

Ordinance 2013-32 12-10

An ordinance of Weber County amending Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 (Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards) of the Weber County Land Use Code by updating access exception design standards

Whereas, the purpose and intent of 108-7-29 is 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; and

Whereas, the Planning Division has found that several of the access exception standards require additional updates to provide clarity for applicants and review agencies, and to comply with County Engineering Division and Weber Fire District standards; and

Whereas, the Planning Division has worked closely with both of these agencies to create access standards that are clear, flexible, and provide safety for property owners, public safety agencies, and others who may need to use the access; and

Whereas, the proposed amendments are in conformance the West Central Weber County and Ogden Valley General Plans; and

Whereas, the Western Weber Township Planning Commission, after appropriate notice, held a public meeting on November 12, 2013 and unanimously recommended that the Weber County Board of Commissioners approve the proposed amendments; and

Whereas, the Ogden Valley Township Planning Commission, after appropriate notice, held a public meeting on November 19, 2013 and unanimously recommended that the Weber County Board of Commissioners approve the proposed text amendment; and

Whereas, the Weber County Board of Commissioners, after appropriate notice, held a public hearing on December 10, 2013 and approved the proposed amendments to the Weber County Land Use Code;

Now Therefore, the Weber County Board of Commissioners ordains as follows:

Title 108 (Standards) Chapter 7 (Supplementary and Qualifying Regulations) Section 29 (Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards) of the Weber County Land Use Code is hereby amended to read as follows:

Chapter 7. Supplementary and Qualifying Regulations

- 108-7-1. Purpose and Intent**
- 108-7-2. Projections Permitted into Required Yard Setbacks**
- 108-7-3. Fencing Requirements**
- 108-7-4. Rear Yard Coverage**
- 108-7-5. Exceptions to Height Limitations**
- 108-7-6. Minimum Height of Dwelling**
- 108-7-7. Clear View of Intersecting Streets**
- 108-7-8. Setbacks for Animals and Fowl**
- 108-7-9. Water and Sewage Requirements**
- 108-7-10. Required Building Setback from Designated Collector or Arterial Streets**
- 108-7-11. Group Dwellings**
- 108-7-12. Towers**
- 108-7-13. Residential Facility for Persons with a Disability - Facility Requirements**
- 108-7-14. Residential Facility for Troubled Youth - Facility Requirements**
- 108-7-15. Residential Facility for Elderly Persons - Facility Requirements**
- 108-7-16. Large Accessory Buildings**
- 108-7-17. New Construction in Residential and Commercial Developments**
- 108-7-18. Swimming Pools**
- 108-7-19. Building on Dedicated Substandard Streets or Public by Right of Use Roads**
- 108-7-20. Occupying Recreational Vehicles**
- 108-7-21. No Obstruction of Irrigation Ditches, Drains and/or Canals**
- 108-7-22. Temporary Real Estate Sales Office**
- 108-7-23. River and Stream Corridor Setbacks**
- 108-7-24. Wind Energy Conversion Systems (Small Wind Energy Systems)**
- 108-7-25. Nightly Rentals**
- 108-7-26. Land Use Applications Involving Lots/Parcels with Existing Violations**
- 108-7-27. Solar Energy Systems**
- 108-7-28. Garage Sales/Yard Sales**
- 108-7-29. Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards**
- 108-7-30. Flag Lots**
- 108-7-31. Access to a Lot/Parcel Using a Private Right-of-Way or Access Easement**
- 108-7-32. Access to a Lot/Parcel at a Location Other than Across the Front Lot Line**

108-7-29. Flag Lot Access Strip, Private Right-of-Way, and Access Easement Standards

In order to provide for safe and consistent access to lots/parcels using flag lot access strips, private rights-of-way, or access easements as the primary means of ingress and egress to a dwelling unit, the following standards shall be met, in addition to the individual requirements of Sections 23-30, 23-31, and 23-32. These standards shall not apply to bona-fide agricultural parcels that are actively devoted to an agricultural use(s) that is the main use.

