

- (c) Lights used to illuminate the pool or its accessories shall be so arranged as to reflect the light away from adjoining premises.

(Ord. of 1956, § 23-18; Ord. No. 14-92; Ord. No. 2008-1; Ord. No. 2009-14)

#### **Sec 108-7-19 Building On Dedicated Substandard Streets Or Public By Right Of Use Roads**

- (a) An applicant for a land use and building permit for property which abuts and has access from a substandard dedicated street or public by right of use road, shall, as a condition of issuance of such permits, be required:
- (1) To sign a substandard road agreement provided by the county.
  - (2) To dedicate, if the road is substandard in width, sufficient road right-of-way widening to meet county road standards or as recommended by the county engineer in situations that warrant an alternative width such as unusual topographic or boundary conditions.
- (b) Where a dedicated street or public by right of use road is determined to be of less right-of-way width than the county standard, the minimum front and corner (facing street) side yard setbacks for all buildings and structures shall be measured from the future county standard street right-of-way line location, rather than from the present right-of-way line.

(Ord. of 1956, § 23-19; Ord. No. 2-89; Ord. No. 2009-14)

#### **Sec 108-7-20 Occupying Recreational Vehicles**

- (a) Occupying any parked, self contained, recreational vehicle within the county is allowed as a temporary use in the following locations:
- (1) Forest zones.
  - (2) Recreational vehicle parks.
  - (3) Mobile home parks with recreational vehicle provisions.
- (b) Occupying a parked recreational vehicle, by the property owner, may be permitted for a period of six months on the property where a home is under construction, provided that the recreational vehicle is hooked up to an approved wastewater disposal system.
- (c) Recreation vehicles lawfully parked at a private residence are allowed to be used exclusively by the owner or guests, if self contained, for a period not to exceed 30 days in a calendar year or more than 14 consecutive days. A copy of the land use permit shall be clearly displayed in a window of the recreational vehicle being so used.

(Ord. of 1956, § 23-20; Ord. No. 2009-14)

#### **Sec 108-7-21 No Obstruction Of Irrigation Ditches, Drains And/Or Canals**

No development shall obstruct the flow of water from an irrigation ditch, drain and/or canal. Any alteration or diversion of such waterways shall be approved by the county engineer and the irrigation company.

(Ord. of 1956, § 23-21; Ord. No. 2002-9; Ord. No. 2009-14)

#### **Sec 108-7-22 Temporary Real Estate Sales Office**

A temporary real estate sales office may, by conditional use permit, be allowed within a model home or the garage area of a model home located within a residential subdivision development of ten or more lots or phase of more than ten lots, for the sale of real estate within that specific subdivision or phase subject to the following conditions:

- (a) Prior to use of the structure as a temporary real estate office, it shall have a certificate of occupancy.
- (b) The front yard of a model homes with a temporary sales offices shall be landscaped, as approved by the planning commission.
- (c) If the sales office is established in the garage, the garage door may be temporarily replaced with French doors, sliding glass doors or as approved by the planning commission. Permanent changes to the site are prohibited. When the temporary use expires, the applicant shall restore the structure to its originally intended use as a residence and/or garage.
- (d) Permanent signs are prohibited. The size and location of signs shall be in compliance with applicable provisions of the Land Use Code for the zone in which the use will be conducted and as approved with the conditional use permit. All signs shall be removed when the permit expires. Any zoning requirements for lighting shall be complied with.
- (e) A temporary real estate sales office may operate daily between 8:00 a.m. and 8:00 p.m.
- (f) A conditional use permit for a temporary sales office in a model home shall be limited to a five-year time period from the time that the certificate of occupancy is issued. Time extensions may be considered by the planning commission on a case-by-case basis.
- (g) If construction of the model home temporary sales office is not completed within one year of the conditional use approval by the planning commission, the permit shall be considered null and void.

(Ord. of 1956, § 23-22; Ord. No. 2003-8; Ord. No. 2009-14)

**Sec 108-7-23 River And Stream Corridor Setbacks (Western Weber County)**

- (a) No structure, accessory structure, road, or parking area shall be built within the required setback from a river or stream as measured from the high water mark of the river or stream. The high water mark shall be determined by the county engineer. The areas within the setback shall be maintained in a manner that protects the quality of water in the river or stream and the habitat of native vegetation and wildlife along the river or stream.
  - (1) Structures, accessory structures, roads, or parking areas shall not be developed or located within 100 feet on both sides of the Weber River from the high water mark of the river.
  - (2) Structures, accessory structures, roads, or parking areas shall not be developed or located within 75 feet on both sides of year round streams, as determined from the high water mark of the stream.
  - (3) Structures, accessory structures, roads, or parking areas shall not be developed or located within 50 feet from the high water mark of the natural ephemeral stream.
- (b) Exceptions.
  - (1) Bridges or stream alterations approved by the Army Corps Of Engineers and Utah Department of Water Resources, Division of Water Quality.
  - (2) Trails.

(3) The Ogden River below Pineview Reservoir to its confluence with the Weber River.

- (c) Streams are those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year round. This definition is not meant to include stormwater runoff devices or entirely artificial watercourse unless they are used to store or convey pass-through stream flows naturally occurring prior to construction of such devices. Stream watercourses where the definition may apply are those that appear on the U.S.G.S. Quad maps.
- (d) See title 104, chapter 28 (Ogden Valley Sensitive Lands Overlay Districts) for Ogden Valley River and Stream Corridor Setbacks.

(Ord. of 1956, § 23-23; Ord. No. 2008-4; Ord. No. 2009-14)

### **Sec 108-7-24 Wind Energy Conversion Systems (Small Wind Energy Systems)**

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.
- (c) 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.
- (d) Small wind energy systems must comply with applicable Federal Aviation Administration (FAA) regulations, including any necessary approvals for installations close to airports.
- (e) 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.
- (f) 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.
- (g) Manufacturer specifications for components and installation shall be required with an application for a small wind energy system.

(Ord. of 1956, § 23-24; Ord. No. 2008-8; Ord. No. 2009-14)

### **Sec 108-7-25 Nightly Rentals**

The rental of a sleeping room, apartment, dwelling unit, or dwelling for a time period of less than 30 days is considered a nightly rental. Nightly rentals are allowed only when listed as either a permitted or conditional use in a specific zone or when approved as part of a planned residential unit development (PRUD).

(Ord. of 1956, § 23-25; Ord. No. 2009-14; Ord. No. 2014-18, Exh. A, 6-17-2014)

### **Sec 108-7-26 Land Use Applications Involving Lots/parcels With Existing Violations**

No land use application shall be approved for any lot/parcel until all unresolved zoning, building, business license, nuisance, or other violations on any such lot/parcel, or on any parcel included in any manner as part of the application are resolved, unless approval of the application will resolve all of the existing violations. A land use application submitted for approval, which will resolve all of the existing violations, must be accompanied by a letter from the applicant stating what the existing violations are, and how the proposed land use application will resolve them.

(Ord. of 1956, § 23-26; Ord. No. 2009-14)

### **Sec 108-7-27 Solar Energy Systems**

- (a) *Small solar energy system.* A small solar energy system, as defined in section 101-1-7, 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.
- (b) *Large solar energy system.* A large solar energy system, as defined in section 101-1-7, is regulated by title 104, chapter 30, of this Land Use Code.

(Ord. of 1956, § 23-27; Ord. No. 2009-14; Ord. No. 2019-2, Exh. A, 2-5-2019)

### **Sec 108-7-28 Garage Sales/Yard Sales**

Garage sales/yard sales of personal used items from a single-family dwelling shall not be held more than once every three months.

(Ord. No. 2011-17, § 2(23-28), 10-11-2011)

### **Sec 108-7-29 Flag Lot Access Strip, Private Right-Of-Way, And Access Easement Standards**

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

#### ***(a) Design standards.***

- (1) The flag lot access strip, private right-of-way, or access easement shall be designed and built to a standard approved by the county engineer. The improved road surface does not require hard-surface paving, i.e., concrete or asphalt, but the improvements shall meet the following standards.
- (2) The flag lot access strip shall have a minimum width of 20 feet and a maximum width of 30 feet. A private right-of-way or access easement shall have a minimum width of 16 feet and a maximum width of 50 feet. The private right-of-way and access easement width

standards may be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case basis.

- (3) The improved travel surface of the flag lot access strip, private right-of-way, or access easement shall be a minimum of 12 feet wide if the access serves fewer than five dwellings, and a minimum of 20 feet wide if the access serves five or more dwellings.
- (4) The improved road surface of the flag lot access strip, private right-of-way, or access easement shall be capable of supporting a minimum weight of 75,000 pounds.
- (5) A turnout measuring at least ten feet by 40 feet shall be provided adjacent to the traveled surface of the a flag lot access strip, private right-of-way, or access easement (private access) if the private access is greater than 200 feet in length. The turnout shall be located at the approximate midpoint of the private access if its length is between 200 and 800 feet. If the private access length is greater than 800 feet, turnouts shall be provided at least every 400 feet thereafter. These standards may be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case basis.
- (6) The flag lot access strip, private right-of-way, or access easement shall have a maximum grade of ten percent. This standard may be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case basis; however, the maximum grade shall not exceed 15 percent.
- (7) The flag lot access strip, private right-of-way, or access easement shall have a minimum vertical clearance of 14.5 feet.
- (8) No buildings, structures, or parking areas are allowed within the flag lot access strip, private right-of-way, or access easement.
- (9) New bridges, including decking and culverts shall be capable of supporting a minimum weight of 75,000 pounds. For existing bridges, a current certified engineer statement of load bearing capabilities must be submitted to the county engineer and the Weber Fire District for review.
- (10) The flag lot access strip, private right-of-way, or access easement shall have a minimum inside travel-way radius of 26 feet, outside travel-way radius of 45 feet, and outside clear zone radius of 50 feet on all curves, particularly switchbacks. The width of the access may need to be increased to accommodate these standards.
- (11) Water and sewer lines located within the flag lot access strip, private right-of-way, or access easement require written notification from the agencies providing such services.

(b) *Safety standards.*

- (1) The lot address shall be displayed in a prominently visible location at the street entrance to the flag lot access strip, private right-of-way, or access easement.
- (2) A turn-around area shall be provided at the home location to allow firefighting equipment to turn around. This area shall be a year round surface capable of supporting fire equipment (a minimum inside turning radius of 30 feet and an outside turning radius of not less than 45 feet).
- (3) A fire hydrant or other suppression method may be required by the fire district.
- (4) A site plan showing the location of the home, any proposed access roads and driveways, along with the location of and distance to the nearest fire hydrant (if available) shall be submitted to the fire district for review.
- (5) 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.

