



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

**Application Request:** Public hearing to discuss and/or take action on an application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions that will help implement the Western Weber General Plan, and that will affect the Ogden Valley Planning Area, as it generally relates to residential zoning and residential development and to provide related clerical edits and policy adjustments deemed necessary by the Western Weber Planning Commission and the Ogden Valley Planning Commission.

**Applicant:** Weber County

**Agenda Date:** Tuesday, April 25, 2023

**File Number:** ZTA 2022-07

### Staff Information

**Report Presenter:** Charlie Ewert  
cewert@co.weber.ut.us  
(801) 399-8763

**Report Reviewer:** RG

## Applicable Ordinances

§101-2: Definitions	§108-7-19: Building on Dedicated Substandard Streets
§102-1-2: Planning Director Authority	§108-7-23: River and Stream Corridor Setbacks
§102-5: Rezone Procedures	§108-7-24: Supplemental Energy Generation Standards
§104-1-1: Establishment of Zones	§108-7-29: Flag Lot Access Strip, Private Right of Way, and Access Easement Standards
§106-1-8: Final Plat Requirements and Approval Procedure	§108-7-30: Flag Lots
§106-2-2: Street Standards	§108-7-31: Access to Lot/Parcel Using Private Right-of-Way or Access Easement
§106-2-4: Lot Standards	§108-7-32: Access to a Lot/Parcel at a Location Other Than Across the Front Lot Line
§106-4-2: Curbs and Gutters	§108-16: Outdoor Lighting
§108-7-7: Supplemental Street, Access, and Right-of-Way Standards	
§108-7-10: Required Setback from Designated Collector or Arterial Streets	

## Legislative Decisions

Decision on this item is a legislative action. When the Planning Commission is acting on a legislative item it is acting as a recommending body to the County Commission. Legislative decisions have wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

## Summary and Background

The purpose of these ordinance amendments is intended to help the Western Weber Planning Area implement their new general plan. However, a number of the changes will also affect development requirements in the Ogden Valley Planning Area. Staff has carefully considered each change within the context of the Ogden Valley General Plan, as well as development management in the Ogden Valley generally, to ensure the changes do not run contrary to planning in the Valley. In their review of the proposal, the Planning Commission should do the same.

Both the Ogden Valley Planning Commission and the Western Weber Planning Commission have independently reviewed the proposal during recent work sessions and helped shape the final proposal.

The attached Exhibit A contains the amendments created through this effort. Please note, to help expedite the planning commission's review, staff has omitted parts of the proposed changes that have no effect on the Ogden

Valley.

## Policy Analysis

### Policy Considerations:

#### Ordinance Amendments (See Exhibit A):

The following provide a synopsis of each change, listed in the order they appear in the proposed ordinance.

#### §101-2: Definitions:

The following definitions are proposed to be amended, added, or deleted from the ordinance:

- Flag lot: clerical edits.
- Lot right-of-way: deleting, is not used in any ordinance
- Front lot line for flag lot: deleting, is not used in any ordinance
- Private access right-of-way: replacing with “shared private lane.” This definition was initially used for a specific private street type, but changes to the code in the mid '00 confused the term for something else.
- Shared private lane: replacing “private access right-of-way,” to be used for the new shared private lane provisions.
- Street-block: clerical edits.
- Collector street: emphasizing the relationship that a collector street has with arterial streets.
- Arterial (major) street: clerical edits.
- Major neighborhood street: replaces “standard residential street” in part.
- Minor neighborhood street: replaces “standard residential street” in part.
- Marginal access street: deleting. This reads as if it is describing a freeway frontage road. In any case, it is not used anywhere else in the ordinances.
- Temporarily terminal street or street-route: clerical edits.
- Private street: mostly clerical. Removing the phrase “reserved by dedication” because dedication has specific meaning in state code that runs contrary to this context.
- Public street: removing some of the specificity and standards from the definition so they cannot be in conflict (whether now or in the future) with the more specific standards in the ordinances.
- Standard residential street: deleting this term. It is not used anywhere in the ordinances.

#### §102-1-2: Planning Director Authority

Clerical edits related to flag lots and access to lots without a street serving it.

#### §102-5: Rezone Procedures

The proposed amendments will require each application for a rezone to provide a street connectivity plan for not just the project, but how streets could be configured for the area generally. It will also require a plan addressing the project’s contribution toward parks and open spaces. It revises an applicant’s obligation to prove access to water and sewer, and replaces it with a narrative explaining how access to these utilities will be provided in the future. It also creates a supplemental application section that lists a number of more application requirements that are at the discretion of the county. There are a few proposed clerical edits to the rezone procedures to provide clarity regarding the county’s obligation to the applicant and the applicant’s obligations in general. The proposal offers other administrative clarifications as well.

#### §104-1-1: Establishment of Zones

These edits are clerical in nature. Simply attempting to provide better organization.

#### §106-1-8: Final Plat Requirements and Approval Procedure

Under final plat requirements, staff is taking the opportunity to correct a previous oversight regarding hillside development. This correction, and another hillside correction specified later in this report, together make it so that each subdivision lot shall provide a buildable area free from slope and other sensitive land issues. If the lot purchaser later wants to amend the restrictions, they can amend the lot after appropriate studies and mitigation measures have been completed. Essentially, this ensures that no lot is created and sold that is later discovered to be unbuildable given reasonable effort and cost.

Other amendments to this section provide for the new “shared private lane” provision, and the new “alley operations and maintenance” provision being proposed, as further explained later in this report.

## §106-2-2: Street Standards

*Shared private lane.* The proposed addition of a new shared private lane regulation is not a specific recommendation of the Western Weber General Plan, but the planning commission can find general support for allowing a shared private lane to help give access to internal block areas and areas that would otherwise need to have stacked flag lots in order to develop (which is not allowed by current code). There is a specific provision in the Ogden Valley General Plan that suggests a limited street type that can access lots without requiring a fully developed public street.

Most of the proposed regulations for a shared private lane reflect the provisions for a private street, however, the improvements that are required and the method by which the land is held are different. These lanes are allowed to be narrower, and instead of private street improvements being constructed on a county-owned parcel, as is the case with private streets, a private lane may be constructed on an easement that the county holds instead. This difference is a degree or two removed from being able to convert the improvements into a future public street, but still offers a potential “hold” on the land under the 66-foot wide easement for if a future public street is ever needed. Lot setbacks are required to be from the easement, not the lane.

In the Ogden Valley, a shared private lane is proposed to only access up to 15 dwelling units and have a max length of 600 feet.

*Arterial and collector streets.* The proposal offers amendments to shore-up regulations related to development adjacent to an arterial or collector street. The intention of new language is two part:

- It requires that new subdivisions avoid providing an individual lot its own access onto a collector or arterial street.
- Where it is not possible to avoid providing the lot access from a collector or arterial, these provisions will lighten other lot-access requirements to help provide easier means by which access can be provided across and through other lots.

These proposed regulations are intended by inference to stimulate the creation of side streets or other shared consolidated accesses for lots that front on a collector or arterial street.

*Street cross sections and design.* Proposed changes to this section only move “development on a substandard street” out of the subdivision code and into the supplementary regulations code so the provisions therein can be applied to development on all property, not just those within a proposed subdivision.

*Street grades.* Proposed amendments in this section are clerical in nature.

*Alleys.* While remaining a short section, these proposed changes are very important for the implementation of narrower rear and side-loaded residential lots that might be found in village areas or master planned developments. The provisions require alleys to be a specific width and have platted snow storage areas. They also place the responsibility for the operations and upkeep of an alley onto the landowners who gain access from it – even though the alley will be dedicated for public use.

## §106-2-4: Lot Standards

*Generally.* The amendments to the general lot standards in the subdivision ordinance are to make clerical edits and provide revised standards for flag lots. The proposal changes flag lot area requirement from a flat three-acres to 50% of the area required by the zone (regardless of whether it is in a flexible development type). This means that in order to get a flag lot in a 3-acre zone the lot must be at least six acres. This will help disincentive flag lots as well as help reduce overall density if a flag lot is used. Most, if not all, of the rest of the provisions come directly from the code’s current flag lot provisions, but it moves those provision from supplemental regulations to the subdivision regulations because new flag lots should not be created without first being subject to subdivision regulations.

*Hillside development.* The proposed amendments modify the hillside development regulations to eliminate the appeared allowance of “R” lots. An “R” lot has historically been a lot on land that has not first been subject to the hillside development regulations to verify hillside stability or lot buildability. The amendment will require proof of buildability before any lot can be platted.