- (1) Design standards.
 - a. The flag lot access strip, private right-of-way, or access easement shall be designed and built to a standard approved by the County Engineer. The improved road surface does not require hard-surface paving, i.e., concrete or asphalt, but the improvements shall meet the following standards.
 - b. The flag lot access strip shall have a minimum width of 20 feet and a maximum width of 30 feet. A private right-of-way or access easement shall have a minimum width of 16 feet and a maximum width of 50 feet. The private right-of-way and access easement width standards may be modified by the Weber Fire District in conjunction with the County Engineer on a case by case basis.
 - c. The improved travel surface of the flag lot access strip, private right-of-way, or access easement shall be a minimum of 12 feet wide if the access serves fewer than five dwellings, and a minimum of 20 feet wide if the access serves five or more dwellings.
 - d. The improved road surface of the flag lot access strip, private right-of-way, or access easement shall be capable of supporting a minimum weight of 75,000 pounds.
 - e. A turnout measuring at least 10 feet by 40 feet shall be provided adjacent to the traveled surface of the a flag lot access strip, private right-of-way, or access easement (private access) if the private access is greater than 200 feet in length. The turnout shall be located at the approximate midpoint of the private access if its length is between 200 and 800 feet. If the private access length is greater than 800 feet, turnouts shall be provided at least every 400 feet thereafter. These standards may be modified by the Weber Fire District in conjunction with the County Engineer on a case by case basis.
 - f. The flag lot access strip, private right-of-way, or access easement shall have a maximum grade of 10%. 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%.
 - g. The flag lot access strip, private right-of-way, or access easement shall have a minimum vertical clearance of 14.5 feet.

- h. No buildings, structures, or parking areas are allowed within the flag lot access strip, private right-of-way, or access easement.
- i. New bridges, including decking and culverts shall be capable of supporting a minimum weight of 75,000 pounds. For existing bridges, a current certified engineer statement of load bearing capabilities must be submitted to the County Engineer and the Weber Fire District for review.
- j. The flag lot access strip, private right-of-way, or access easement shall have a minimum inside travel-way radius of 26 feet, outside travel-way radius of 45 feet, and outside clear zone radius of 50 feet on all curves, particularly switchbacks. The width of the access may need to be increased to accommodate these standards.
- k. Water and sewer lines located within the flag lot access strip, private right-of-way, or access easement require written notification from the agencies providing such services.

(2) Safety standards.

- a. The lot address shall be displayed in a prominently visible location at the street entrance to the flag lot access strip, private right-of-way, or access easement.
- b. A turn-around area shall be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet.)
- c. A fire hydrant or other suppression method may be required by the Fire District.
- d. A site plan showing the location of the home, any proposed access roads and driveways, along with the location of and distance to the nearest fire hydrant (if available) shall be submitted to the Fire District for review.
- e. Conditions may be imposed by the Land Use Authority to ensure safety, accessibility, privacy, etc. to maintain or improve the general welfare of the immediate area.

(3) Lot/parcel standards

- a. The lot/parcel shall meet all minimum yard and area requirements of the zone in which it is located.
- b. Buildings shall be set back a minimum of 30 feet from the end of the flag lot access strip, private right-of-way, or access easement.

- c. The lot/parcel shall meet the minimum lot width requirement for the zone in which the lot is located at the end of the access strip.
 - d. The lot/parcel shall have a flag lot access strip, private right-of-way, or access easement constructed in conformance with 108-7-29 (1), (2), and (3) prior to the issuance of Land Use Permits or Building Permits.
- (4) Expiration
- a. 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.


Passed, adopted, and ordered published this 10 day of December, 2013, by the Weber County Board of Commissioners.

Commissioner Bell	Voting <u>aye</u>
Commissioner Gibson	Voting <u>aye</u>
Commissioner Zogmaister	Voting <u>aye</u>



Kerry W. Gibson, Chair

ATTEST:



Ricky D. Hatch, CPA Weber County Clerk