(c) *Lot/parcel standards.*

- (1) The lot/parcel shall meet all minimum yard and area requirements of the zone in which it is located.
- (2) Buildings shall be set back a minimum of 30 feet from the end of the flag lot access strip, private right-of-way, or access easement.
- (3) 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.
- (4) 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.

(d) *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.

(Ord. No. 2012-7, § 5(23-28), 5-1-2012; Ord. No. 2013-32, 12-10-2013)

**Sec 108-7-30 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) The lot area exclusive of the access strip shall be a minimum of three acres.
- (c) Each lot shall access a street by means of its own fee title access strip. Successive stacking of lots on the same access strip is not permitted.
- (d) No access strip shall exceed 800 feet in length.
- (e) A maximum of two flag lot access strips may be located adjacent to each other.
- (f) 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.

(Ord. No. 2012-7, § 5(23-29), 5-1-2012)

**Sec 108-7-31 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
- (2) 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.

(Ord. No. 2012-7, § 5(23-30), 5-1-2012; Ord. No. 2012-19, pt. 9(§ 23-30), 12-18-2012)

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

Access to lots/parcels at a location other than across the front lot line may be approved as the primary access, subject to the following criteria:

- (a) The applicant demonstrates that special or unique boundary, topographic, or other physical conditions exist which would cause an undesirable or dangerous condition to be created for property access across the front lot line.
- (b) It shall be demonstrated that appropriate and legal access exists 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.

(Ord. No. 2012-7, § 5(23-31), 5-1-2012)

**Sec 108-7-33 Building Parcel Designation**

- (a) Separate adjoining lots within an approved subdivision plat may be combined for building purposes without filing a formal subdivision plat amendment. The original lot lines, as recorded, do not change.
- (b) A building parcel designation shall be approved provided that:
  - (1) An application shall be submitted on a form approved by the planning director;
  - (2) The application shall include a copy of the subdivision plat;
  - (3) All lots proposed to be combined shall be under the same ownership;
  - (4) No additional lot shall be created; and
  - (5) The existing lots shall conform to the current zoning or be part of a platted cluster subdivision or PRUD. Existing lots that do not conform to current zoning shall require an amended subdivision plat.

(Ord. No. 2016-17, Exh. A, 11-8-2016)

### **Sec 108-7-34 Cannabis Production Establishment**

In addition to any other site development standard or use regulation, a cannabis production establishment, where allowed by the zone, is governed as follows:

- (a) The establishment shall sufficiently clean waste gasses or exhaust air so that no cannabis odor or
- (b) In the M-1 and M-2 zones, a cannabis production establishment shall not include cannabis cultiva
- (c) In the A-2 and A-3 zones, the following standards shall apply to the cannabis production establish
  - (1) In the A-2 zone, a cannabis production establishment is restricted to only a cultivation facil
  - (2) In the A-2 and A-3 zones combined, no more than one cannabis production establishment
  - (3) The minimum lot area required is 20 acres.
  - (4) The minimum setback from any lot line is 100 feet.
  - (5) The architectural, landscape, and screening design standards of Title 108 Chapter 2 are a
  - (6) The establishment shall be located on land that has access from a street that meets curre
  - (7) As defined by state code, if a residential use exists, or is later located within, 500 feet of shield the view of the facility from the residential properties, except where interruption is ne
  - (8) Outdoor cultivation of plants, as defined by state code, is prohibited.

#### HISTORY

Amended by Ord. [2020-3](#) on 2/4/2020

Amended by Ord. [2020-12](#) on 8/11/2020

### **Sec 108-7-35 Agricultural Building Exemption**

Agricultural buildings are exempt from the permit requirements of the state construction codes, except plumbing, electrical, and mechanical permits may be required when that work is included in the structure.

*Editors note: The adoption ordinance incorrectly refers to this section as Section 108-7-34.*

#### HISTORY

Adopted by Ord. [2020-9](#) on 6/16/2020

## **Chapter 108-8 Parking And Loading Space, Vehicle Traffic And Access Regulations**

[Sec 108-8-1 Purpose And Intent](#)

[Sec 108-8-2 Parking Spaces For Dwellings](#)

[Sec 108-8-3 Access To Lots In Subdivisions](#)

[Sec 108-8-4 Parking Space For Non-Dwelling Buildings And Uses](#)

[Sec 108-8-5 Adjustments For Unusual And Unique Conditions](#)

[Sec 108-8-6 Computation Of Parking Requirements](#)

[Sec 108-8-7 Parking Lot Design And Maintenance](#)

[Sec 108-8-8 Off-Street Truck Loading Space](#)

[Sec 108-8-9 Business Requiring Automobile Access](#)

[Sec 108-8-10 Vehicular Traffic To Commercial Or Manufacturing Zones](#)

[Sec 108-8-11 Regulations Governing Accessory Vehicle Off-Street Parking Within Required Side Yard Areas](#)



Sec 108-8-12 On-Site Improvements Required  
Sec 108-8-13 Ogden Valley Destination And Recreation Resort Zone

**Sec 108-8-1 Purpose And Intent**

The purpose of this chapter is to regulate parking and loading spaces, vehicle traffic and access in order to provide orderly and adequate development of these needed amenities and in so doing, promote the safety and well being of the citizens of the county. Subsequently, there shall be provided at the time of the erection of any main building or at the time any main building is enlarged or increased, minimum off-street parking space with adequate provisions for ingress and egress by standard sized automobiles.

(Ord. of 1956, § 24-1; Ord. No. 27-80; Ord. No. 2011-3, § 24-1, 2-15-2011)

**Sec 108-8-2 Parking Spaces For Dwellings**

In all zones there shall be provided in a private garage or in an area designated for vehicle parking, that includes a hard surface area::

Single-family dwelling	Two side-by-side parking spaces
Accessory dwelling unit	Two parking spaces
Two-family dwelling	Four side-by-side parking spaces
Three-family dwelling	Six parking spaces
Four-family dwelling	Seven parking spaces
Other multiple-family dwellings	
Mixed bachelor, bachelorette and family	1¾ parking spaces per unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Bachelor and/or bachelorette	(Presence of resident manager does not make this type a mixed complex.) One parking space for each person in each unit. Building permit will stipulate maximum number of persons per unit and number and type of unit.
Housing exclusively for elderly	One parking space per unit for the first 30 units, 0.75 space per unit for the next 20 units and 0.5 space per unit for each unit in excess of 50 in the development.

(a) *Increased occupancy.* If any dwelling unit is increased by occupant use after the original building permit is issued, the parking requirements shall reflect that increase.

(b) *Rental sleeping room.* In addition to the above parking space requirements, dwelling units with more than two sleeping rooms shall provide three-fourths additional parking space per each additional room used as a rental sleeping room.

(Ord. of 1956, § 24-2; Ord. No. 27-80; Ord. No. 9-81; Ord. No. 2011-3, § 24-2, 2-15-2011; Ord. No. 2014-18, Exh. A, 6-17-2014)

HISTORY  
Amended by Ord. [2020-27](#) on 12/22/2020

**Sec 108-8-3 Access To Lots In Subdivisions**

Access to lots in subdivisions shall be across the front lot line abutting a public or private street or as otherwise approved by the land use authority.

(Ord. of 1956, § 24-2A; Ord. No. 27-80; Ord. No. 96-26; Ord. No. 2011-3, § 24-2A, 2-15-2011; Ord. No. 2012-7, § 3, 5-1-2012)

**Sec 108-8-4 Parking Space For Non-Dwelling Buildings And Uses**

For new buildings and uses or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing building there shall be provided:

Apartment hotel	One space per two sleeping units
Auditorium	One space per five fixed seats
Auto repair shop	One space per employee plus five spaces for client use
Bank	Not less than 30 spaces
Beauty shop	Two spaces per staff member
Beautician shop	Three spaces per staff member
Boardinghouse	Three spaces per four persons to whom rooms will be rented
Bed and breakfast inn	One space per each rental sleeping room and bed and breakfast hotel in addition to the owner/host required two spaces
Business office	One space per employee on highest shift
Cafe	One space per eating booth and table plus one space per three stools
Cafeteria	One space per eating booth and table plus one space per three stools
Car wash	Four spaces in approach lane to each wash bay
Chiropractor office	Four spaces per professional staff plus one space per subordinate staff
Church	One space per five fixed seats
Clinic	Four spaces per professional staff plus one space per subordinate staff
Club, private	At least 20 client spaces
Dance hall	One space per 200 square feet of floor space
Day care center	One space per employee plus one space per ten children
Dental office	Four spaces per professional staff plus one space per subordinate staff
Drive in food	One space per 100 square feet of floor establishment space but not less than ten spaces
Dry cleaner	One space per employee plus five spaces for client use
Educational institution (private)	Two spaces per three student capacity plus one space per staff member
Employment	One space per employee plus six spaces for client use
Finance office	One space per staff member plus three spaces for client use
Fraternity	Two spaces per four persons whom the building is designed to accommodate

Hospital	One space per two bed capacity
Hotel	One space per two sleeping units
Insurance office	One space per two staff members plus four spaces for client use
Laboratory	One space per employee on highest shift
Laundromat	One space per three coin operated machines
Legal office	One space per professional staff plus four spaces for client use
Library	At least 30 spaces
Lodginghouse	Three spaces per four persons to whom rooms will be rented
Lounge	At least 20 client spaces
Liquor store	At least 20 spaces
Medical office	Four spaces per professional staff plus one space per subordinate staff
Mortuary	At least 30 spaces
Motel	One space per sleeping or living unit
Museum	At least 30 spaces
Night club	At least 20 client spaces
Nursery for children	One space per employee plus four spaces for client use
Nursing home	One space per 2.5 bed capacity
Optometrist office	Four spaces per professional staff plus one space per subordinate staff
Photo studio	At least six spaces
Post office	At least 20 client spaces
Psychiatric office	Four spaces per professional staff plus one space per subordinate staff
Real estate office	One space per two employees plus four spaces for client use
Reception center	At least 30 spaces
Recreation center	One space per 200 square feet of recreation area
Rental establishment	At least four client spaces
Restaurant	One space per eating booth or table
Retail store	One space per 200 square feet of floor space in building
Retail store with drive-in window	One space per 200 square feet of floor space in building plus storage capacity of four cars per window on the property
Sanitarium	One space per two bed capacity
Service repair shop (general)	At least four client spaces
Stadium	One space per five fixed seats
Sorority	Two spaces per four persons whom the building is designed to accommodate

Tavern	At least 15 spaces
Terminal, transportation	At least 30 spaces
Theater	One space per five fixed seats
Travel agency	One space per employee plus four spaces for client use
Upholstery shop	One space per employee plus three spaces for client use
Used car lot	One space per employee plus four spaces for client use
Warehouse	Two spaces per three employees
Wedding chapel	At least 30 spaces
Wholesale Business	Two spaces per three employees plus three spaces for client use
For other uses not listed above	Where uses not listed above, the parking requirements shall be established by the planning commission based upon a reasonable number of spaces for staff and customers, and similar requirements of like businesses

(Ord. of 1956, § 24-3; Ord. No. 27-80; Ord. No. 2011-3, § 24-3, 2-15-2011)

### **Sec 108-8-5 Adjustments For Unusual And Unique Conditions**

The planning commission may adjust the required number of spaces listed in this chapter if it determines that unusual or unique circumstances or conditions relating to the operational characteristics of the use exist in a manner or to such a degree that such adjustment is equitable and warranted. This section does not apply to the circumstances described in section 108-8-13.