*Connectivity-incentivized subdivision.* This entire section is proposed to be revamped to make a few things more

clear, as listed below. As it applies to the Ogden Valley Planning Area, the changes are not intended to substantially shift the direction of the policy; just clarify it.

- An applicant’s participation in this development type and process is completely voluntary. They can choose a different development type already listed in the code if they do not want to comply with these regulations.
- Because this is a voluntary option, the Land Use Authority, not the applicant, has full discretion to require streets to be located where they see fit. The ordinance provides the Land Use Authority minimum criteria to help with deliberations.
- The proposal adds pedestrian connectivity and standards similar to those being proposed for the Form Based zone.

#### §106-4-2: Curbs and Gutters

The proposed amendments in this section make the provision for curb and gutter – and under what circumstances it may be deferred – clearer. The proposal also requires that the developer install driveway aprons for all lots that are 60 feet or less. This provides the county’s engineers the opportunity to ensure driveway placement is in the best interest of the street and street access, generally.

#### §108-7-7: Supplemental Street, Access, and Right-of-Way Standards

Proposed amendments to this section are clerical. The provisions are being moved from elsewhere and consolidated into similar topics here.

#### §108-7-10: Required Setback from Designated Collector or Arterial Streets

Proposed amendments are clerical in nature.

#### §108-7-19: Building on Dedicated Substandard Streets

This section is being renamed to “Development on a Substandard Street or Public by Right-of-Use Road.” The provisions from the subdivision ordinance regarding development on a substandard street or road is proposed to be moved here. No changes to the context is being proposed.

#### §108-7-24: Supplemental Energy Generation Standards

The proposal recommends merging all renewable energy regulations into one section.

#### §108-7-27: Solar Energy Systems

The proposal recommends deleting this section in favor of merging it into §108-7-24.

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

The proposal recommends retitling this section to “Access and Standards for a Land Locked Residential Lot or Parcel.” In doing so, it recommends moving flag lot provisions to the subdivision ordinance, as previously mentioned in this report, and consolidating provisions for private rights-of-way and access easements pertaining to land-lock residential property. The standards therein are proposed to remain relatively the same as existing, although reorganized.

#### §108-7-30: Flag Lots

The proposal suggests moving flag-lot specific provisions to the subdivision ordinance.

#### §108-7-31: Access to Lot/Parcel Using Private Right-of-Way or Access Easement

The proposal simply deletes this section. This section has been generally misused over the years as a means of avoiding installation of a street to serve development. The addition of shared private lane is, in part, being recommended as a better alternative.

#### §108-7-32: Access to a Lot/Parcel at a Location Other Than Across the Front Lot Line

Proposed amendments to this section are clerical.

#### §108-16: Outdoor Lighting

The recommended amendments to this section revise the composition of the Ogden Valley Dark Sky Committee, as previously directed by the Weber County Commission.

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. In 2016, the Western Weber General Plan was adopted after a significant public involvement process.

The proposed amendments help implement numerous goals and objectives of the General Plan including the following:

**Streetscape Design Goal 1: A goal of Weber County is to provide roads and streets in Ogden Valley that enhance community character.**

**Streetscape Design Principle 1.1:** Ensure that Ogden Valley roads and streets have a cohesive design that promotes traffic calming and enhances community character.

**Streetscape Design Implementation 1.1.1:** Develop and adopt multimodal streetscape cross sections for villages based on the small area plans referenced in [Commercial Development Goal 1](#), and implement key elements during programmed road creation, maintenance, and upgrade projects. During small area planning, consider the need for traffic calming measures, reduced speed limits, consistent landscaping and lighting, and other public improvements.

**Streetscape Design Implementation 1.1.2:** Establish comprehensive streetscape standards for new residential streets and rural connector roads in Ogden Valley, including multimodal considerations, paving patterns, and other public improvements.

**Transportation Principle 1.2:** Provide for maintenance-efficient road design that minimizes the number of Valley road miles, steep grades, and poor drainage.

**Transportation Implementation 1.2.1:** Provide development [ordinances](#) that require that new road infrastructure directs traffic to existing State highways in as efficient a manner as possible.

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**Utilities and Public Services Implementation 5.1.3:** Evaluate effects of current [ordinances](#) as they relate to fire access and the allowance of development on terminal [street](#) systems.

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**Parks and Recreation Implementation 3.1.4:** Weber County should consider providing [ordinances](#) that require recreational trails in new development projects to connect, or be designed to connect in the future, to the [active transportation](#) network provided for in the Transportation and Mobility Element, and as further illustrated on Map 10. Ordinances should be crafted to allow Americans with Disabilities Act-accessible pathways in lieu of sidewalk requirements, provided that the accessible pathways would lend a more direct route to the active transportation network than the sidewalks or [streets](#) would otherwise. Active transportation measures should not be waived by means of a deferral agreement.

## Staff Recommendation

Staff recommends that the Planning Commission consider the text included as Exhibit A and offer staff feedback for additional consideration, if any. Alternatively, when/if the Planning Commission is comfortable with the proposal, a positive recommendation should be passed to the County Commission.

## Model Motion

The model motions herein are only intended to help the planning commissioners provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the planning commission recall previous points

of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

**Motion for positive recommendation as-is:**

I move we forward a positive recommendation to the County Commission for File #ZTA2022-07, a county-initiated application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions as it generally relates to residential zoning, residential development, street design and access, lot development standards, and provide related clerical edits and policy adjustments deemed necessary, as provided in Exhibit A. I do so with the following findings:

*Example findings:*

1. *The proposal is not detrimental to the effect of the general plan.*
2. *The proposal will help implement provisions of the general plan.*
3. *The changes will enhance the general health and welfare of Ogden Valley residents.*
4. [\_\_\_\_\_ *add any other desired findings here* \_\_\_\_\_].

**Motion for positive recommendation with changes:**

I move we forward a positive recommendation to the County Commission for File #ZTA2022-07, a county-initiated application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions as it generally relates to residential zoning, residential development, street design and access, lot development standards, and provide related clerical edits and policy adjustments deemed necessary, as provided in Exhibit A, **but with the following additional edits and corrections:**

*Example of ways to format a motion with changes:*

1. *Example: On line number \_\_\_\_\_, it should read: \_\_\_\_\_ **state desired edits here** \_\_\_\_\_.*
2. *Etc.*

I do so with the following findings:

*Example findings:*

1. *The proposal is not detrimental to the effect of the general plan.*
2. *The proposal will help implement provisions of the general plan.*
3. *The changes will enhance the general health and welfare of Ogden Valley residents.*
4. [*Example: the additional requested changes will/are* \_\_\_\_\_].
5. [*Etc.*]

**Motion to table:**

I move we **table** action on File #ZTA2022-07, a county-initiated application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions as it generally relates to residential zoning, residential development, street design and access, lot development standards, and provide related clerical edits and policy adjustments deemed necessary, to [\_\_\_\_\_ **state a date certain** \_\_\_\_\_], so that:

*Examples of reasons to table:*

- *We have more time to review the proposal.*
- *Staff can get us more information on [\_\_\_\_\_ **specify what is needed from staff** \_\_\_\_\_].*
- *The applicant can get us more information on [\_\_\_\_\_ **specify what is needed from the applicant** \_\_\_\_\_].*
- *More public noticing or outreach can occur.*
- [\_\_\_\_\_ *add any other desired reason here* \_\_\_\_\_].

**Motion to recommend denial:**

I move we forward a recommendation for **denial** to the County Commission for File #ZTA2022-07, a county-initiated application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions as it generally relates to residential zoning, residential development, street design and access, lot development standards, and provide related clerical edits and policy adjustments deemed necessary, **as provided in Exhibit A. I do so with the** following findings:

*Examples findings for denial:*

- *The proposal is not adequately supported by the general plan.*
- *The proposal is not supported by the general public.*
- *The area is not yet ready for the proposed changes to be implemented.*
- *[Example: The proposal runs contrary to the health, safety, and welfare of the general public.]*
- *[ add any other desired findings here ].*

## Exhibits

A. Proposed ordinance amendments (Redlined Copy).

**WEBER COUNTY**  
**ORDINANCE NUMBER 2023-\_\_\_\_\_**

**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, STREET AND PATHWAY CONNECTIVITY AND IMPROVEMENT REQUIREMENTS, A RELATED CLERICAL AMENDMENTS.**

**WHEREAS**, the Board of Weber County Commissioners has heretofore adopted land use regulations governing uses of land in unincorporated Weber County; and

**WHEREAS**, \_\_\_\_\_; and

**WHEREAS**, \_\_\_\_\_; and

**WHEREAS**, on \_\_\_\_\_, 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, offered a positive recommendation to the County Commission; and

**WHEREAS**, on \_\_\_\_\_, 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, offered a positive recommendation to the County Commission; and

**WHEREAS**, on \_\_\_\_\_, 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 proposed amendments herein substantially advance many goals and objectives of the Western Weber General Plan and the Ogden Valley General Plan; and

**WHEREAS**, the Weber County Board of 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.

Commented [E1]: This term does not show up anywhere in the code.

