

WEBER COUNTY
ORDINANCE 2022-14

AMENDMENT TO ACCESSORY DWELLING UNIT REGULATIONS

AN ORDINANCE AMENDING THE ACCESSORY DWELLING UNIT REGULATIONS TO DEFINE SPECIFIC ZONES IN THE OGDEN VALLEY PLANNING AREA WHERE DWELLING UNIT RIGHTS MAY BE TRANSFERRED FROM FOR THE PURPOSES OF CONSTRUCTING DETACHED ACCESSORY DWELLING UNITS, AND RELATED ORDINANCE AMENDMENTS.

WHEREAS, The Board of County Commissioners of Weber County has heretofore adopted land use regulations for the unincorporated areas of the Weber County; and

WHEREAS, The land use regulations govern the number of primary and accessory dwelling units allowed on a lot or parcel; and

WHEREAS, The land use regulations specify that the number of detached residential units on a lot or parcel be no more than the lot or parcel's base residential dwelling unit rights, or increased residential dwelling units rights due to having received transferred residential dwelling unit rights; and

WHEREAS, Land Use Principle 1.1 of the 2016 Ogden Valley General plan indicates that the County will support the transfer of existing development rights as the primary means to increase densities in suitable project areas while proportionately decreasing density in other areas; and

WHEREAS, the proposed text amendments serve to specifically define zones in the Ogden Valley Planning Area where dwelling unit rights may be transferred from in order to increase the available dwelling unit rights on a receiving lot or parcel for the purposes of constructing detached accessory dwelling units; and

WHEREAS, In their regularly scheduled meeting on January 25, 2022, the Ogden Valley Planning Commission offered the Board of County Commissioners of Weber County a positive recommendation regarding the proposed text amendments; and

WHEREAS, The Board of County Commissioners of Weber County has determined that the amendments will advance the goals of the 2016 Ogden Valley General Plan as well as the general welfare of County residents;

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

SECTION 1: **AMENDMENT** "Section 101-2-13 Lot Definitions" of the Weber County Code is hereby *amended* as follows:

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Title 101 General Provisions

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Sec 101-2-13 Lot Definitions

Lot. The term "lot" means a parcel of land capable of being occupied by an allowed use, building or group of buildings (main or accessory), and approved for human occupancy either full- or part-time; together with such yards, open spaces, parking spaces and other areas required by this title and the Land Use Code. Such parcel shall also have frontage on a street or on a right-of-way approved by the planning director. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot.

Lot area. The term "lot area" means the area contained within the boundary of a lot.

Lot, corner. The term "corner lot" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

Lot coverage. The term "lot coverage" means the percentage of the lot area which is occupied by all building, and other covered structures and impervious surfaces.

Lot, double frontage. The term "double frontage lot" means any building lot which has both the front and rear yard lot line abutting a street.

Lot, flag. The term "flag lot" means an "L" shaped lot comprised of a narrow access strip connected to a street (staff portion) which opens into the lot area (flag portion).

Lot, frontage. The term "lot frontage" also referred herein as "street frontage" or "street frontage of a lot," means the yard lot line abutting one side of a street right-of-way.

Lot, interior. The term "lot, interior" means any building lot other than a corner lot.

Lot, irregular shaped. The term "irregular shaped lot" means any building lot whose boundaries are:

1. Comprised of three or more than four lot lines;
2. A lot in which the side lot lines are not radial or perpendicular to the front lot line; or
3. In which the rear lot line is not parallel to the front lot line.
4. Where an irregular shaped lot occurs, the interior angle of intercepting lot lines with an angle of 135 degrees or greater shall be considered the same lot line and yard designation. If the angle is less than 135 degrees, the yard designation shall be determined to be different and the applicable yard requirements would apply.

Lot line adjustment. The term "lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record. An amended plat is required to do a lot line adjustment.

Lot, lot line. The term "lot line lot" means the boundary of a lot traditionally prescribed with a front, a rear and two sides. Where two lot lines converge and the lot's line bearing changes, the interior angle of which will determine, if it is greater than 135 degrees, whether the lot line may continue with the same yard designation. When the interior angle is 135 degrees or less, then the lot lines designation shall be different.

Lot line, front. The term "front lot line" means the boundary line of the lot which abuts a public dedicated street or other legal access from which the front yard setback is measured, ~~which determines the lot width~~ and where ingress and egress generally is made to the lot.

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 the lot line parallel to a dedicated public street and at the end of the stem.

Lot line, rear. The term "rear lot line" means the boundary of a lot which is most distant from, and is most parallel to the front lot line; except that in the case of an irregular shaped lot, the rear lot line is the line within the lot parallel to and at a maximum distance from the front lot line, having a length of not less than ten feet.