(Ord. of 1956, § 24-4; Ord. No. 27-80; Ord. No. 2011-3, § 24-4, 2-15-2011; Ord. No. 2017-33, Exh. A, 11-28-2017)

### **Sec 108-8-6 Computation Of Parking Requirements**

When measurements determining number of required parking spaces result in a fractional space, any fraction up to one-half shall be disregarded, and fractions including one-half and over shall require one parking space.

(Ord. of 1956, § 24-5; Ord. No. 27-80; Ord. No. 2011-3, § 24-5, 2-15-2011)

### **Sec 108-8-7 Parking Lot Design And Maintenance**

- (a) *Parking space location.* Parking space(s) as required by this chapter shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located no farther than 500 feet therefrom.
- (b) *Public parking lot standards.* Every parcel of land hereafter used as a public parking area shall be paved with an asphalt or concrete surface. Exceptions to this requirement will be made for seasonal, temporary, or transient uses, including, but not limited to, a fair, festival, short-term vendor, park and ride lots, and legitimate agricultural uses and agriculturally related uses, including, but not limited to, a petting farm, corn maze, green house, garden plant sales, and/or approved agri-tourism operations.

As determined by the planning commission, parking lots shall have appropriate bumper guards or curbs where needed, in order to protect property and/or pedestrians.

- (c) *Maximum yard area to be used for parking and vehicle access lanes.* For all uses permitted in a residential zone, none of the front yard area required by the respective zones shall be used for parking but shall be left in open green space, except that access across and over the required front yard is allowed to the side or rear yards. In the case of multiple-family dwellings and nonresidential uses in a residential zone, not more than 50 percent of the required side and rear yards shall be used for parking. Any said yard area used in excess of said limits shall be provided in an equivalent amount of land elsewhere on the same lot as the building as open green space, patios, play areas or courts.
- (d) *Additional provisions.* The design and maintenance of off-street parking facilities shall be subject to the following provisions:
- (1) Each parking space shall encompass not less than 180 square feet of net area. Each parking space shall be not less than nine feet wide, the width being measured at a right angle from the side lines of the parking space.
  - (2) Adequate automobile access to and from parking area for interior block developments shall be provided. Minimum size of the access right-of-way shall be as follows based on the number of units to be served:
    - a. Up to and including four dwelling units, 16 feet.
    - b. Five or more dwelling units, one 24-foot two-way access right-of-way or two 16-foot one-way access rights-of-way.
    - c. A greater size of access right-of-way shall be required as deemed necessary by the planning commission, especially in cases where access right-of-way will create corner lots from otherwise interior lots.
  - (3) All off-street parking spaces and associated access lanes shall be effectively screened on any side adjoining any property in a residential zone by a masonry wall or fence not less than four feet nor more than seven feet high, except that some type of hedge-row shrubs may be used in place of a wall or fence provided the hedge is continuous along adjoining property and at maturity is not less than five feet nor more than seven feet high. Hedge-row shrubs shall be maintained and replaced where necessary so that the hedge may become an effective screen from bordering property within a maximum five-year period. Front yard and corner lot fences or plantings shall maintain height requirements of their respective zones.
  - (4) Lighting and signs shall conform to the requirements set forth in this Land Use Code.
  - (5) Parking requirements for dwellings will be located on the same lot with the dwelling.
  - (6) All private parking facilities must be improved with a hard surface such as concrete or asphalt and must be sloped and graded to prevent drainage of stormwater onto adjacent properties.

(Ord. of 1956, § 24-6; Ord. No. 27-80; Ord. No. 2011-3, § 24-6, 2-15-2011; Ord. No. 2012-19, pt. 10(§ 24-6), 12-18-2012)

#### **Sec 108-8-8 Off-Street Truck Loading Space**

- (a) On the same premises with every building or use involved in the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys.

- (b) Such space, unless otherwise adequately provided, shall include a ten-foot by 25-foot loading space with 14 feet height clearance, for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of building floor area used for purposes in subsection (a) of this section, or for every 20,000 square feet or fraction thereof in excess of 3,000 square feet of land use for purposes in subsection (a) of this section.

(Ord. of 1956, § 24-7; Ord. No. 27-80; Ord. No. 2011-3, § 24-7, 2-15-2011)

### **Sec 108-8-9 Business Requiring Automobile Access**

- (a) Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicle access shall meet the following requirements:
- (1) Access to the station or other structure or parking lot shall be by not more than two roadways for each 100 feet or fraction thereof of frontage on any street;
  - (2) No two of said roadways shall be not more than 34 feet in width and shall not be closer than 20 feet to the point of intersection of two property lines or at any street corner; and
  - (3) A curb, hedge or fence of not more than two feet in height shall be provided by the owner to limit access to the permitted roadway.
- (b) Exception. Service stations in commercial zones and uses in manufacturing zones may have a maximum roadway width of 50 feet.

(Ord. of 1956, § 24-8; Ord. No. 27-80; Ord. No. 20-8; Ord. No. 14-92; Ord. No. 2011-3, § 24-8, 2-15-2011)

### **Sec 108-8-10 Vehicular Traffic To Commercial Or Manufacturing Zones**

Privately owned land within an area zoned for residential purposes shall not be used as a regular means of vehicular passage to and from property in commercial or manufacturing zones.

(Ord. of 1956, § 24-9; Ord. No. 27-80; Ord. No. 2011-3, § 24-9, 2-15-2011)

### **Sec 108-8-11 Regulations Governing Accessory Vehicle Off-Street Parking Within Required Side Yard Areas**

One concrete or asphalt slab for the purpose of providing additional off-street parking may be constructed in one required side yard of a dwelling provided that:

- (a) The dwelling unit has the minimum number of required off-street parking spaces as stipulated by section 108-8-2.
- (b) The slab is at least eight feet wide and is of sufficient length to accommodate the vehicle with no portion of the vehicle extending forward of the front face of the dwelling.
- (c) The appurtenant driveway to the slab must be tapered to use the existing driveway approach or a new approach must be installed for the new driveway.
- (d) Any slab constructed must remain open and unobstructed to the sky.
- (e) No vehicle shall be parked in the required side yard unless the parking area is improved with hard surface material such as concrete or asphalt.
- (f) Any slab constructed for vehicle parking must be screened by a non-see through fence of not less than six feet in height along the length of the slab behind the front yard setback.

- (g) All stormwater run off from the hard surface of slab must be directed so as to prevent drainage onto adjacent properties.

(Ord. of 1956, § 24-10; Ord. No. 27-80; Ord. No. 2011-3, § 24-10, 2-15-2011)

### **Sec 108-8-12 Off-Site Improvements Required**

- (a) The applicant for a use permit for all residential, commercial or industrial structures, all other business and uses, and public and semi-public buildings shall install high back curb, gutter and sidewalk and entrance ways to county public works standards and location, within public or private streets along the entire property line which abuts the street, except in agricultural, shoreline and forestry zones, and where county regulations exempt such curb, gutter or sidewalk installation.
- (b) The planning commission may defer or exempt the installation of high back curb and gutter and/or sidewalk where topographies, timing or other unusual or special conditions exist, provided that the public health, safety and welfare is preserved.

(Ord. of 1956, § 24-11; Ord. No. 27-80; Ord. No. 13-86; Ord. No. 2011-3, § 24-11, 2-15-2011)

### **Sec 108-8-13 Ogden Valley Destination And Recreation Resort Zone**

Within the Ogden Valley Destination and Recreation Resort Zone at elevations of at least 6,200 feet above sea level, where a master plan has been approved by the planning commission, the land use authority may modify the applicability of any provision of this chapter by approving a parking plan created by the developer if the land use authority determines that the plan is consistent with the approved master plan. Such plan shall include provisions applying sufficient mitigation for parking and will provide a mechanism for revocation where the plan is not operating as presented.

For the purposes of this section, the term "developer" refers to the signatory, successors, or assigns of a development agreement, or as otherwise defined in an applicable development agreement.

(Ord. No. 2016-4, Exh. E2, 5-24-2016; Ord. No. 2017-33, Exh. A, 11-28-2017)

## **Chapter 108-9 Motor Vehicle Access**

[Sec 108-9-1 Businesses Requiring Access](#)

[Sec 108-9-2 Roadways And Curbs](#)

[Sec 108-9-3 Location Of Gasoline Pumps](#)

[Sec 108-9-4 Location Of Service Station Canopies](#)

### **Sec 108-9-1 Businesses Requiring Access**

Service stations, roadside stands, public parking lots, and all other businesses requiring motor vehicle access shall meet the requirements as hereinafter provided.

(Ord. of 1956, § 25-1)

### **Sec 108-9-2 Roadways And Curbs**

Access to the station or other structure or parking lot shall be controlled as follows:

- (a) Access shall be by not more than two roadways for each 100 feet or fraction thereof of frontage on any street.

- (b) No two of said roadways shall be closer to each other than 12 feet; and no roadway shall be closer to a side property line than three feet.
- (c) Each roadway shall be not more than 36 feet in width for roadside stands, public parking lots, and all other businesses requiring motor vehicle access, except service stations in commercial and uses in manufacturing zones may have a maximum width of 50 feet.
- (d) No roadway shall be closer than 20 feet to the point of intersection of two property lines at any street corner.
- (e) In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property except for permitted roadways. Concrete curbs shall be constructed and height, location and structural specifications shall be approved by the county engineer.
- (f) Where there is no existing curb and gutter or sidewalk, the applicant shall install such safety island and curb, or, in place thereof, construct along the entire length of the property line, except in front of the permitted roadways, a curb, fence, or pipe rail not exceeding two feet or less than eight inches in height.

(Ord. of 1956, § 25-2; Ord. No. 20-82)

### **Sec 108-9-3 Location Of Gasoline Pumps**

Gasoline pumps shall be set back not less than 18 feet from any street line to which the pump island is vertical and 12 feet from any street line to which the pump island is parallel, and not less than ten feet from a residential or agricultural zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. (See section 108-8-9 for more restrictive requirement.)