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.

Commented [E2]: This term does not show up anywhere in the code.

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 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, bBlock.~~ 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, cCollector.~~ 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 local Major Streets and Minor  
40 Streets, and providing eventual access to ~~the an Arterial Street~~ major street system.

41 ~~Street, mMajor.~~ The term "major streetArterial Street," which may also be referred to as "Major  
42 Street," or "Major Road," means a street, existing or proposed, which serves or is intended to serve as an  
43 Arterial-major traffic way connecting Collector Streets to the greater regional area. An Arterial Street is  
44 usually a controlled-access highway or freeway and is designated on the general plan, master street plan,  
45 or similar planning document as an Arterial Street. ~~as a controlled access highway, major~~ Major  
46 streetStreet, parkway or other equivalent term to identify those streets comprising the basic~~backbone~~  
47 structure of the street plan.

48 Street, Major Neighborhood. The term "Major Neighborhood Street," means a street, existing or  
49 proposed, which is of limited community-wide continuity and which serves or is intended to serve the local

50 [needs of connecting neighborhoods to each other and to Collector Streets.](#)

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

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

Commented [E3]: This term does not show up anywhere in the code.

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

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

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

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

Commented [E4]: This term does not show up anywhere in the code.

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76 ...

77 **TITLE 102 ADMINISTRATION**

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79 **Chapter 102-1 General Provisions**

80 ...

81 **Sec 102-1-2 Planning Director Authority**

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

85 (1) Site plan approval, when required by this Land Use Code, for which the land use authority is not  
86 otherwise specified by this Land Use Code;

87 (2) Design review for buildings under 10,000 square feet and which impact an area of less than one  
88 acre, as provided in ~~section 108-1-2;~~

89 (3) Home occupation, as provided in ~~section 108-13-2;~~

90 (4) Building ~~Parcel~~parcel designation, as provided in section ~~108-7-33;~~

91 ~~(5)~~ Small subdivisions, as provided in section ~~106-1-8(f)~~ of this Land Use Code; and

92 ~~(5)(6)~~ [Access to a land locked Lot or Parcel, as provided in Section 108-7-32.](#)

93 ~~(6) Flag lots, access to a lot/parcel using a private right-of-way or access easement, as provided in~~  
94 ~~Sec 108-7-XX, and access to a lot/parcel at a location other than across the front lot line land locked~~  
95 ~~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**

**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 101-1-2 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 Alley/valley 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 Allev/alleys.
  - (3) The A 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.

- 142 a.b. How ~~is~~ the change is in compliance with the general plan, or if not, the public interest the
- 143 change is intended to address.?
- 144 b.c. Why ~~should~~ the present zoning should be changed to allow ~~this~~ the proposal ~~rezone.?~~
- 145 e.d. How ~~is~~ the change is in the best interest of the public ~~interest.?~~
- 146 d.e. ~~What~~ The conditions and circumstances ~~have~~ in the general area that have taken
- 147 place ~~changed~~ in the general area since the general plan was adopted to warrant such a
- 148 change? ~~the rezone.~~
- 149 e.f. ~~How does this~~ The reasons or ways the proposal ~~rezone will~~ promote the health, safety and
- 150 general welfare of the inhabitants of the county.?
- 151 f.a. ~~Project narrative describing the project vision.~~
- 152 (c) Supplemental application requirements for the rezone of a large master planned area or any
- 153 proposed rezone to the Destination and Recreation Resort Zone, supplementary requirements.
- 154 ~~Due to the anticipated scale and potential impact of a destination and recreation resort on the county~~
- 155 ~~and other surrounding areas, the following additional information, shall be required to accompany any~~
- 156 ~~application submitted for the rezone of a large master planned area or any proposed rezone to the~~
- 157 ~~consideration of a~~ Destination and Recreation Resort Zone approval. ~~The additional information~~
- 158 ~~shall consist of the following:~~
- 159 (1) For a rezone application of a large master planned area or for a rezone to the Destination and
- 160 Recreation Resort Zone, the additional information in Subsection (c)(3) of this section shall be
- 161 submitted with the initial rezone application.
- 162 (7)(2) For a rezone other than those specified in Subsection (c)(1) of this section, after submittal
- 163 of the initial rezone application, the additional information in Subsection (c)(3) of this section shall
- 164 be submitted if requested by the Planning Director, Planning Commission, or County Commission
- 165 at any point during the rezone procedure.
- 166 (3) Supplemental application information.
- 167 a. A ~~C~~ concept development plan, which shall include the project's conceptual layout and shall
- 168 include a mapped depiction of ~~showing~~ sensitive land areas as described/mapped in Title 104,
- 169 Chapter 28, Ogden Valley Sensitive Lands Overlay Zone and potential geologic hazards as
- 170 identified in.
- 171 b. If the land is located within an existing or future service area of a local water or sewer service
- 172 provider, a letter of acknowledgment and conditions of future service.
- 173 c. A narrative from the project engineer discussing the feasibility for the mitigation of stormwater
- 174 runoff.
- 175 b.d. Traffic impact analysis.
- 176 e.e. Cost benefit analysis.
- 177 d.f. Recreation facilities plan.
- 178 e.g. ~~Seasonal~~ workforce housing plan.
- 179 f.h. Emergency services plan including a letter of feasibility from the Weber fire district and Weber
- 180 County sheriff's office.
- 181 g.i. Letter of feasibility from the electrical power provider.
- 182 h.i. Density calculation table showing proposed density calculations.
- 183 i.k. Thematic renderings demonstrating the general vision and character of the proposed
- 184 development.
- 185 (e)(d) All documents submitted as part of the application shall be accompanied by a in a corresponding
- 186 PDF formatted file.
- 187 ...

Commented [E10]: Check ref

Commented [E11]: Check ref

Commented [E12]: Check ref

188 **Sec 102-5-6 Rezone Procedure**

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

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

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

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

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

- 219 a. Whether the proposed amendment is consistent with goals, objectives, and policies of the  
220 County's general plan.
- 221 b. Whether the proposed amendment is compatible with the overall character of existing  
222 development in the vicinity of the subject property, and if not, consideration of the specific  
223 incompatibilities within the context of the general plan.
- 224 c. The extent to which the proposed amendment may adversely affect adjacent property.
- 225 d. The adequacy of facilities and services intended to serve the subject property, including, but  
226 not limited to, roadways, parks and recreation facilities, police and fire protection, ~~schools,~~  
227 stormwater drainage systems, water supplies, wastewater, and refuse collection.
- 228 e. Whether the proposed rezone can be developed in a manner that will not substantially degrade  
229 natural/ecological resources or sensitive lands.
- 230 f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing  
231 below an acceptable level of service.

232 ...

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

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

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

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

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

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

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

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

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

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

**Commented [E13]:** The development agreement covers this.

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

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

**Commented [E14]:** This is redundant.

266 **Sec 102-5-10 Rezone of Property Disconnecting From Incorporated Cities**

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

270 ...

271  
272 **TITLE 104 ZONES**

273 **Chapter 104-1 In General**

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

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

ZONE DISTRICTS	ZONE NAME
Residential Estates Zones	RE-15
<del>Residential Estates Zone</del>	RE-20

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Gravel Zone	G
Agricultural Zones	A-1
<del>Agricultural Zone</del>	A-2
<del>Agricultural Zone</del>	A-3
Agricultural Valley Zone	AV-3
Forestry Zones	F-5
<del>Forestry Zone</del>	F-10
<del>Forestry Zone</del>	F-40
Forest Valley Zone	FV-3
Shoreline Zone	S-1
Commercial Valley Resort Recreation Zone	CVR-1
<del>Residential Zone</del>	<del>R-1-12</del>
<del>Residential Zone</del>	<del>R-1-10</del>
<del>Forest Residential Zone</del>	<del>FR-1</del>
<u>Single-Family Residential Zones</u>	R1-15
	R1-12
	R1-10
<u>Two-Family Residential Zone</u>	R2
<u>Multi-Family Residential Zone</u>	R3
Forest Residential Zones	FR-1
	FR-3
Residential Mobile/Manufactured Home Park Zone	RMHP
Residential Manufactured Home Zone	RMH-1-6

Commented [E15]: Consolidated into FR below

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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

277 ...

