER COUNTY LAND USE CODE REGARDING LOT AVERAGED SUBDIVISIONS IN THE AV-3 ZONE AND PROVIDING CLARIFYING EDITS

WHEREAS, the Board of Weber County Commissioners (herein "Board") has heretofore adopted land use regulations governing subdivision of land in unincorporated Weber County; and

WHEREAS, the subdivision regulations contained a provision for lot-averaged subdivisions in certain zones; and

WHEREAS, the lot-averaged regulations did not permit lot-averaging in the AV-3 zone; and

WHEREAS, the Board has determined that there is a reasonable public interest in amending the subdivision regulations to allow lot-averaged subdivision in the AV-3 zone and to provide other related amendments to provide greater clarity; and

WHEREAS, the Board has received a positive recommendation for amendments to implement the same from the Ogden Valley Planning Commission in their December 3, 2019 meeting, after a duly noticed public hearing; and

WHEREAS, the Board concurs with the planning commission that the amendments are compatible with the intended effect of the general plan, and that the amendments are not detrimental to the general public health, safety, or welfare.

NOW THEREFORE, the Board hereby adopts the modifications below and incorporates them into the Weber County Land Use Code.

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

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

Passed, adopted, and ordered published this 28th day of January, 2020, by the Weber County Board of Commissioners.

BOARD OF WEBER COUNTY COMMISSIONERS

By Gage Froerer
Gage Froerer, Chair

Commissioner Froerer voted: aye
Commissioner Harvey voted: aye
Commissioner Jenkins voted: aye

ATTEST:

Ricky Hatch
Ricky Hatch, CPA
Weber County Clerk/Auditor

1 **Title 106 Subdivisions**

2 ...

3 **Chapter 106-2 Subdivision Standards**

4 ...

5 **Sec. 106-2-4. - Lots.**

6 (a) The lot arrangement and design shall provide satisfactory and desirable sites for buildings, and be
7 properly related to topography and to existing and probable future development conditions.

8 (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of
9 the Land Use Code for the zone in which the subdivision is located, except:

10 (1) *Variance.* When otherwise permitted by the granting of a variance by the board of adjustment as
11 authorized by the Land Use Code;

12 (2) *Cluster subdivision or PRUD.* When in accordance with the cluster subdivision or PRUD
13 provisions of the Land Use Code;

14 (3) *Septic system and wellhead protection.* As required by the county health officer as being the
15 minimum area necessary for septic tank disposal and water well protection if greater than the
16 above area requirements;

17 (4) *Restricted lots and lots with designated building area.* For "restricted lots" and lots with a
18 designated "building area", the minimum area and width requirements shall be increased in
19 accordance with the slope density tables contained in the Land Use Code;

20 (5) *Lot-averaged subdivision.* In the A-1, A-2, A-3 and AV-3 zones, a lot's area and width standards
21 may be reduced in a lot-averaged subdivision below the standard minimum lot area or minimum
22 lot width as specified in the applicable zone or zones found in Title 104. A lot-averaged subdivision
23 shall comply with the following:

24 a. *The averaged area and width of all lots to comply with zone standards.* The averaged lot
25 area and averaged lot width of all lots located within a lot-averaged subdivision shall be no
26 less than the minimum lot area and minimum lot width found in the applicable zone or zones.

27 b. *Lot standards.* The lot area and lot width of an individual lot located within a lot-averaged
28 subdivision shall be no less than shown in the following table, provided that the averaged
29 area and width of all lots in the subdivision maintains compliance with (5)(a) of this
30 subsection (b).

	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.

31 c. *Subdivision plat table.* A table shall be provided with the subdivision application and on the
32 final subdivision plat showing the area and width of each lot within the overall subdivision
33 boundary, the averaged area and width of all lots within the overall subdivision boundary,
34 and the averaged area and width of all lots within each zone in the overall subdivision
35 boundary. If platted in phases, the "overall subdivision boundary" shall mean the exterior
36 boundary of all phases in the approved preliminary plat.

37 d. *Subdivision plat subtitle.* A subtitle shall be displayed on the final subdivision plat that reads
38 "A Lot-Averaged Subdivision."

- 39 e. *Subdivision plat note.* A note shall be placed on the final subdivision plat that reads "the
40 averaged area and averaged width of lots within the zone equals or exceeds the minimum
41 lot area and minimum lot width allowed in each applicable zone. An amendment to any part
42 of the subdivision's approved preliminary plat shall comply with Weber County Code's lot-
43 averaged subdivision regulations, as may be revised or amended from time to time."