(Ord. of 1956, § 25-3)

### **Sec 108-9-4 Location Of Service Station Canopies**

Service station canopies may extend into the required front yard of a service station site to cover pump islands and the adjacent vehicle service areas, provided such canopies are located not closer than five feet to the front property line.

(Ord. of 1956, § 25-4; Ord. No. 5-71)

## **Chapter 108-10 Public Buildings And Public Utility Substations**

### **[Sec 108-10-1 Location](#)**

### **[Sec 108-10-2 Site Development Standards For Public Utility Substation](#)**

### **[Sec 108-10-3 \(Reserved\)](#)**

### **[Sec 108-10-4 \(Reserved\)](#)**

### **[Sec 108-10-5 Public Building--Minimum Lot Area](#)**

### **[Sec 108-10-6 Same--Minimum Yards](#)**

### **[Sec 108-10-7 Same--Width Of Lot](#)**

### **[Sec 108-10-8 Same--Frontage](#)**

**Editor's note**—Ord. No. 2018-5, Exh. A, adopted May 1, 2017, retitled ch. 10 from "Public Buildings and Public Utility Substations or Structures" to read as herein set out.

### **Sec 108-10-1 Location**



The location and arrangement of public buildings and public utility substations will comply with requirements set forth in this chapter and will be in accordance with construction plans submitted to and approved by the planning commission.

(Ord. of 1956, § 26-1; Ord. No. 14-73; Ord. No. 2017-11, Exh. A, 5-9-2017; Ord. No. 2018-5, Exh. A, 5-1-2018)

### **Sec 108-10-2 Site Development Standards For Public Utility Substation**

- (a) *Lot area, width, setback, and street frontage regulations.* The lot area, width, setback, and street frontage regulations for a public utility substation, as defined in section 101-1-7, are as follows:
- (1) *Lot area and lot width.* No minimum lot area or width, provided that the lot or parcel shall contain an area and width of sufficient size and dimension to safely accommodate the utility facility or use, any necessary accessory use, any landscaping required by this Land Use Code, the required setbacks, and space to park two maintenance vehicles.
  - (2) *Front yard setback.* Front yard setback requirement may be reduced to no less than ten feet if the lot does not directly front on a public or private street right-of-way, provided that no substation shall be located closer to a public or private street right-of-way than the minimum front yard setback of the zone, or 20 feet, whichever is more restrictive.
  - (3) *Side yard setback.* The side yard setback requirement shall comply with the typical setback specified in the applicable zone regulating the property.
  - (4) *Rear yard setback.* The rear yard setback requirement may be reduced to the following:
    - a. In a residential zone: five feet.
    - b. In an agricultural zone: ten feet.
    - c. In a forest zone: 20 feet.
    - d. In a zone not specifically listed above: typical zone setback as provided in the chapter for that zone.
  - (5) *Street frontage.* No frontage is required along a public right-of-way if clear and legal access exists from a public right-of-way to the site for the purpose of the utility use.
- (b) *Co-location.* Co-location of a public utility substation with other existing public utility substations is required provided that the co-location does not cause interference with any public utility, or the reasonable operation of the public utility substation.
- (c) *Towers.* The following regulations govern the installation of public utility substation towers:
- (1) *Tower distance from overhead power.* The height of a tower shall be one foot less than the linear distance between the base of the tower and the nearest overhead power line, or lesser height.
  - (2) *Tower setbacks.* In all zones, except in commercial and manufacturing zones, a tower 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) *Tower building permit.* A building permit shall be required for a tower. An application for a permit shall include construction drawings showing the method of installation and a site plan depicting structures on the property and on any affected adjacent property and a structural engineering certification by a registered structural engineer from the state.

(4) *Tower disguise.* A public utility substation tower may exceed the maximum height allowed in the zone. A public utility substation tower that exceeds 35 feet and which cannot be reasonably co-located on an existing tower shall be disguised so that the average person cannot discern that it is a public utility substation from a distance greater than 200 feet.

a. With the exception of part b.1. herein, the disguise shall be constructed of painted, stained, sandblasted or carved wood, log timbers, brick, stone, textured concrete or similar material. Glass, metal, or metallic leaf, which is painted, anodized, or otherwise treated to prevent reflective glare may also be used. Copper, brass, wrought iron, and other metals may remain untreated and allowed to develop a natural patina. Support structures shall use natural, muted earth-tone colors including browns, black, grays, rusts, etc. White shall not be used as a predominant color, but may be used as an accent.

b. The disguise shall be designed by a licensed architect and shall:

1. Replicate natural features found in the natural environment within 1000 feet such that the average person cannot discern that it is not a natural feature from a distance greater than 200 feet. If it replicates vegetation it shall be located no greater than 20 feet from, and be no greater than ten feet taller than, three other native non-deciduous plants of the same species. Any proposal for new vegetation intended to satisfy this requirement shall:

i. Be located no more than 1,000 feet from the same species naturally occurring in the area;

ii. Cluster the new planting around the tower in a natural-appearing manner; and

iii. Demonstrate sufficient availability of soil nutrients and soil moisture necessary for species survival. A planting that dies shall be replaced no later than fall or spring, whichever comes first, with a plant of equal or greater size as the originally proposed planting.

2. Architecturally replicate structures that are commonly accessory to onsite agricultural uses;

3. If in a village area as depicted in the Ogden Valley General Plan's Commercial Locations and Village Areas map, architecturally replicate structures that were commonly found in historic old-west or western mining towns prior to 1910, excluding poles, structures, or other features that were used for overhead utilities; or

4. If in an area governed by a master plan or development agreement that contains a specific architectural theme, replicate architectural structures that support the architectural theme.

c. The requirement for the disguise may be waived by the appropriate land use authority in cases where the disguise is inconsistent with existing or future-planned land uses onsite or in the area.

**Editor's note**—Ord. No. 2017-11, Exh. A, adopted May 9, 2017, amended the catchline of § 108-10-2 from "Public utility substations—Minimum lot area" to read as herein set out.

### **Sec 108-10-3 (Reserved)**

**Editor's note**—Ord. No. 2017-11, Exh. B, adopted May 9, 2017, repealed § 108-10-3, which pertained to public utility substations—minimum yards, and derived from Ord. of 1956, § 26-3.

### **Sec 108-10-4 (Reserved)**

**Editor's note**—Ord. No. 2017-11, Exh. B, adopted May 9, 2017, repealed § 108-10-4, which pertained to public utility substations—street access, and derived from Ord. of 1956, § 26-4.

### **Sec 108-10-5 Public Building--Minimum Lot Area**

Each public building shall be located on a lot of not less than 20,000 square feet in all residential estate, agriculture, and forest zones.

(Ord. of 1956, § 26-5)

### **Sec 108-10-6 Same--Minimum Yards**

Each public building shall meet the minimum yard requirements for a public building in the zone in which it is located.

(Ord. of 1956, § 26-6)

### **Sec 108-10-7 Same--Width Of Lot**

Each public building shall have a minimum width of lot of 100 feet.

(Ord. of 1956, § 26-7)

### **Sec 108-10-8 Same--Frontage**

Each public building shall have frontage on a public street.

(Ord. of 1956, § 26-8)

### **Chapter 108-11 (Reserved)**

### **Chapter 108-12 Noncomplying Structures, Nonconforming Uses, And Nonconforming Lots**

[Sec 108-12-1 Purpose And Intent](#)

[Sec 108-12-2 Maintenance, Repairs, And Alterations](#)

[Sec 108-12-3 Additions And Enlargements](#)

[Sec 108-12-4 Alteration Where Parking Insufficient](#)

[Sec 108-12-5 Moving Noncomplying Structures](#)

[Sec 108-12-6 Restoration Of Damaged Buildings](#)

[Sec 108-12-7 One-Year Vacancy Or Abandonment](#)

[Sec 108-12-8 Change Of Use](#)

[Sec 108-12-9 Expansion Of Nonconforming Use](#)

[Sec 108-12-10 Legal Use Of Nonconforming Lots](#)

[Sec 108-12-11 Subdivision Plat Requirements For Nonconforming Lots; Exemptions](#)

[Sec 108-12-12 Reconfiguring Nonconforming Lots](#)

[Sec 108-12-13 Setback Requirements For Nonconforming Lots](#)

[Sec 108-12-14 Parcels Previously Combined For Tax Purposes](#)  
[Sec 108-12-15 Effect Of Public Right-Of-Way Expansion](#)

**Editor's note**—Ord. No. 2015-8, Exh. A, adopted May 5, 2015, substantially amended portions of ch. 12 to add provisions for nonconformities due to public right-of-way expansions, including retitling ch. 12 from "Noncomplying Structures and Nonconforming Uses/Parcels" to read as herein set out.

### **Sec 108-12-1 Purpose And Intent**

The purpose and intent of this chapter is to provide standards for the development and use of noncomplying structures, nonconforming uses, and nonconforming lots. These structures, uses, and lots are considered legal, despite not meeting the current requirements of the zone in which they are located.

(Ord. of 1956, § 28-1; Ord. No. 2010-22, § 1, 9-14-2010; Ord. No. 2015-8, Exh. A, 5-5-2015)

### **Sec 108-12-2 Maintenance, Repairs, And Alterations**

- (a) Maintenance, repairs, and structural alterations may be made to noncomplying structures on lots of record.
- (b) Dwellings or other structures built on lots or parcels which were once legal, but have since been modified in a manner that is in violation of applicable laws, shall not be issued land use or building permits, unless the structure is being strengthened or restored to a safe condition, or the lot or parcel is made to conform to current zoning regulations. In restoring the structure to a safe condition, no expansion of the structure is allowed.

(Ord. of 1956, § 28-2; Ord. No. 2009-2; Ord. No. 2010-22, § 1, 9-14-2010; Ord. No. 2015-8, Exh. A, 5-5-2015)

### **Sec 108-12-3 Additions And Enlargements**

- (a) Except as provided in subsection (c), a structure which is occupied by a nonconforming use shall not be added to or expanded in any manner, unless such expansion is made to conform to all yard and use regulations of the zone in which the structure is located.
- (b) Except as provided in subsection (c), a noncomplying structure (main or accessory) shall not be added to or enlarged in any manner, unless such addition or enlargement conforms to all the regulations of the zone in which it is located, or conforms to the reduced yard setbacks as allowed in section 108-12-13.
- (c) A legally constructed dwelling or other structure on a lot of record, which has yard setbacks that are less than the required yard setbacks for the zone in which it is located, shall be allowed to have an addition, provided that:
  - (1) The addition does not encroach into the required yard setbacks further than the existing dwelling or other structure; and
  - (2) The addition is located completely on the same property as the existing structure and does not encroach into a road right-of-way or on to adjacent property.
- (d) A legally constructed dwelling or other structure on a lot of record, which is located within a stream corridor setback (as defined by the Weber County Land Use Code sections 108-7-23 and/or 104-28-2), may be added to or enlarged, provided that:
  - (1) The addition does not encroach into the stream corridor setback further than the existing dwelling or other structure; and

- (2) The addition meets the yard setback requirements of the zone in which it is located or conforms to the reduced yard setbacks as allowed in section 108-12-13; or
- (3) The addition does not encroach into the required yard setbacks further than the existing dwelling or other structure.