278

279 **TITLE 106 SUBDIVISIONS**

280 ...

281 ***Chapter 106-1 General Provisions***

282 ...

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

284 ...

285 **Sec 106-1-8.010 Final Plat Required**

286 ...

287 **Sec 106-1-8.020 Final Plat Requirements**

288 The following are requirements for final plat consideration:



- 289 ...
- 290 (b) **Plat notes required.** The following plat notes shall be placed on every page of the final plat, when  
291 applicable:
- 292 (1) **Boundary and corners note.** A note on the plat shall indicate the subdivision boundary and the  
293 ~~lot~~Lot corners are set as required by state code and county ordinances.
- 294 (2) **Hillside development plat note.** Pursuant to Section 106-2-4, a ~~Lot~~lot that has an average percent  
295 of slope that is greater than 25-percent shall provide the following on the final plat:
- 296 a. ~~Buildable area. If the lot provides a~~ Buildable Area, as defined Section 101-2-  
297 ~~the buildable area shall be delineated on the final plat by short dashed lines.~~
- 298 a. ~~A restricted area, if applicable.~~ The restricted area shall be labeled as "~~Buildable-restricted~~  
299 area. See note [enter note number here]." The note shall read as follows: "A ~~Lot~~lot with a  
300 delineated "~~buildable-restricted~~ area" shall ~~only-not~~ allow buildings within the designated  
301 ~~buildable-restricted~~ area."
- 302 b. ~~Restricted lot. If a lot is a restricted lot, the letter "R" shall be placed immediately to the right~~  
303 ~~of the lot number. The lot shall be labeled as "Restricted lot. See note [enter note number~~  
304 ~~here]." The note shall read as follows: "A lot labeled with the letter "R" after the lot number is a~~  
305 ~~restricted lot because it has an average percent of slope greater than 25-percent. Development~~  
306 ~~thereon is subject to a hillside development review pursuant to the provisions of Title 108,~~  
307 ~~Chapter 14."~~
- 308 (3) **Agricultural uses plat note.** A subdivision located in an Agriculture A-1, A-2, A-3, or AV-3 Zone  
309 shall have the following plat note: "Agriculture is the preferred use in the agricultural zones.  
310 Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any  
311 time including the operation of farm machinery and no allowed agricultural use shall be subject to  
312 restriction on the basis that it interferes with activities of future residents of this subdivision."
- 313 (4) **Lot-averaged subdivision plat note.** A lot-averaged subdivision shall have the following plat note:  
314 "For each zone in this subdivision, the average area and average width of ~~Lot~~lots within the zone  
315 equal or exceed the minimum area and minimum width allowed in the zone. A subdivision  
316 amendment within any part of the overall subdivision boundary shall comply with Section 106-2-  
317 4.2 of the Weber County Code."
- 318 (5) **Connectivity-incentivized subdivision plat note.** A connectivity-incentivized subdivision shall  
319 have the following plat note: "This subdivision was allowed flexible ~~Lot~~lot area ~~Area~~ and width in  
320 exchange for superior street connectivity. A subdivision amendment within any part of the overall  
321 subdivision boundary shall comply with Section 106-2-4.3 of the Weber County Code."
- 322 (6) **Moderate income housing plat note.** Pursuant to Section 104-27-6 or Section 104-22-12, a ~~Lot~~lot  
323 or unit set aside for moderate-income housing shall have a plat note explaining the nature of the  
324 housing restriction and the method by which occupancy and moderate-income affordability will be  
325 regulated.
- 326 (7) **Privately operated and maintained street or shared private lane plat note.**
- 327 a. Private Street. A ~~parcel~~Parcel dedicated to the county but intended for a privately operated  
328 and maintained street, pursuant to Section 106-2-2.1(b), shall be labeled as "Privately operated  
329 and maintained street. See note [enter note number here]." The note shall read as follows:  
330 "Use of a street labeled as "Privately operated and maintained street" is reserved for the  
331 exclusive and private use of the adjoining ~~Lot~~lot owners until and unless the governing body  
332 assumes public responsibility for the street."
- 333 a.b. Shared private lane. A shared private lane, pursuant to Section 106-2-2.1(c), shall be labeled  
334 as "Shared private lane." If the shared private lane is temporarily in lieu of a street, then it shall  
335 be labeled as "Shared private lane. See note [enter note number here]." The note shall read as  
336 follows: "The shared private lane is also an easement held in favor of the County for possible  
337 conversion to a Public Street at a time the County deems it appropriate, if ever."
- 338 (8) Alley operations and maintenance plat note. Pursuant to Section 106-2-2.100, an Alley shall be  
339 labeled as "Public Alley, see note [enter note number here]." The note shall read as follows: "An

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Alley is a dedicated public thoroughfare, but the operations and maintenance is the collective and equitable responsibility of all landowners who's Lots and Parcels and/or parking areas gain access from it.

~~(8)~~(9) **Landscaping and watering restrictions plat note.** Pursuant to Section 106-4-2.1, a ~~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~~, and references the recorded covenant or, if applicable, covenants, and specifies the automatic watering system requirements of Section 106-4-2.1, if applicable.

~~(9)~~(10) **Substitute monuments plat note.** Pursuant to Section 106-4-2.11, 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.

~~(10)~~(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 ~~Lot~~s in the subdivision are required to comply with the outdoor lighting requirements of Title 108 Chapter 16.

~~(11)~~(12) **Natural hazard report disclosure plat note.** If any ~~Lot~~ 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.

**Sec 106-1-8.030 Final Plat Approval Process**

**Sec 106-1-8.040 Final Plat Recordation**

**Chapter 106-2 Subdivision Standards**

**Sec 106-2-2 Street Standards**

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

**Sec 106-2-2.020 Private Street Option**

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

Shared private lane. Unless specified otherwise in this Section 106-2-030 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 Section 106-4 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.

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- 384 (3) Constructed of all-weather material, have a grade of no greater than ten percent, a clearance no  
385 less than 14 and a half feet. In a development with an average density that is greater than one unit  
386 per acre, the lane shall be hard-surfaced.
- 387 (4) Be on a Parcel that is held in common ownership by a homeowner's association that governs the  
388 Lots that gain access therefrom, or be an easement recorded in favor of the owners of all Lots that  
389 gain access therefrom.
- 390 (5) If terminal, the shared private lane shall be no longer than
- 391 a. 200 feet in the Western Weber Planning Area, and provide access to no more than seven  
392 Dwellings Units.
- 393 b. 600 feet in the Ogden Valley Planning Area, and provide access to no more than 15 Dwelling  
394 Units. However, if longer than 200 feet in length it shall be designed with a fire apparatus turn-  
395 around approved by the local fire authority at the end.
- 396 (b) ***Shared private lane temporarily in lieu of street.*** As long as development on other properties in the  
397 general area to which a street could extend is not imminent, a private lane may be installed in place of  
398 a required public or Private Street, and in the Ogden Valley it may be longer than 600 feet in length,  
399 under the following circumstances:
- 400 (1) ***No interruption of street connectivity.*** Doing so shall not disrupt the orderly build-out or inhibit  
401 the future street connectivity of the area.
- 402 (2) ***Compliance with general plan.*** It shall not be contrary to the General Plan's recommendations  
403 that are specifically applicable to the area.
- 404 ~~(3)~~ (3) ***Easement required.*** The final plat shall convey an easement over the shared private lane  
405 to Weber County for the purpose of reserving a future Public Street right-of-way at a time the  
406 governing body determines a Public Street is necessary, if ever.
- 407 a. The easement being dedicated to the county shall be the length of the Private Street and extend  
408 to adjacent developable land or another street regardless of whether the Private Street  
409 infrastructure does.
- 410 b. The easement shall be the same width required for a Public Street right-of-way, and be  
411 configured at a grade that will not create an unreasonable burden for future street-building and  
412 connectivity given typical grading and construction methods.
- 413 (4) ***Operation, maintenance, and use.*** The operations and maintenance of the shared private lane  
414 shall be the sole responsibility of the owners of each Lot gaining access from it.
- 415 (5) ***Building setback standards.*** The minimum front building setback shall be 33 feet greater than  
416 otherwise required, and shall be measured from the centerline of the shared private lane.
- 417 (6) ***Plat note.*** On the final plat, the county-owned easement shall be labeled and noted as required by  
418 Section 106-1-8.020.
- 419 (7) ***Recording requirements.*** At the time of final plat recording, the applicant shall record a covenant  
420 to run with the land that provides that:
- 421 a. The owners of all Lots that gain access from the shared private lane are solely and equally  
422 responsible for operations and maintenance of the lane.
- 423 b. If applicable, that by purchasing a Lot that gains access from a shared Private Street, the owner  
424 acknowledges that the lane easement is owned in fee by the governing body for possible future  
425 Public Street purposes, but that the governing body assumes no responsibility or liability for  
426 the lane or for the uses thereof or thereon until and unless, if applicable, the governing body  
427 assumes responsibility for it.
- 428 c. The owner is responsible for disclosing the nature of the lane to prospective purchasers,  
429 renters, or lessees.
- 430 e.d. The landowner of record or authorized representative agree to pay a proportionate amount of  
431 the costs associated with improving or restoring the street to operational Public Street  
432 standards at the time the governing body assumes responsibility for it; and agrees to not protest