1 **Title 106 Subdivisions**

2 ...

3 **Chapter 106-2 Subdivision Standards**

4 ...

5 **Sec. 106-2-4. - Lots.**

6 (a) The lot arrangement and design shall ~~be such that lots will~~ provide satisfactory and desirable sites for
 7 buildings, and be properly related to topography and to existing and probable future
 8 ~~requirements.~~ development conditions.

9 (b) All lots shown on the subdivision plat must conform to the minimum area and width requirements of
 10 the Land Use Code for the zone in which the subdivision is located, except:

11 (1) *Variance.* When otherwise permitted by the granting of a variance by the board of adjustment as
 12 authorized by the Land Use Code;

13 (2) *Cluster subdivision or PRUD.* When in accordance with the cluster subdivision or PRUD
 14 provisions of the Land Use Code;

15 (3) *Septic system and wellhead protection.* As required by the county health officer as being the
 16 minimum area necessary for septic tank disposal and water well protection if greater than the
 17 above area requirements;

18 (4) *Restricted lots and lots with designated building area.* For "restricted lots" and lots with a
 19 designated "building area", the minimum area and width requirements shall be increased in
 20 accordance with the slope density tables contained in the Land Use Code;

21 (5) ~~Lot averaging~~ averaged subdivision. In the A-1, A-2, ~~and A-3~~ and AV-3 zones, ~~flexible lot~~ a lot's
 22 area and width standards may be reduced in a lot-averaged subdivision below the standard
 23 minimum lot area or minimum lot width as specified in the applicable zone or zones found in Title
 24 104. A lot-averaged subdivision shall comply with the following: ~~shall be allowed in accordance~~
 25 ~~with the following provisions:~~

26 a. The averaged area and width of all lots to comply with zone standards. The averaged lot
 27 area and averaged lot width of all lots located within a lot-averaged subdivision shall be no
 28 less than the minimum lot area and minimum lot width found in the applicable zone or zones.

29 b. Lot standards. The lot area and lot width of an individual lot located within a lot-averaged
 30 subdivision shall be no less than shown in the following table, provided that the averaged
 31 area and width of all lots in the subdivision maintains compliance with (5)(a) of this
 32 subsection (b).

	A-1 and A-2 Zones	A-3 and AV-3 Zones
<u>Lot area.....</u>	<u>20,000 square feet.</u>	<u>40,000 square feet.</u>
<u>Lot width.....</u>	<u>80 feet.</u>	<u>100 feet.</u>

33

34 ~~a. The minimum lot area allowed in the A-1 and A-2 zones shall be 20,000 square feet. The~~
 35 ~~minimum lot area in the A-3 and AV-3 zone shall be 40,000 square feet.~~

36 ~~b. The minimum lot width allowed in the A-1 and A-2 zones shall be 80 feet. The minimum lot~~
 37 ~~width allowed in the A-3 and AV-3 zone shall be 100 feet.~~

38 ~~e. The average area of lots within any zone in the subdivision shall equal or exceed the~~
39 ~~minimum lot area for the zone.~~

40 ~~d. The average width of lots within any zone in the subdivision shall equal or exceed the~~
41 ~~minimum lot width for the zone.~~

42 ec. *Subdivision plat table.* A table shall be provided with the subdivision application and on the
43 final subdivision plat showing the area and width of each lot within the overall subdivision
44 boundary, the averaged area and width of all lots within the overall subdivision boundary,
45 and the averaged area and width of all lots within each zone in the ~~subdivision.~~overall
46 subdivision boundary. If platted in phases, the "overall subdivision boundary" shall mean the
47 exterior boundary of all phases in the approved preliminary plat.

48 fd. *Subdivision plat subtitle.* A subtitle shall be displayed on the final subdivision plat that reads
49 "A Lot-Averaged Subdivision."

50 ge. *Subdivision plat note.* A note shall be placed on the final subdivision plat that reads "~~for~~
51 ~~each zone in this subdivision,~~ the averaged area and averaged width of lots within the zone
52 equals or exceeds the minimum lot area and minimum lot width allowed in each applicable
53 ~~the~~ zone. An amendment to any part of ~~this~~the subdivision's approved overall preliminary
54 plat~~subdivision~~ shall comply with ~~Section 106-2-4(b) of the~~ Weber County Code's lot-
55 averaged subdivision regulations, as may be revised or amended from time to time."