(Ord. of 1956, § 28-3; Ord. No. 2008-7; Ord. No. 2009-2; Ord. No. 2010-22, § 1, 9-14-2010; Ord. No. 2015-8, Exh. A, 5-5-2015; Ord. No. 2018-2, Exhs. A, B, 2-6-2018)

#### **Sec 108-12-4 Alteration Where Parking Insufficient**

A structure lacking sufficient automobile parking space as required by this chapter may be altered or enlarged, provided additional automobile parking space is supplied to meet the requirements of the Weber County Land Use Code.

(Ord. of 1956, § 28-4; Ord. No. 2010-22, § 1, 9-14-2010)

#### **Sec 108-12-5 Moving Noncomplying Structures**

A noncomplying structure shall not be moved in whole or in part to any other location on a lot or parcel, unless every portion of such structure is made to conform to all regulations of the zone in which it is located, or made to conform to the reduced yard setbacks as allowed in section 108-12-13.

(Ord. of 1956, § 28-5; Ord. No. 2008-7; Ord. No. 2009-2; Ord. No. 2010-22, § 1, 9-14-2010; Ord. No. 2015-8, Exh. A, 5-5-2015)

#### **Sec 108-12-6 Restoration Of Damaged Buildings**

A noncomplying structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity, act of God, or the public enemy, may be restored and the occupancy or use of such structure or part thereof, may be continued or resumed, provided that such restoration is started within a period of one year, by obtaining a land use permit, and is diligently pursued to completion.

(Ord. of 1956, § 28-6; Ord. No. 2010-22, § 1, 9-14-2010)

#### **Sec 108-12-7 One-Year Vacancy Or Abandonment**

- (a) A legal structure, or portion thereof, which is occupied by a nonconforming use, and which is or hereafter becomes vacant and remains unoccupied for a continuous period of one year, except for dwellings and structures to house animals and fowl, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located. Wherever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be re-established and any future use shall be in conformance with the current provisions of the Weber County Land Use Code.
- (b) Any building or structure for which a valid building permit has been issued and actual construction was lawfully begun prior to the date when the structure became noncomplying, may be completed and used in accordance with the plans, specifications and permit on which said building permit was granted. The term "actual construction" is hereby defined to be the actual placing of construction materials in their permanent position, fastened in a permanent manner, actual work in excavating a basement or the demolition or removal of an existing structure begun preparatory to rebuilding; provided that in all cases actual construction work shall be diligently carried on until the completion of the building or structure involved.

(Ord. of 1956, § 28-7; Ord. No. 2008-7; Ord. No. 2010-22, § 1, 9-14-2010)

### **Sec 108-12-8 Change Of Use**

The nonconforming use of a legal structure may not be changed except to a conforming use. Where such a change is made to a conforming use, the use shall not thereafter be changed back to a nonconforming use.

(Ord. of 1956, § 28-8; Ord. No. 2008-7; Ord. No. 2010-22, § 1, 9-14-2010)

### **Sec 108-12-9 Expansion Of Nonconforming Use**

A nonconforming use may be extended to include the entire floor area of the existing legal structure in which it was conducted at the time the use became nonconforming; provided, however, that a land use permit is first obtained for such extension of use.

(Ord. of 1956, § 28-9; Ord. No. 2009-2; Ord. No. 2010-22, § 1, 9-14-2010; Ord. No. 2015-8, Exh. A, 5-5-2015)

### **Sec 108-12-10 Legal Use Of Nonconforming Lots**

Development on a nonconforming lot is permitted. Development on a nonconforming lot is limited to only those permitted and conditional uses allowed on the smallest minimum lot size for the applicable zone. A new use on a nonconforming lot is prohibited if the proposed use requires a lot size larger than the smallest lot size permitted in the zone. A legally established use may continue on a nonconforming lot regardless of the lot size requirements of the use.

(Ord. of 1956, § 28-10; Ord. No. 2001-9; Ord. No. 2008-7; Ord. No. 2010-22, § 1, 9-14-2010; Ord. No. 2015-8, Exh. A, 5-5-2015)

**Editor's note**—Ord. No. 2015-8, Exh. A, adopted May 5, 2015, retitled § 108-12-10 from "Legal use of parcels" to read as herein set out.

### **Sec 108-12-11 Subdivision Plat Requirements For Nonconforming Lots; Exemptions**

All lots and parcels shall be platted as part of a subdivision in conformance with the requirements of title 106 of this Land Use Code, unless otherwise exempted by state code or this Land Use Code. The platting of nonconforming lots, and the amendment to a platted subdivision containing nonconforming lots are governed as follows:

- (a) The following rules govern the treatment of an unplatted lot that does not conform to the current lot standards and may not have complied with the requirements of the subdivision code in effect at the time of the lot's creation:
  - (1) If the existing lot can be defined as a lot of record, as defined in section 101-1-7, the lot shall be exempt from subdivision platting requirements.
  - (2) If the existing lot was created prior to July 1, 1992 and contained a lawfully permitted single family dwelling unit, then the lot shall be exempt from subdivision platting requirements, and is a nonconforming lot.
  - (3) If the existing lot was created prior to July 1, 1992, and does not qualify for the provisions of subsections (a)(1) and (a)(2), then the lot shall be platted in accordance with title 106 of this Land Use Code. Lot standards applicable for such subdivision lot may be reduced to meet the minimum standards of the zone in effect at the time of the lot's creation so long as it does not create any more lots than currently exist, and the current lot size is not materially reduced from its current acreage, except for minor adjustments necessary to facilitate a more accurate legal description. All such platted lots that do not conform to

current zoning standards shall thereafter be considered nonconforming lots. A lot that does not meet the minimum standards of the zone in effect at the time of the lot's creation may be reconfigured upon platting to comply with such standards as long as the reconfiguration does not cause any other lot to become nonconforming or more nonconforming. A lot platted pursuant to this subsection may be further reduced in size to accommodate any right-of-way dedication as may be required by title 106 of this Land Use Code. No unplatted lot or parcel governed by this subsection shall be granted a land use permit prior to subdivision platting.

- (b) Any lot legally platted within the bounds of a subdivision that was created pursuant to the standards of the zoning code and subdivision code in effect at the time of its creation, but no longer complies due to subsequent changes to these codes, may be amended pursuant to the minimum standards in effect at the time of its creation. The amendment shall not create any new lots. An amended plat shall be required.

(Ord. of 1956, § 28-11; Ord. No. 2003-17; Ord. No. 2008-7; Ord. No. 2008-19; Ord. No. 2010-22, § 1, 9-14-2010; Ord. No. 2015-8, Exh. A, 5-5-2015; Ord. No. 2018-2, Exhs. A, B, 2-6-2018)

**Editor's note**—Ord. No. 2015-8, Exh. A, adopted May 5, 2015, retitled § 108-12-11 from "Parcels in areas subjected to change in zoning" to read as herein set out.

### **Sec 108-12-12 Reconfiguring Nonconforming Lots**

Nonconforming lots may be reconfigured in a manner that complies with the standards of the zone in effect at the time of the lot's creation if the reconfiguration does not create any more lots than currently exist. The reconfiguration shall not cause any other lot to become nonconforming or more nonconforming. If the nonconforming lot is part of a platted subdivision an amended subdivision plat is required.

(Ord. of 1956, § 28-12; Ord. No. 2007-4; Ord. No. 2008-7; Ord. No. 2009-2; Ord. No. 2010-22, § 1, 9-14-2010; Ord. No. 2015-8, Exh. A, 5-5-2015; Ord. No. 2018-2, Exhs. A, B, 2-6-2018)

**Editor's note**—Ord. No. 2018-2, Exhs. A, and B, adopted Feb. 6, 2018, retitled § 108-12-12 from "Enlarging nonconforming lots" to read as herein set out.

### **Sec 108-12-13 Setback Requirements For Nonconforming Lots**

A nonconforming lot that has a smaller width than is required for the zone in which it is located may be developed in a manner that does not exceed the following allowed reduction in side yard setbacks:

- (a) A nonconforming lot's actual width ( $v$ ) may be divided by the current required frontage/width ( $w$ ) in order to formulate a ratio or proportional relation ( $x$ ). (Formula: " $v$ " divided by " $w$ " equals " $x$ ".)
- (b) The ratio may then be multiplied by the current zone's side yard setback requirement ( $y$ ) in order to establish a reduced setback ( $z$ ). (Formula: " $x$ " multiplied by " $y$ " equals " $z$ ".)
- (c) The reduced side yard setback is subject to the conditions listed below.
- (1) Under no circumstances shall an interior lot be allowed to reduce the side-yard setback requirement below five feet on one side and eight feet on the other.
  - (2) Under no circumstances shall a corner lot be allowed to reduce the side-yard requirement below ten feet when the side yard fronts on a street.

(Ord. of 1956, § 26-13, Ord. No. 2009-2; Ord. No. 2010-22, § 1, 9-14-2010; Ord. No. 2015-8, Exh. A, 5-5-2015)

**Editor's note**—Ord. No. 2015-8 Exh. A, adopted May 5, 2015, retitled § 108-12-13 from "Small lots/parcels created prior to zoning" to read as herein set out.

### **Sec 108-12-14 Parcels Previously Combined For Tax Purposes**

- (a) Parcels that have been combined by the county recorder's office for tax purposes shall be allowed to separate one or more of the combined parcels on an approved and recorded form if:
- (1) The parcels that are being separated were originally created prior to July 1, 1992;
  - (2) The properties as configured prior to the combination met area and frontage/width requirements for the zone in which they were created, or were considered nonconforming lots;
  - (3) The combination was done by the current owner or same owner acting as trustee, and was done by a quit claim, combination form, or other instrument, which states the consolidation of parcels is for tax purposes;
  - (4) No new lots are being created; and
  - (5) The separation of parcels results in a configuration consistent with the original parcels and conforms to the ordinance that was in place prior to the recording of the combination form, and the resulting lots conform with the provisions of section 108-12-11.
- (b) The separation of combined parcels authorized under this section does not authorize a change in the configuration of an approved and recorded subdivision or lots within such subdivision. Any change to the configuration of a subdivision must comply with title 106 of the Land Use Code, and any applicable state law.