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[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.](#)

**Sec 106-2-2.040 Terminal Streets**

**Sec 106-2-2.2050 Arterial And Collector Streets**

(a) Unless specified otherwise in this Land Use Code, an 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.

(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)**

**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 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;~~

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Commented [E22]: Check reference.

Check also references to this section throughout and update.

~~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 ~~Collector Streets~~ Collector Streets, ten percent; on ~~minor streets~~ Major and Minor Neighborhood Streets, 12 percent; on ~~Private Street~~ 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.

(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.

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

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

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

545 **Sec 106-2-2.110 Protection Strips**

546 ...

547 **Sec 106-2-4 Lot Standards**

548 **Sec 106-2-4.010 Lot Standards Generally**

549 (a) **Lot configuration.** The Lot arrangement and design shall provide satisfactory and desirable sites  
550 for buildings, and be properly related to topography and to existing and probable future development  
551 conditions. The applicant shall demonstrate that each Lot intended for a building or other site  
552 improvements is buildable.

553 (b) **Lot size and exceptions.** Unless specifically allowed otherwise in this Land Use Code or a  
554 development agreement, All Lots shown on the subdivision plat must conform to the minimum area  
555 and width requirements of the Land Use Code for the zone in which the subdivision is located, as  
556 provided in the applicable zone pursuant to Title 104 of this Land Use Code. ~~However, the following~~  
557 ~~are exceptions to this requirement:~~

558 ~~**Variance.** When otherwise permitted by the granting of a variance by the board of adjustment~~  
559 ~~as authorized by the Land Use Code.~~

560 ~~**Cluster subdivision or master planned development.** When in accordance with the cluster~~  
561 ~~subdivision or master planned development provisions of this Land Use Code.~~

562 ~~**Septic system and wellhead protection.** When required by the local health department as~~  
563 ~~being the minimum area necessary for septic tank disposal and water well protection if~~  
564 ~~greater than the above area requirements.~~

565 (c) **Lot frontage.** Each Lot shall have frontage on a street or shared private lane that meets County  
566 standards, unless specifically provided otherwise in this Land Use Code. A Lot having double  
567 frontage is prohibited unless the rear of the Lot is abutting a collector or Arterial street, or a street  
568 planned to become a collector or Arterial street, or extreme topography makes other design  
569 inappropriate, as determined by the County Engineer. If allowed, the rear Lot line of a ~~double~~ Double  
570 ~~frontage~~ Frontage ~~lot~~ Lot shall be labeled as "no access allowed."

571 (d) **Side Lot Lines.** Side lines of Lots shall be approximately at right angles, or radial to the street line.

572 (e) **Flag Lot.** A Flag Lot shall comply with the following provisions:

573 (1) Area. Regardless of any other alternative Lot Area provision of this Land Use Code, the area of  
574 the Lot exclusive of the access strip (the flag's staff) shall be no less than twice the minimum Lot  
575 Area required by the zone, as provided in Title 104.

576 (2) Unless otherwise allowed in this Land Use Code, a Flag Lot shall not be allowed if it avoids the  
577 installation of a street contemplated by this Land Use Code, an adopted general plan, master  
578 transportation plan, development agreement, or other adopted document intended to govern the  
579 placement, connectivity, or creation of a street or Street-Block.

580 (3) **Access.**

581 a. Each Flag Lot shall gain access to a street by means of its own fee title access strip (the flag's  
582 staff). Successive stacking of Lots on the same access strip is not permitted.

583 b. No access strip shall exceed 800 feet in length.

584 ~~a.~~ c. A maximum of two Flag Lot access strips may be located adjacent to each other.

**Commented [E23]:** This is not an all-inclusive list. Rather than spelling out all of the exceptions already allowed in the code, I've simply added a blanket statement at the front of the paragraph.

585 d. The access strip shall be configured in a manner that has the ability to support a future street  
586 if one is ever needed. The access strip shall be no less than 60 feet wide and extend from the  
587 street or shared private lane to the furthest extent of the Lot. This may be reduced to 30 feet if  
588 two Flag Lot access strips are adjacent to each other.

589 e. The access strip shall be denoted on the plat as the access strip to the Flag Lot, and the Lot's  
590 front shall be determined as facing this access strip. The front setback shall be measured from  
591 the access strip.

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

596 1. The adjacent area to which a future street could otherwise be extended is built-out such  
597 that no reasonable street connection can be made thereto;

598 2. The adjacent area to which a future street could otherwise be extended has characteristics  
599 that significantly reduce the likelihood the Street-Block will be needed, as determined by  
600 the Land Use Authority. These characteristics include, but are not limited to sensitive lands  
601 such as geologic hazards, riverways, floodplains, wetlands, and slopes on which no  
602 reasonable street configuration can be created that complies with allowed street grades;  
603 or

604 3. The adjacent area to which a future street could otherwise be extended has culturally or  
605 locally important lands that can, is, or will be permanently preserved in a manner that  
606 benefits the general public. The Land Use Authority may require the applicant to secure  
607 the permanent preservation in a manner satisfactory to the Land Use Authority.

608

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

613 (1) **Remnant Parcel size.** An allowed remnant ~~Parcel~~parcel shall be no smaller than five acres, and  
614 be recorded with the agricultural notice specified in UCA § 17-27a-605.

615 (2) **Retroactive compliance.** Any ~~Parcel~~parcel that was created as the result of being a remainder  
616 from a platted subdivision, including those that do not comply with the recorded notice provisions  
617 of UCA § 17-27a-605, that is later used for any use other than agriculture is no longer exempt from  
618 the requirements of this Title and shall retroactively be made to comply with this Title and applicable  
619 state code.

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

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

625 (1) **Lot frontage public utility easements.** Each ~~Lot~~lot shall have a ten-foot public utility easement  
626 abutting a street right-of-way and spanning the ~~Lot~~lot width. This ten-foot easement is not required  
627 in a zone that allows a zero front setback.

628 (2) **Other public utility easements.** Other public utility easements shall be provided if, and only if,  
629 authorized or required by the County Engineer or Land Use Authority, who shall specify the  
630 easement's location and width, with a minimum width no less than five feet.

631 (3) **Surface water drainage easements.** If the applicant cannot demonstrate that surface water runoff  
632 onto other property will not exceed historic runoff rates, a land drain easement and drainage  
633 infrastructure shall be provided by the applicant in a manner that protects other properties in the  
634 area and public infrastructure. The land drain shall be installed as part of the subdivision  
635 improvements.

636 (4) **Agricultural water drainage easements.** When a subdivision is proposed on land to which  
637 irrigation water runoff has historically and lawfully drained from other property, a land drain  
638 easement and drainage infrastructure shall be provided by the applicant in a manner that protects  
639 the new Lotlots, public infrastructure, and historic irrigation flows from and to other property. The  
640 land drain shall be installed as part of the subdivision improvements.

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

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

646 (1) **Buildable area.** If a Lotlot has a ~~buildable~~Buildable areaArea, as defined in Section 101-2, a  
647 hillside development review is not required. The buildable area shall be delineated on the final plat  
648 by short dashed lines.