Lot line, side, for corner lots. The term "side lot line for corner lots" means all interior lot lines for multi-frontage lots. For other corner lots, that interior lot line which has been designated as the side lot line by the lot owner previously demonstrated by placement of structures.

Lot line, side, for interior lots. The term "side lot line for interior lots" means those interior lines laying opposite each other, running between the front and rear lot lines.

Lot, nonconforming. The term "nonconforming lot" means a lot or parcel that complied with lot standards in effect at the time of the lot's creation and, because of subsequent changes to the Land Use Code, does not conform to the current lot standards. Applicable standards include lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance, and other lot standards of this Land Use Code.

Lot, restricted. The term "restricted lot" means a lot or parcel of land which has an average slope of 25 percent or more and does not contain a buildable area as defined in this section.

Lot of record. A lot of record is defined as any one of the following circumstances:

1. A parcel of real property identified as a building lot on an unrecorded subdivision plat that has been approved by Weber County and is on file in the Weber County Planning Office; or
2. A parcel of real property identified as a building lot on a subdivision plat that has been approved by Weber County and recorded in the office of the Weber County Recorder; or
3. A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder before January 1, 1966; or
4. A parcel or lot described in a deed, sales contract or survey that was recorded in the office of the Weber County Recorder on or before December 31, 1992, which complied with the zoning requirements in effect on the same date; or
5. A parcel or lot that was created in its current size and configuration and contained a lawfully permitted single-family dwelling prior to December 31, 1992;
6. A parcel of real property that contains at least 100 acres;
7. A parcel or lot that does not fall within any one of the previously listed circumstances but has received a variance from the Weber County Board of Adjustment which has otherwise deemed a particular parcel/lot as a lot of record; or
8. A parcel or lot that meets the criteria of (a) through (g) of this definition may be reconfigured as long as:
 1. The reconfiguration does not make the parcel or lot more nonconforming;
 2. No new lot or parcel is created; and
 3. All affected property is outside of a platted subdivision.

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

Lot width. The term "lot width" means the width of a lot as measured along a line that runs parallel to the front lot line and is at the minimum building setback applicable to the lot's zone.

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SECTION 2: AMENDMENT "Section 108-19 Accessory Dwelling Units" of the Weber County Code is hereby *amended* as follows:

Chapter 108-19 Accessory Dwelling Units

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Sec. 108-19-2 Applicability


- (a) Applicability. The provisions set forth in this chapter apply to an accessory dwelling unit, where allowed by the zone.
- (b) Ogden Valley Accessory Dwelling Unit. In the Ogden Valley, an accessory dwelling unit located in an accessory building shall only be allowed in one of the two following circumstances:
 - (1) The lot has a base density, as defined in Chapter 101-2, of at least two. The lot owner shall record a covenant that runs with the land and is between the lot owner and the County. The covenant shall document the lot's calculated base density; the number of dwelling units developed on the lot, including the accessory dwelling unit; the number of dwelling unit rights subtracted from the base density by any other means; and the number of dwelling unit rights remaining for the property.
 - (2) A landowner has successfully negotiated the reallocation of a dwelling unit right from another lot or parcel, and is in compliance with the following:
 - a. The reallocated dwelling unit right may only be transferred from a lot or parcel that:
 - 1. Is located in one of the following zones: RE-15, RE-20, AV-3, FV-3, and S-1; and
 - 2. That has an available dwelling unit right. Available dwelling unit rights are ~~as~~ determined by the lot or parcel's base density and adjusted for any previous dwelling unit right reduction or addition.
 - ~~a.~~b. The reallocation shall be made by recording a covenant to each affected lot or parcel. Each covenant shall run with the land and be between the owner and the County. Each covenant shall document the applicable lot or parcel's calculated base density; the number of dwelling units developed on the lot or parcel, including the accessory dwelling unit, if applicable; the number of dwelling unit rights subtracted from, or added to, the base density by any means; and the number of dwelling unit rights remaining for the lot or parcel.

PASSED AND ADOPTED BY THE BOARD OF WEBER COUNTY COMMISSIONERS
ON THIS 17th DAY OF May, 2022.

Gage Froerer:	AYE <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>
Jim "H" Harvey:	AYE <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>
Scott K. Jenkins:	AYE <input checked="" type="checkbox"/>	NAY <input type="checkbox"/>	ABSENT <input type="checkbox"/>	ABSTAIN <input type="checkbox"/>

Presiding Officer

Scott K. Jenkins, Chair

Attest

Ricky D. Hatch, Clerk