(Ord. No. 2015-8, Exh. A, 5-5-2015)

### **Sec 108-12-15 Effect Of Public Right-Of-Way Expansion**

- (a) Any structure that legally existed with conforming or nonconforming setback prior to the expansion of a public right-of-way where the expansion of such public right-of-way makes the structure noncomplying or more noncomplying to the setback requirements of this Land Use Code shall be deemed a legal, noncomplying structure.
- (b) Any lot that legally existed in a conforming or nonconforming status prior to the expansion of a public right-of-way where the expansion of such public right-of-way makes the lot nonconforming or more nonconforming to the standards of this Land Use Code shall be deemed a legal, nonconforming lot.
- (c) This section does not excuse or exempt any past or future action that creates or modifies a lot in a manner that is in violation of applicable laws.

(Ord. No. 2015-8, Exh. A, 5-5-2015)

## **Chapter 108-13 Home Occupation; Short Term Vendors; Temporary Outdoor Sales; Farmer's Markets**

[Sec 108-13-1 Purpose And Intent](#)

[Sec 108-13-2 Home Occupations](#)

[Sec 108-13-3 Short-Term Vendors](#)



**Editor's note**—This chapter originally pertained solely to home occupations and was derived from Ord. of 1956, chapter 34. It was replaced in its entirety by Ord. No. 2011-17, passed 10-11-2011.

### **Sec 108-13-1 Purpose And Intent**

- (a) The purpose and intent of this chapter is to allow persons residing in dwellings in zones in which home occupations are permitted to provide a service, operate certain kinds of small businesses, or maintain a professional, or business office while not changing the character of the neighborhood.
- (b) This chapter also addresses short term vendors, temporary outdoor sales, and farmers markets.

(Ord. No. 2011-17, § 1(34-1), 10-11-2011; Ord. No. 2015-14, Exh. A, 8-25-2015)

### **Sec 108-13-2 Home Occupations**

- (a) *Use regulations.* Unless otherwise prohibited herein, a home occupation is allowed as specified in respective zones provided it maintains compliance with the requirements and standards listed in this chapter.
- (b) *[Prohibited uses.]* The following uses are prohibited as home occupations:
  - (1) Tanning salons;
  - (2) Body piercing, body art, or tattoo parlor;
  - (3) Clinic or hospital;
  - (4) Animal and veterinary clinic;
  - (5) Restaurant;
  - (6) Auto, truck, or recreational vehicle repair or sales;
  - (7) Ambulance service; or
  - (8) Sexually oriented business.
- (c) *Requirements.* A home occupation shall comply with the following requirements:
  - (1) An application for a land use permit with a site plan depicting the site boundaries and relevant buildings or facilities onsite shall be required in order to verify zoning requirements.
  - (2) The property owner's written authorization shall be submitted as part of the application for the home occupation.
  - (3) The home occupation shall obtain an annual business license.
- (d) *Standards.* A home occupation shall comply with the following standards:
  - (1) A home occupation shall be conducted by the resident(s) who reside on the premises. Up to two additional persons may be employed by the home occupation provided the residence is on a lot with a minimum of one acre in area.

- (2) The home occupation shall retain the general character and appearance of a residential dwelling and not change the general character of the neighborhood except for approved signage and vehicle parking.
- (3) Except as specified herein, the home occupation shall only be carried on inside a dwelling unit. The home occupation shall not use any space in an attached or unattached garage, accessory building, yard, or any space on the premises outside of the dwelling. This does not apply for the following:
  - a. A child day care or preschool, or an adult day care may use outdoor facilities for outdoor recreation or leisure.
  - b. Instructional activities may be conducted outdoors or in an accessory building provided that the instruction is limited to lessons and lesson-related equipment, materials, or objects in such a manner that maintains compliance with subsection (d)(2) of this section. Instructional activities conducted outdoors or in an accessory building shall not involve any of the following:
    1. Manufacturing, industrial processes, or the use of heavy equipment or machinery;
    2. Commercial scale assembly or creation of goods or materials;
    3. Commercial scale construction or contractor activities; or
    4. Outdoor storage.
- (4) The extent of a home occupation shall be incidental and secondary to the use of the property for residential purposes. The part of the residence occupied by the home occupation shall not be more than 500 square feet or 25 percent, whichever is less, of the total floor area of the home.
- (5) The home occupation shall not substantially increase the demand for public services in excess of those usually and customarily provided for residential uses. It shall not substantially increase foot and vehicular traffic, parking, noises, lighting, vibration, smoke, dust or airborne particulate matter, refuse, or anything else that is uncommon to the established character of the neighborhood to such a degree as to constitute a nuisance to the residents of the immediate area.
- (6) The home occupation shall not create noise in excess of 60 decibels as measured from the property line.
- (7) Outdoor lighting used for the home occupation shall be downward directional and 100 percent shielded from view from adjacent properties. Reflected light resulting from lighting used for the home occupation shall not be in excess of two foot-candles of illumination over ambient light levels, when measured at the property line at three feet above the ground.
- (8) The home occupation shall not be open to the public at times earlier than 8:00 a.m. or later than 9:00 p.m. The hours of operation for child day care shall not begin any earlier than 6:00 a.m., or operate later than 10:00 p.m. seven days a week.
- (9) Home occupations with visiting clientele will be subject to the following standards:
  - a. No more than one home occupation with visiting clientele shall be permitted on any property.
  - b. No home occupation with visiting clientele shall be allowed in multifamily dwelling units consisting of four units or more.

(10) Home occupations shall provide adequate off-street parking for residential dwellings, as specified in title 108, chapter 8 of this Land Use Code, and in compliance with the following:

- a. One parking space shall be required for each driver-age patron or clientele, or one space per two nondriver-age patrons or clientele.
- b. One parking space shall be required for each non-resident person employed by the home occupation.
- c. Delivery or pickup in a 14,001 pound or greater truck (Class 4 GVWR or greater, pursuant to 49 CFR 565.15), except for package delivery service at times and in intervals typical for a normal residential use, shall be limited to one delivery or pickup per week between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. A loading and unloading area, adequately sized to accommodate the type of truck and the size of the delivery or pickup, shall be provided on the site. No loading or unloading shall be permitted in the right-of-way.

(11) There shall be no storage or parking on the premises or on the adjacent streets in the vicinity of the premises of tractor trailers, semi-trucks, or other heavy equipment used for an off-premises business for which the dwelling is being used as a home occupation office except that not more than one 14,000 pound or less truck (Class 3 GVWR or less, pursuant to 49 CFR 565.15) may be parked on-premises during off work hours at night. A work trailer up to 22 feet in length may be parked at night as part of the home occupation business. All trucks and trailers used as part of the home occupation business shall be licensed and registered, and parked in accordance with title 108, chapter 8 of this Land Use Code.

(12) Barber or beautician services shall be limited to two stations per residence.

(13) Child day care or preschool, adult day care, or instructional activities shall be limited to eight pupils or participants at any one time. Any instructional activity, except child day care or preschool, or adult day care, that is conducted outdoors or in an accessory building shall require a minimum lot size of three acres. Instructional activities shall not include recitals, competitions, tournaments, shows or performances that may draw spectators.

(14) The home occupation shall maintain compliance with all applicable local, state, and federal regulations.

(e) *Home occupation sign.* One flat sign or name plate not exceeding two square feet attached to the house or mail box may be permitted. A land use permit is required for the sign. Any modification made to the permitted sign requires a new land use permit. No freestanding or banner signs shall be permitted.

(f) *Inspections.* Inspection during reasonable hours by county officials may occur as necessary to assure compliance with these regulations.

(g) *Revocation.* A home occupation approval may be revoked pursuant to section 102-4-3.

(Ord. No. 2011-17, § 1(34-2), 10-11-2011; Ord. No. 2015-14, Exh. A, 8-25-2015)

### **Sec 108-13-3 Short-Term Vendors**

(a) Short-term vendor consists of the sales of goods and/or services from a trailer, yurt, mobile store, or kiosk on a commercially zoned property or property located within a ski resort boundary. Application for a short-term vendor is subject to the following requirements:

- (1) A design review application.
- (2) Site plan.
- (3) Required application fees. (Fees are the same for design review application for a home occupation with visiting clientele.)
- (4) Water and sanitation facility plans to be approved by the health department.
- (5) Signage plan.
- (6) A building permit for temporary power.
- (7) A land use permit shall be obtained for a short-term vendor.

(b) A short-term vendor's business license expires 120 consecutive days after the date of issuance.

(Ord. No. 2011-17, § 1(34-3), 10-11-2011; Ord. No. 2013-31, § 1, 12-10-2013)

#### **Sec 108-13-4 Temporary Outdoor Sales**

Temporary outdoor sales site consist of the sale of seasonal goods (e.g. Christmas tree lot, pumpkins, or fireworks), that are associated with a recognized holiday, on a commercially zoned property. An application for a temporary outdoor site is subject to the following requirements:

- (a) A design review application.
- (b) Site plan.
- (c) Required application fees. (Fees are the same for design review application for a home occupation with visiting clientele.)
- (d) Water and sanitation facility plans to be approved by the health department.
- (e) Signage plan.
- (f) The sales lot area shall not exceed ten percent of the parking area on an improved commercial lot.
- (g) The period of operation for a sales site shall be as per state code, if established, and in no case shall be more than 30 days from the date of the holiday. The sales site shall be cleared of all debris and restored within five days after the day of the holiday.
- (h) Temporary fencing, including chain link, up to six feet in height.
  - (i) A building permit for temporary power.
  - (j) All outdoor lighting, including temporary lighting, shall comply with chapter 39, Ogden Valley Lighting, for outdoor sale sites located within the Ogden Valley Planning Area.
- (k) A land use permit shall be obtained for a temporary outdoor sale site.

(Ord. No. 2011-17, § 1(34-4), 10-11-2011; Ord. No. 2015-22, Exh. A, 12-22-2015)

#### **Sec 108-13-5 Farmer's Markets**

A farmer's market consists of a group of local farmers and other vendors who gather to sell fresh produce, other food products, and craft items on a commercially zoned property, at a public park, or an approved agri-tourism operation. A farmer's market may function June through October; however, a farmer's market, approved as a part of an agri-tourism operation, may function June through December.

An application for a farmer's market that is a part of an agri-tourism operation shall be subject to a conditional use permit review as well as title 108, chapter 21 (agri-tourism). An application for a farmer's market, located on a commercially zoned property or within a public park shall be subject to the following requirements:

- (a) A design review application.
- (b) Site plan.
- (c) Required application fees. (Fees are the same for design review application for a home occupation with visiting clientele.)
- (d) Water and sanitation facility plans to be approved by the health department.
- (e) The property owner(s) shall sign the application.
- (f) The vendors at these markets are limited to local farmers/growers selling products from their own farms or gardens, crafters selling their own crafts and food vendors.
- (g) A building permit for temporary power.
- (h) All vendors planning to sell or dispense food or beverages at public events shall have permits from the health department prior to the start of the event.
- (i) A land use permit shall be obtained for a farmer's market.