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

661 ~~(j)~~(k) **Sensitive lands restrictions.** A lot subject to development restrictions found in Title 104, Chapter  
662 28 of this Land Use Code shall show the restrictions on the final plat. This shall include but may not be  
663 limited to wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

664 **Sec 106-2-4.020 Lot-Averaged Subdivision**

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

669 (a) **The averaged area and width of all lots to comply with zone standards.** The averaged ~~lot area~~Lot  
670 Area and averaged ~~lot~~Lot width-Width of all Lotlots located within a Lotlot-averaged subdivision shall  
671 be no less than the minimum ~~Lot~~lot area-Area and minimum ~~lot~~Lot width-Width found in the applicable  
672 zone or zones. A pre-existing nonconforming Lotlot of record that is smaller in ~~Lot~~lot area-Area or ~~Lot~~lot  
673 width-Width shall be excluded from the calculation, and may continue with the smaller dimensions as  
674 long as it is not made more nonconforming.

675 (b) **Lot standards.** The ~~Lot~~lot area-Area and ~~Lot~~lot width-Width of an individual Lotlot located within a  
676 Lotlot-averaged subdivision shall be no less than shown in the following table, provided that the  
677 averaged area and width of all Lotlots in the subdivision maintains compliance with Subsection (a) of  
678 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

679 (c) **Subdivision plat table.** A table shall be provided with the subdivision application and on the final  
680 subdivision plat showing the area and width of each Lotlot within the overall subdivision boundary, the



681 average area and width of all Lotlets within the overall subdivision boundary, and the average area and  
 682 width of all Lotlets within each zone in the subdivision boundary. If platted in phases, the “overall  
 683 subdivision boundary” shall mean the exterior boundary of all phases in the approved preliminary plat.

684 (d) **Plat subtitle.** Pursuant to Section 106-1-8.20, a subtitle and note referencing this provision shall be  
 685 placed on the final plat.

686 **Sec 106-2-4.030 Connectivity-Incentivized Subdivision**

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

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

701 (c) **Maximum allowed density.** If the applicant provides a street and pathway layout that complies with  
 702 this section and is approved at the discretion of the Land Use Authority after receiving a favorable  
 703 recommendation from staff, the applicant may use the Base Density calculation, as defined in Chapter  
 704 101-2-3, to compute the maximum allowed Lots in the subdivision. Further, when calculating the Base  
 705 Density, the area of the subdivision proposed to be occupied by public improvements is not required to  
 706 be omitted from the net developable acreage.

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

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

713 (b) ~~**Base density incentive.** When calculating the base density, the area proposed to be encumbered by~~  
 714 ~~a public street right-of-way, up to ten percent of the gross developable acreage, is not required to be~~  
 715 ~~omitted from the net developable acreage of the subdivision. Base density shall be calculated using~~  
 716 ~~the minimum lot area and minimum lot width of the applicable zone, pursuant to the provisions in Title~~  
 717 ~~104.~~

718 (a)(d) **Allowed zones.** A connectivity-incentivized subdivision is allowed only in the following zones: S-1,  
 719 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

720 (1) Unless excepted in Subsection (e)(2) of this section, at no time shall the Lotlet area Area and  
 721 Lotlet width Width of any residential Lotlet 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-2	R-3	CVR-1
Reduced minimum <u>Lot</u> area:	50-percent of the zone's minimum.							80-percent of the zone's minimum.			6000' square feet		80-percent of the zone's minimum.		No minimum.

Reduced minimum <u>Lot</u> width:	50-percent of the zone's minimum.	80-percent of the zone's minimum.	<u>60 feet</u>	80-percent of the zone's minimum.	No minimum.
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<sup>1</sup>Each 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 area and Lot width provisions of Subsection (b)(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.

Commented [E24]: Check ref

~~(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, is, 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 as 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 intersection 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.

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

Commented [E25]: Check ref

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

772 ~~(1) Street and neighborhood connectivity for both motorized and nonmotorized street-users;~~

773 ~~(2) Efficiency of street-routes in terms of distance traveled;~~

774 ~~(3) Reducing block length;~~

775 ~~(4) Enhancing pedestrian circulation and safety;~~

776 ~~(5) Supporting four-way intersections over three-way intersections where appropriate; and~~

777 ~~— Superior street alignment that will create best community outcomes.~~

778 (f) Pathway location and design standards.

779 (1) Pathways and sidewalks, generally.

780 a. Each development shall be configured so that the maximum pathway or sidewalk walking-  
781 distance between a pathway or sidewalk intersection is 400 feet.

782 1 This distance may be increased for a segment of a pathway that travels through a  
783 permanently preserved open space area or an area very unlikely to ever develop.

784 2 A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another  
785 pathway, sidewalk, or street that has pedestrian facilities.

786 b. Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-  
787 motorized modes of transportation.

788 c. Pathways shall connect using shortest distance reasonably possible.

789 d. Pathway and sidewalk layout shall provide for the continuation of existing pathways or  
790 sidewalks in the general area, and for future planned pathways, as shown on an adopted  
791 pathway plan, general plan, master trails plan, or other applicable adopted planning document.

792 e. A pathway or sidewalk shall connect to any pathway or sidewalk stubbed from adjacent  
793 developed property.

794 f. Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with  
795 a stub to the subdivision boundary.

796 g. Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating  
797 convenient and efficient access to nearby Lots or Parcels that are likely to eventually be  
798 developed.

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

802 a. When determining which side of the street the pathway is required, preference shall be given  
803 to the side of the street that has optimal sun exposure during winter months.

804 b. The Planning Director may require a pathway be located on the other side of the street to  
805 support pathway connectivity based on other factors such as existing or planned future  
806 pathways in the vicinity and potential pedestrian conflicts.

807 c. The pathway shall be located within the street right-of-way unless expressly authorized  
808 otherwise by the County Engineer. If not located within the street right-of-way, a pathway  
809 easement is required.

810 d. Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of  
811 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.

e. Example: *Street-Adjacent Pathway*



(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.

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.

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:

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

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

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.

d. Example: *Non-Street-Adjacent Pathway*



830  
831

832 ~~(d)~~(e) **Final plat note.** Pursuant to Section 106-1-8.20, a subtitle and note referencing this provision shall  
833 be placed on the final plat.

834 ...

835 **Chapter 106-4 Subdivision Improvements Required**

836 ...

837 **Sec 106-4-2 Specific Requirements**

838 ...

839 **Sec 106-4-2.5 Curbs ~~And~~, Gutters, and Driveway Aprons.**

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

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

851 ...

852 ...

853 **TITLE 108 STANDARDS**

854 ...

855 **Chapter 108-7 Supplementary And Qualifying Regulations**

DRAFT – Last edited 4/13/2023

856 **Sec 108-7-1 Purpose And Intent**

857 The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zoning  
858 regulations appearing elsewhere in this title.

859 ...

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

Commented [E26]: Consolidated from multiple sections to here.

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

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

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

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

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

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

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

883 (1) The area of property on either side of an access way formed by the intersection of each side of the  
884 access way and the public right-of-way line. The two sides of the triangle shall be ten feet in length  
885 measured from the point of intersection and the third side (hypotenuse) being a line connecting the  
886 ends of these two sides.

887 (2) The area of property located at a corner formed by the intersection of two or more public rights-of-  
888 way. The two sides of the triangle shall be formed by the street rights-of-way lines for a length of  
889 40 feet back from their intersection and the third side being a line connecting the ends of these two  
890 sides.

891 ...

892 **Sec 108-7-10 Required Building Setback From Designated Collector Or Arterial Streets**

893 Where a street is designated on the master street plan of the county as a ~~collector~~ Collector Street or ~~arterial~~  
894 ~~(major) street~~ Arterial Street, and where the existing street right-of-way requires widening to meet the right-  
895 of-way standards of ~~such collector or arterial (major) street~~ the Collector Street or Arterial Street, the  
896 minimum front and side yard setback for all buildings shall be based upon the future designated right-of-  
897 way width as shown on the county master plan and shall be measured from the future ~~lot-street right-of-~~  
898 ~~way~~ line of the collector or arterial (major) street-Collector Street or Arterial Street designated right-of-way  
899 instead of the existing ~~Lot/lot line~~ Line of the present street right-of-way.

900 ...

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

903 (a) Development on a substandard street is not permitted unless in compliance with this Section 108-7-19.  
904 New or improved agricultural accesses are exempt from these requirements.