(Ord. No. 2011-17, § 1(34-5), 10-11-2011; Ord. No. 2012-19, pt. 11(§ 34-5), 12-18-2012)

## **Chapter 108-14 Hillside Development Review Procedures And Standards**

### **Sec 108-14-1 Purpose And Intent**

### **Sec 108-14-2 (Reserved)**

### **Sec 108-14-3 Applicability**

### **Sec 108-14-4 Procedure**

### **Sec 108-14-5 (Reserved)**

### **Sec 108-14-6 Restricted Lot Requirements And Lots Requiring A Buildable Area**

### **Sec 108-14-7 Streets And Roads**

### **Sec 108-14-8 Excavation, Grading And Filling**

### **Sec 108-14-9 (Reserved)**

### **Sec 108-14-10 Landscaping**

### **Sec 108-14-11 Appeals**

### **Sec 108-14-12 Lot; Size Requirements**

## **Sec 108-14-1 Purpose And Intent**

- (a) It is recognized that the general provisions, definitions, procedures, improvements and design requirements, standards and principles set out in the Land Use Code of Weber County require supplementation to protect and preserve the public health, safety, and welfare in regard to hillside terrain and environmentally sensitive areas. When areas are subdivided or developed on sensitive areas, such features as special soil conditions, steep terrain, highly combustible native vegetation, and other conditions may pose serious potential consequences such as increased fire, flood or erosion hazards, traffic circulation problems, sewage disposal problems, property damage from extensive soils slippage and subsidence, and adverse effects from destruction of natural scenic beauty and unsightly developments. Such consequences may be avoided if special consideration is given to areas where one or more such conditions exist.
- (b) In the administration of the provisions of this chapter, the County will strive to achieve the objective of preserving the natural contours of the hillside areas by encouraging and requiring, where necessary, the following:

- (1) A minimum amount of grading which preserves the natural contours of the land.
- (2) Retention of trees and other native vegetation (except in those cases where a high fire hazard results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the natural scenic beauty.
- (3) Construction of roads on steep hillsides in such a way as to minimize scars from cuts and fills and avoid permanent scarring of hillsides.
- (4) Placement of building sites in such a manner as to permit ample room for adequate defensible area as defined by the fire code, landscaping and drainage between and around the buildings.
- (5) Grading which will eliminate the sharp angles at the top and toe of cut and fill slopes, both with respect to building sites and to road cross-sections.
- (6) Lot and structure designs and location which will be appropriate in order to reduce grading and natural topographic disturbance.
- (7) Cluster type development or other new concepts and techniques, where appropriate, in order to eliminate, as far as possible, construction on steep, sensitive or dangerous terrain.
- (8) Early temporary or permanent planting, or other materials, wherever appropriate to maintain necessary cut and fill slopes in order to stabilize them with plant roots or other materials, thereby preventing erosion and to conceal the raw soil from view.

(Ord. of 1956, § 36B-1; Ord. No. 2009-20; Ord. No. 2016-17, Exh. A, 11-8-2016)

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

**Sec 108-14-2 (Reserved)**

**Sec 108-14-3 Applicability**

- (a) All parcels, subdivision lots, roads and accesses, where the natural terrain has average slopes at or exceeding 25 percent shall be reviewed as part of an application request for a land use permit and building permit. Hillside review is required as part of preliminary subdivision review.
- (b) The Planning Division shall not issue any land use permits, and the Building Official shall not issue any building permits, until detailed plans and engineered drawings have been reviewed for compliance with this chapter. Any condition attached to an approval shall be a condition required with the issuance of land use permit. Other circumstances may warrant a review as found in [Title 108, Chapter 22 Natural Hazard Areas](#).

(Ord. of 1956, § 36B-3; Ord. No. 2009-20; Ord. No. 2016-17, Exh. A, 11-8-2016)

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

**Sec 108-14-4 Procedure**

Where this chapter is applicable, plans of a proposed development, and any relevant information regarding building and excavation of the site, are to be submitted with a development application. Information shall include, but not be limited to the following:

- (a) Detailed engineering plans and profiles for retaining wall, cuts, filling and/or excavating of land.
- (b) Site plan with two-foot contours or less.
- (c) Cross sections of improvements.
- (d) Retaining wall designs with engineers stamp (if applicable).
- (e) Geotechnical report (site-specific for structures) and, if applicable, verification of compliance with the requirements of title 108, chapter 22 Natural Hazard Areas.
- (f) Other studies and/or information deemed necessary by the members of the board.
- (g) Utah pollution discharge elimination system (UPDES) permit with stormwater pollution prevention plan (SWPPP) shall be required at the time of application. Erosion control landscaping on cuts, fills and other locations, considered necessary by the review board, shall be provided in order to prevent erosion.
- (h) A landscape plan as per section 108-14-10.

(Ord. of 1956, § 36B-4; Ord. No. 2009-20 Ord. No. 2016-17, Exh. A, 11-8-2016)

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

**Sec 108-14-5 (Reserved)**

(Reserved)

(Ord. of 1956, § 36B-5; Ord. No. 2009-20; Ord. No. 2015-22, Exh. A, 12-22-2015)

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

**Sec 108-14-6 Restricted Lot Requirements And Lots Requiring A Buildable Area**

Each lot or parcel of land meeting the definition of a "[restricted lot](#)" or that requires a [buildable area](#) as defined by [Section 101-2](#) shall have an increased lot area and lot width as the lot or parcel slope percentage increases, as determined from the tables in [Section 108-14-12](#). Such lots shall also have sufficient area for the buildings, setbacks, yards, septic tank and drain fields, wells and any necessary cuts and fills, drainage facilities and stabilization areas.

(Ord. of 1956, § 36B-6; Ord. No. 2009-20; Ord. No. 2015-22, Exh. A, 12-22-2015)

**Editor's note**— Ord. No. 2015-22, Exh. A, adopted Dec. 22, 2015, retitled § 108-14-6 from "Restricted lot requirements" to read as herein set out.

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

**Sec 108-14-7 Streets And Roads**

The County Engineer shall review and approve detailed engineering plans for all streets and roads requiring cut and/or fill, on all lands with slopes of 25 percent or more, prior to preliminary approval of the subdivision.

(Ord. of 1956, § 36B-7; Ord. No. 2009-20)

HISTORY

Amended by Ord. [2021-23](#) on 7/6/2021

**Sec 108-14-8 Excavation, Grading And Filling**

- (a) All excavation shall conform to the county excavation ordinance (title 18 of this Code). No extensive grading shall occur that detracts from the aesthetics and is detrimental to the soils stability and erosion.
- (b) No excavation shall be made with a cut face steeper in slope than 1½ horizontal to one vertical, except under the following conditions through a soils engineering report and grading plan, as approved by the County Engineer.
  - (1) That the material making up the slope of the excavation and the underlying earth material being used is capable of standing on a steeper slope; or
  - (2) An engineered retaining wall or other support is provided to support the face of the excavation.
- (c) An excavation, with a cut face flatter in slope than 1½ horizontal to one vertical may be required if the material in which the excavation is made is such that the flatter cut slope is necessary for stability or safety.
- (d) No excavation shall be made close to the property line which may endanger any adjoining public or private property or structures without supporting and protecting such property or structures from settling, cracking or other damage which might result.
- (e) No cut slope shall exceed a height of 15 feet. The County Engineer may modify this requirement if it determines erosion and visual impacts are mitigated as identified in the landscaping plan, pursuant to [Section 108-14-10](#).
- (f) No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical, except where a retaining wall is provided for support or where the developer shows that the strength characteristics of the material to be used in the fill are such as to produce a safe and stable slope and that the areas on which the fill is to be placed are suitable to support the fill.
- (g) The County Engineer may require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical if such flatter surface is necessary for stability or safety.
- (h) Fill slopes shall not exceed 20 feet in height, however this may be modified by the County Engineer with findings of extenuating circumstances.
  - (i) Toes of fill slopes shall not be made nearer to a lot boundary than one-half the height of the fill, but need not exceed 20 feet.
  - (j) The natural ground surface shall be prepared to receive fill by removing organic material noncomplying fill, and top soil, where natural slopes are five horizontal to one vertical or steeper, the natural ground surface shall be prepared to receive fill by benching into sound bedrock or other competent material.
- (k) No organic material shall be permitted in fills. No rock or similar irreducible material with a maximum dimension greater than eight inches shall be buried or placed in fills within two feet of the final grade.
  - (l) Building foundations shall be set back from the top of slopes a minimum distance of five feet for all cut slopes steeper than two horizontal to one vertical. No buildings shall be constructed on cut or fill slopes steeper than two horizontal to one vertical.

(Ord. of 1956, § 36B-8; Ord. No. 2009-20)

**HISTORY**

Amended by Ord. [2021-23](#) on 7/6/2021



**Sec 108-14-9 (Reserved)**

**Editor's note**—Ord. No. 2016-17, Exh. A, adopted Nov. 8, 2016, repealed § 108-14-9, which pertained to geologic and other environmental considerations and derived from § 36B-9 of an ordinance adopted in 1956; Ord. No. 2009-20.

**Sec 108-14-10 Landscaping**

For parcels, subdivisions, lots, roads and accesses within the construction boundaries that have disturbed soil surfaces, a landscape plan shall be required. Such landscape plans shall be drawn in conformance with the requirements specified in this chapter. The planting design should coordinate with the existing vegetation and adapted fire resistant erosion control cover. A list of acceptable vegetation is available from the USU Extension Office. Landscaping shall be an integral part of the overall project design. All landscape plans submitted for approval shall contain the following information:

- (a) The location, quantity, size and name (both botanical and common names) of all proposed plant material. Plant symbols representing trees and shrubs shall be shown on the plan at 75 percent of mature size. Plants and materials may include lawn, ground cover, trees, shrubs, and other live plant materials. Landscaping may also include accessory decorative outdoor landscaping components such as paved or decorated surfaces. Considerations should given to appearance, height, spread growth rate, slope function and decreased maintenance when the phases are complete.
- (b) The location of existing buildings, structures, and trees on adjacent property within 20 feet of the site. Where the adjacent trees are growing in native or natural clumps or groves such that showing individual tree locations is impractical, canopy outlines are acceptable.
- (c) Existing and proposed grading of the site, indicating contours at a minimum of two-foot intervals. Show any walls or retaining structures proposed, along with their respective elevations. Proposed earth berming shall be indicated using one-foot contour intervals.
- (d) Water-efficient landscape watering system. This system shall indicate the locations and types of all equipment, including sprinkler heads, areas to be served by drip emitters, control valves, quick-coupling valves, backflow prevention devices, time clock or controller, lateral lines, and main lines.
- (e) Pathways, walkways, and common access shall be considered in the landscaping design plan, including plants and trees that should not interfere with the pedestrian's ability to view the pathways to ensure safety.
- (f) Graded areas that are intended for development in a later phase shall be planted with annual grasses.
- (g) A proposed schedule for implementing the landscape plan and for any replacement materials that may need time to take hold shall be included in the landscaping plan.
- (h) Summary data table indicating the area of the site in the following classifications:
  - (1) Total area of the site.
  - (2) Total area and percentage of the site in landscape area.
  - (3) Total area and percentage of the site in turf grass.