Commented [E27]: Moved to here from the subdivision code.

905 (b) For the purpose of this section, a substandard street means any of the following, from the point it  
906 becomes substandard, or from the nearest intersection with a non-terminal street or street-route,  
907 whichever is closer, to the furthest extent of the applicant's proposed development adjacent to the  
908 street:

909 (1) a substandard street;

910 (2) a road that is public by right-of-use that does not meet minimum Public Street standards; and

911 (3) a terminal street-route or public by right-of-use road-route that at any point leading to the  
912 development does not meet minimum Public Street standards.

913 (c) An application for a permit, subdivision, or any other approval authorized by this Land Use Code that  
914 proposes to provide, add, or increase the intensity of access to a Lot or Lots from a substandard street  
915 shall not be approved unless the substandard nature of the street or street-route is cured. However, if  
916 curing the substandard nature of the street or street route is not roughly proportionate to the increased  
917 impact of the proposal, then the following provisions shall apply.

918 (1) **Right-of-way dedication or conveyance.** In all cases, the applicant shall dedicate, by subdivision  
919 plat or deed conveyance, to the County the minimum street right-of-way width of the applicant's  
920 entire street frontage.

921 (2) **Street frontage improvements.** In all cases, the applicant shall be financially responsible for the  
922 improvement of the applicant's street frontage for up to, but not to exceed, three times the  
923 applicable minimum Lot Width allowed, except, however, if the development is of the nature that  
924 makes the future development of any remaining portion of the Lot Width unlikely, the applicant shall  
925 bear the burden of the full Lot width. The County Engineer has full authority and discretion to  
926 determine the specific improvements required to be installed by the applicant prior to or as condition  
927 of approval, and whether any remaining improvements may be deferred to a later time, as otherwise  
928 provided in this Section.

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

933 a. **Engineer's cost estimate.** Estimate the cost to improve the substandard street or street-route  
934 to County standards from the point it becomes substandard, or from the nearest intersection  
935 with a non-terminal street or street-route, whichever is closer, to the furthest extent of the  
936 applicant's proposed development adjacent to the street.

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

943 2. The County Engineer may require the applicant to furnish engineered drawings of the street  
944 and an itemized cost-estimate in order to substantiate the estimated cost;

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

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

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

952 1. Measure the length of the substandard street or street-route from the point it becomes  
953 substandard to the furthest extent of the applicant's subdivision along the substandard  
954 street or street-route;

- 955 2. Determine the estimated number of lots expected along the street at buildout by dividing  
956 the length of the street, the result of Subsection (b)(1)b.1., by the standard minimum lot  
957 width of the zone, as found in Title 104 of this Land Use Code. Do not use alternative lot  
958 widths, such as those allowed in a cluster subdivision or a lot-averaged subdivision, even  
959 if the applicant's subdivision has them; then
- 960 3. Combine the estimated number of lots expected along the street at buildout, the results of  
961 Subsection (b)(1)b.2. with the applicant's proposed number of subdivision lots.
- 962 c. **Final proportionate share calculation.** Divide the cost to improve the street or street-route to  
963 County standards, the result of Subsection (b)(1)a. by the sum of the estimated number of lots  
964 expected along the street at buildout plus the applicant's proposed number of lots, the results  
965 of Subsection (b)(1)b.
- 966 (4) **Required improvements, escrow, and allowed deferral.** The County Engineer shall:
- 967 a. **Required improvements.** Require the applicant to make improvements to the substandard  
968 street or street-route in an amount up to but not exceeding the applicant's cost of the  
969 proportionate share, as determined herein. The County Engineer has full authority and  
970 discretion to determine the specific improvements required of the applicant;
- 971 b. **Escrow.** Require this cost to be deposited with the County for the County to add a street's  
972 needed improvements into scheduled road maintenance and improvements; or
- 973 c. **Deferral.** If the County Engineer determines that the funds that would be made available are  
974 insufficient to provide meaningful project improvements along the substandard street or street-  
975 route, a substandard road agreement may be allowed in lieu of the project improvements  
976 required in this section. In this case, the applicant, and all owners having interest in the subject  
977 Lot or Lots shall execute a substandard road agreement and notice to new owners. The content  
978 of the substandard road agreement and notice shall be as specified by the County, but at a  
979 minimum it shall:
- 980 1. For a terminal substandard street or street route, explain that the subject Lot or Lots has  
981 or have only a single street access connecting it to the greater interconnected Public Street  
982 network, and the single street access is not built to the adopted minimum design and safety  
983 standards;
- 984 2. Require a deferral agreement that specifies that the owners or successors and heirs are  
985 responsible, at a time the governing authority deems it necessary, to pay for their  
986 proportionate share of curing the substandard nature of the street or street-route;
- 987 3. Allow the governing authority, at its option to withhold any written protest filed by the owners  
988 or their successors or heirs under the State Code's Assessment Area Act, Provisions For  
989 Local Districts, or any similar government revenue generation mechanism, from the final  
990 tally of collected protests, provided, however, that the revenue generated by the  
991 mechanism is used to improve access to the Lot or Lots; and
- 992 4. Be recorded to the property at the time of subdivision recordation or sooner for subdivision  
993 approval, or prior to the issuance of a land use permit or final approval for other types of  
994 approvals.
- 995 ~~(a) An applicant for a land use and building permit for property which abuts and has access from a~~  
996 ~~substandard dedicated street or public by right of use road, shall, as a condition of issuance of such~~  
997 ~~permits, be required:~~
- 998 ~~(1) To sign a substandard road agreement provided by the county.~~
- 999 ~~(2) To dedicate, if the road is substandard in width, sufficient road right-of-way widening to meet county~~  
1000 ~~road standards or as recommended by the county engineer in situations that warrant an alternative~~  
1001 ~~width such as unusual topographic or boundary conditions.~~
- 1002 ~~(b) Where a dedicated street or public by right of use road is determined to be of less right-of-way width~~  
1003 ~~than the county standard, the minimum front and corner (facing street) side yard setbacks for all~~  
1004 ~~buildings and structures shall be measured from the future county standard street right-of-way line~~  
1005 ~~location, rather than from the present right-of-way line.~~



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**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 Section 101-2, 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 Section 101-2, is regulated by Title 104, Chapter 30, of this Land Use Code.

**Commented [E28]:** Consolidating alternative energy generation into one section.

**Commented [E29]:** Check this chapter to verify any references to this paragraph are changed.

~~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.~~

- 1054 (e) ~~The maximum height of a small wind energy system (including tower and blades) shall not exceed 70~~  
 1055 ~~feet. Small wind energy systems proposed to be over 70 feet will require approval from the planning~~  
 1056 ~~commission as part of the conditional use permit. The minimum distance between the ground and any~~  
 1057 ~~protruding blades utilized on a small wind energy system shall be 15 feet as measured at the lowest~~  
 1058 ~~point of the arc of the blades.~~
- 1059 (d) ~~Small wind energy systems must comply with applicable Federal Aviation Administration (FAA)~~  
 1060 ~~regulations, including any necessary approvals for installations close to airports.~~
- 1061 (e) ~~Small wind energy system towers shall maintain either a galvanized steel finish or a finish in a color~~  
 1062 ~~approved by the planning commission as part of the conditional use, and shall not be artificially lighted~~  
 1063 ~~unless required by the FAA.~~
- 1064 (f) ~~Small wind energy systems shall not exceed 60 decibels as measured at the closest property line~~  
 1065 ~~except during short term severe wind events. A manufacturer's sound report shall be required with an~~  
 1066 ~~application for a small wind energy system.~~
- 1067 (g)(c) ~~Manufacturer specifications for components and installation shall be required with an application~~  
 1068 ~~for a small wind energy system.~~

1069 ...

1070 **Sec 108-7-27 (Reserved) Solar Energy Systems**

- 1071 (a) ~~**Small solar energy system.** A small solar energy system, as defined in section 101-1-7, is allowed in~~  
 1072 ~~any zone, and shall meet the setback and height requirements for an accessory building in the zone in~~  
 1073 ~~which the system is located. Setbacks shall be measured to the outermost edge of the system nearest~~  
 1074 ~~the property line. Solar energy systems which are attached to a building shall meet the same setbacks~~  
 1075 ~~that are required for the building.~~
- 1076 (b) ~~**Large solar energy system.** A large solar energy system, as defined in section 101-1-7, is regulated~~  
 1077 ~~by title 104, chapter 30, of this Land Use Code.~~

1078 ...

1079 **Sec 108-7-29 Flag Lot Access Strip, Private Right-Of-Way, And Access Easement**  
1080 **Standards**Access and Standards for a Land Locked Residential Lot or Parcel

1081 ~~In order to provide for safe and consistent access to lots/parcels using flag lot access strips, private rights-~~  
1082 ~~of-way, or access easements as the primary means of ingress and egress to a dwelling unit, the following~~  
1083 ~~standards shall be met, in addition to the individual requirements of sections 108-7-30—108-7-32. These~~  
1084 ~~standards shall not apply to bona-fide agricultural parcels that are actively devoted to an agricultural use(e)~~  
1085 ~~that is the main use.~~

1086 (a) ~~**Design standards. Access.** Unless otherwise allowed in this Land Use Code, the provisions of this~~  
1087 ~~section shall not be allowed if it avoids the installation of a street contemplated by this Land Use Code,~~  
1088 ~~an adopted general plan, master transportation plan, development agreement, or other adopted~~  
1089 ~~document intended to govern the placement, connectivity, or creation of a street or Street-Block.~~  
1090 ~~Otherwise, a land-locked Lot or Parcel intended for residential use shall have an access road or~~  
1091 ~~driveway that extends from a public right-of-way to the area of the Lot that will be developed.~~

- 1092 (1) ~~The access road or driveway shall be:~~
  - 1093 a. ~~Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum~~  
 1094 ~~improved surface width of 20 feet. A greater right-of-way width may be required by the County~~  
 1095 ~~Engineer for a cross-slope easement.~~
  - 1096 b. ~~Configured and constructed so that curves can safely facilitate the turning radius and weight of~~  
 1097 ~~the Fire Authority's largest fire apparatus.~~
  - 1098 c. ~~Constructed of all-weather material, have a grade of no greater than ten percent, a clearance~~  
 1099 ~~no less than 14 and a half feet, and if terminal and longer than 200 feet in length, a fire truck~~  
 1100 ~~turnaround at the end.~~

Commented [E30]: Consolidated into energy regulations 108-7-24

Commented [E31]: Flag lot standards moved and consolidated into subdivision code.

1101 d. Be on a Parcel that is held in common ownership by a homeowner's association that governs  
1102 the Lots that gain access therefrom, or be an easement recorded in favor of the owners of all  
1103 Lots that gain access therefrom.

1104 e. If terminal, no longer than 600 feet.

1105 f. If terminal and longer than 200 feet in length, designed with a fire apparatus turn-around  
1106 approved by the local fire authority at the end.

1107 **(b) Other requirements:**

1108 (1) The address of the Lot or Parcel shall be displayed in a prominently visible location at the street  
1109 entrance to the Lot or Parcel's access from a public right-of-way.

1110 (2) A fire hydrant or other suppression method may be required by the fire district.

1111 (3) A site plan showing the location of the home, any proposed access roads and driveways, along  
1112 with the location of and distance to the nearest fire hydrant (if available) shall be submitted to the  
1113 fire district for review.

1114 ~~(4) Buildings shall be set back a minimum of 63 feet from the center of the Lot's access right-~~  
1115 ~~of-way.~~

1116 ~~(5) Conditions may be imposed by the Land Use Authority to ensure safety, accessibility, or~~  
1117 ~~privacy, or to maintain or improve the general welfare of the immediate area.~~

1118 ~~(3) The improved travel surface of the flag lot access strip, private right-of-way, or access easement~~  
1119 ~~shall be a minimum of 12 feet wide if the access serves fewer than five dwellings, and a minimum~~  
1120 ~~of 20 feet wide if the access serves five or more dwellings.~~

1121 ~~(4) The improved road surface of the flag lot access strip, private right-of-way, or access easement~~  
1122 ~~shall be capable of supporting a minimum weight of 75,000 pounds.~~

1123 ~~(5) A turnout measuring at least ten feet by 40 feet shall be provided adjacent to the traveled surface~~  
1124 ~~of the a flag lot access strip, private right-of-way, or access easement (private access) if the private~~  
1125 ~~access is greater than 200 feet in length. The turnout shall be located at the approximate midpoint~~  
1126 ~~of the private access if its length is between 200 and 800 feet. If the private access length is greater~~  
1127 ~~than 800 feet, turnouts shall be provided at least every 400 feet thereafter. These standards may~~  
1128 ~~be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case~~  
1129 ~~basis.~~

1130 ~~(6) The flag lot access strip, private right-of-way, or access easement shall have a maximum grade of~~  
1131 ~~ten percent. This standard may be modified by the Weber Fire District in conjunction with the county~~  
1132 ~~engineer on a case-by-case basis; however, the maximum grade shall not exceed 15 percent.~~

1133 ~~(7) The flag lot access strip, private right-of-way, or access easement shall have a minimum vertical~~  
1134 ~~clearance of 14.5 feet.~~

1135 ~~(8) No buildings, structures, or parking areas are allowed within the flag lot access strip, private right-~~  
1136 ~~of-way, or access easement.~~

1137 ~~(9) New bridges, including decking and culverts shall be capable of supporting a minimum weight of~~  
1138 ~~75,000 pounds. For existing bridges, a current certified engineer statement of load bearing~~  
1139 ~~capabilities must be submitted to the county engineer and the Weber Fire District for review.~~

1140 ~~(10) The flag lot access strip, private right-of-way, or access easement shall have a minimum inside~~  
1141 ~~travel way radius of 26 feet, outside travel way radius of 45 feet, and outside clear zone radius of~~  
1142 ~~50 feet on all curves, particularly switchbacks. The width of the access may need to be increased~~  
1143 ~~to accommodate these standards.~~

1144 ~~Water and sewer lines located within the flag lot access strip, private right-of-way, or access~~  
1145 ~~easement require written notification from the agencies providing such serv~~

1146 ~~A fire hydrant or other suppression method may be required by the fire district.~~

1147 ~~A site plan showing the location of the home, any proposed access roads and driveways, along with the~~  
1148 ~~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.~~

**Commented [E32]:** Flag lot standards moved and consolidated into subdivision code.

**Commented [E33]:** Replaced with Shared Private Lane

1195 **Sec 108-7-32 Access To A Lot/Parcel At A Location Other Than Across The Front Lot Line**

1196 Access to ~~lots/parcels~~ a Lot or Parcel at a location other than across the ~~front lot line~~ Front Lot Line is not  
1197 allowed unless otherwise specifically provided elsewhere in this Land Use Code or if the applicant can  
1198 demonstrate that ~~may be approved as the primary access, subject to the following criteria:~~

- 1199 (a) ~~The applicant demonstrates that~~ Sspecial or unique boundary, topographic, or other physical conditions  
1200 exist which would cause an undesirable or dangerous condition to be created for property access  
1201 across the ~~front lot line~~ Front Lot Line.
- 1202 (b) ~~It shall be demonstrated that a~~ Appropriate and legal alternative access exists due to historic use, court  
1203 decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or  
1204 granting such right.

1205 ...

1206 **Chapter 108-16 Outdoor Lighting**

1207 ...

1208 **Sec 108-16-8 Violations, Enforcement, And Implementation**

- 1209 (a) **Violations.** The following constitute violations of this chapter:
- 1210 (1) The installation, maintenance, or operation of any outdoor artificial light source not in compliance  
1211 with the provisions of this chapter.
- 1212 (2) The alteration of any outdoor artificial light source after outdoor lighting plan approval without the  
1213 review and approval of the land use authority when such alteration does not conform to the  
1214 provisions of this chapter.
- 1215 (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in a  
1216 manner that does not comply with this chapter.
- 1217 (b) **Enforcement.** Violations of this chapter are subject to enforcement and penalties as outlined in section  
1218 102-4-4.
- 1219 (c) **Creation of dark sky committee.** In the Ogden Valley, ~~T~~he county will create an Ogden Valley dark  
1220 sky committee to include representatives as follows: one planning division employee, two Ogden Valley  
1221 residents at large, two Ogden Valley ~~Business Association~~ business owners members, and one  
1222 individual from the Ogden Weber Chamber of Commerce, one from the Weber County Parks and  
1223 Recreation Office, and one from Visit Ogden or similar local tourism bureau. The committee's purpose  
1224 shall be to advise the county on dark sky best practices, implementation strategies, incentive programs,  
1225 public/private partnerships, and anything else as the county commission deems necessary.

1226