(Ord. of 1956, § 36B-10; Ord. No. 2009-20)

**HISTORY**

Amended by Ord. [2021-17](#) on 5/25/2021

**Sec 108-14-11 Appeals**

- (a) Except as allowed in subsection (b) of this section, an appeal of any written decision in the application of this chapter shall be appealed in accordance with title 102, chapter 3 Board of Adjustment, of this Land Use Code.
- (b) When a written decision provided under this chapter contains technical aspects, an applicant may request the county to assemble a panel of qualified professionals to serve as the appeal authority for the sole purpose of determining those technical aspects.

**State Law reference**—Related provisions, U.C.A. 1953, § 17-27a-703(2).

- (c) The technical aspects of the administration and interpretation of this chapter are decisions related to:
  - (1) The acceptance or rejection of scope, techniques, methodology, conclusions or specific types of information presented in a study or report;
  - (2) The review and recommendation of an acceptable study or report for the land use authority's consideration; or
  - (3) The interpretation or application of any technical provisions of a study or report that is required by this chapter.
- (d) Unless otherwise agreed by the applicant and county, if an applicant makes a request under this subsection, the county shall assemble the panel consisting of:
  - (1) One qualified professional designated by the county;
  - (2) One qualified professional designated by the applicant; and
  - (3) One qualified professional chosen jointly by the county's designated qualified professional and the applicant's designated qualified professional.
- (e) A member of the panel may not be associated with the application that is the subject of the appeal.
- (f) The applicant shall pay for one half the cost of the panel in addition to the county's appeal fee.
- (g) The panel shall be governed by the same appeal provisions of the board of adjustment provided in title 102, chapter 3 Board of Adjustment, of this Land Use Code.

(Ord. of 1956, § 36B-11; Ord. No. 2009-20; Ord. No. 2016-17, Exh. A, 11-8-2016)

**Sec 108-14-12 Lot; Size Requirements**

Pursuant to section 108-14-6, the following tables shall be used to determine the area and width of a lot, parcel or tract of land that meets the definition of a "restricted lot," or is required to contain a buildable area as defined in section 101-1-7:

TABLE 1. "RESTRICTED LOT" SIZE REQUIREMENTS

- (a) 5,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	5,000	50

25—30	6,500	65
31—35	8,150	80
36—40	10,000	90
41 and over	12,500	100

(b) 6,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	6,000	60
25—30	7,800	80
31—35	9,800	90
36—40	12,000	100
41 and over	15,000	105

(c) 8,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	8,000	65
25—30	10,200	95
31—35	12,500	100
36—40	15,200	110
41 and over	18,800	115

(d) 10,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	10,000	80
25—30	12,400	100
31—35	15,000	110
36—40	18,000	120
41 and over	22,000	125

(e) 15,000 square foot minimum lot.

Average Percent	Square Feet	Lot Width Minimum
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of Slope	Minimum	
To 25	15,000	100
25—30	18,000	110
31—35	21,500	120
36—40	25,500	130
41 and over	30,750	140

(f) 20,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	20,000	110
25—30	23,500	115
31—35	27,500	130
36—40	32,000	145
41 and over	38,000	155

(g) 25,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	25,000	125
25—30	28,700	135
31—35	33,000	145
36—40	37,500	155
41 and over	43,750	165

(h) 40,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	40,000	150
25—30	46,000	165
31—35	52,500	180
36—40	60,000	195
41 and over	70,000	210

(i) 43,560 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	43,560	150
25—30	50,000	165
31—35	57,000	180
36—40	65,000	195
41 and over	75,500	210

TABLE 2. LOT SIZE REQUIREMENTS FOR LOTS WITH A REQUIRED "BUILDABLE AREA"  
Non-Restricted Lots with Buildable Areas

(j) 15,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	15,000	100
25—30	15,750	100
31—35	17,250	110
36—40	19,500	115
41 and over	22,500	120

(k) 20,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	20,000	100
25—30	20,800	100
31—35	22,400	115
36—40	24,800	125
41 and over	28,000	135

(l) 25,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	25,000	125
25—30	25,750	125

<del>County's vested laws</del> 31—35	27,250	135
36—40	29,500	140
41 and over	32,500	145

(m) 40,000 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	40,000	150
25—30	41,200	150
31—35	43,600	150
36—40	47,200	160
41 and over	52,000	170

(n) 43,560 square foot minimum lot.

Average Percent of Slope	Square Feet Minimum	Lot Width Minimum
To 25	43,560	150
25—30	44,800	150
31—35	47,400	160
36—40	51,300	170
41 and over	56,500	180

(Ord. of 1956, § 36B-12; Ord. No. 2009-20; Ord. No. 2015-22, Exh. A, 12-22-2015)

**Chapter 108-15 Standards For Single-Family Dwellings**

[Sec 108-15-1 Codes And Standards](#)

[Sec 108-15-2 Other Standards And Requirements](#)

[Sec 108-15-3 Exceptions](#)

HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

**Sec 108-15-1 Codes And Standards**

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

**Sec 108-15-2 Other Standards And Requirements**

The following standards and requirements shall be met for the use of a single-family dwelling:

(a) A single-family dwelling shall:

- (1) Be attached to a site-built permanent foundation which meets all applicable codes; and
- (2) Have all installation and transportation components, consisting of but not limited to, lifting shackles or hooks, axles, wheels, brakes, or hitches removed or hidden from view; and
- (3) Have an exterior finish made of wood, engineered wood, masonry, concrete, fiber cement, stucco, Masonite, metal, or vinyl; and
- (4) Be permanently connected to all required utilities; and
- (5) Be taxed as real property. If the dwelling is a mobile or manufactured home that has previously been issued a certificate of title, the owner shall follow and meet all applicable Utah State Code titling provisions that result in the mobile or manufactured home being converted to an improvement to real property.

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

- (1) Concrete or masonry materials; or
- (2) Weather resistant materials that aesthetically imitate concrete or masonry foundation materials; or
- (3) Materials that are the same as those used on the portion of the dwelling's exterior walls that enclose and create the habitable space of the dwelling.

(c) Single-family dwellings, except for those located within a mobile or manufactured home park, camp, court, subdivision, or PRUD, or those located within a non-mobile or non-manufactured home PRUD, a county approved master planned community, or the Ogden Valley Destination and Recreation Resort Zone, shall have:

- (1) A roof pitch of not less than a 2:12 ratio; and
- (2) Eaves that project a distance of not less than one foot as measured from the vertical side of the building. Eaves are not required on exterior bay windows, nooks, morning rooms, or other similar architectural cantilevers; and
- (3) A width, not including garage area, of at least 20 feet or more. The width of the dwelling is determined by identifying the lesser of two dimensions when comparing a front elevation to a side elevation.

(d) A single-family dwelling, together with its accessory buildings, shall have only one kitchen except when:

- (1) Otherwise specifically allowed by this Land Use Code;

- (2) A single additional kitchen is located within an accessory dwelling unit that complies with Chapter 108-19; or
- (3) The owner has signed and recorded a notarized covenant to run with the land, as prescribed by Weber County, which provides that it is prohibited to use the additional kitchen for an additional dwelling unit. The covenant shall be recorded prior to the issuance of a building permit.

(Ord. of 1956, § 37-2; Ord. No. 2008-6; Ord. No. 2017-17, Exh. A, 5-9-2017; Ord. No. 2018-12, Exh. A, 8-28-2018)

HISTORY

Amended by Ord. [2020-27](#) on 12/22/2020

**Sec 108-15-3 Exceptions**

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

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

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

**Chapter 108-16 Outdoor Lighting**

[Sec 108-16-1 Purpose And Intent](#)

[Sec 108-16-2 Applicability](#)

[Sec 108-16-3 General Standards](#)

[Sec 108-16-4 Specific Standards](#)

[Sec 108-16-5 Exemptions](#)

[Sec 108-16-6 Procedures For Compliance](#)

[Sec 108-16-7 Required Replacement Of Nonconforming Outdoor Lighting](#)

[Sec 108-16-8 Violations, Enforcement, And Implementation](#)

[Sec 108-16-9 Examples Of Direct Artificial Light](#)

[Sec 108-16-10 Examples Of Unshielded And Shielded Light Sources](#)

[Sec 108-16-10 Examples Of Unshielded And Shielded Light Sources\\*](#)

[Sec 108-16-11 Example Of Light Trespass](#)

[Sec 108-16-12 Standard Kelvin Temperature Chart](#)

[Sec 108-16-13 Example Of Canopy Lighting](#)

[Sec 108-16-14 Example Of Parking Lot Lighting](#)

[Sec 108-16-15 Example Of Recreation Facility Lighting](#)

**Editor's note**—Ord. No. 2017-24, Exh. B, adopted June 27, 2017, effectively repealed the former titl. 108, ch. 16, §§ 108-16-1—108-16-10, and enacted a new ch. 16 as set out herein. The former ch. 16 pertained to Ogden Valley lighting and derived from §§ 39-1—39-10 of an ordinance adopted in 1956; Ord. No. 2000-3; Ord. No. 2003-18.

HISTORY

Amended by Ord. [2020-8](#) on 6/16/2020

**Sec 108-16-1 Purpose And Intent**



The purpose and intent of this chapter is to promote the community character of the Ogden Valley, as provided for in the Ogden Valley general plan, and other areas of the County and may be applicable, by providing regulations and encouragement for the preservation of a dark sky. This chapter is also intended to promote the health, safety, and general welfare of Ogden Valley and other County residents and visitors by:

- (a) Reducing, eliminating, or preventing light trespass;
- (b) Reducing, eliminating, or preventing unnecessary or inappropriate outdoor lighting;
- (c) Reducing, eliminating, or preventing the effects of outdoor lighting on wildlife;
- (d) Preventing unsightly and unsafe glare;
- (e) Promoting energy conservation;
- (f) Maintaining nighttime safety, utility, and security;
- (g) Encouraging a minimal light footprint of land uses in order to reduce light pollution; and
- (h) Promoting and supporting astrotourism and recreation, including the pursuit or retention of accreditation of local parks by the International Dark-Sky Association.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

#### HISTORY

Amended by Ord. [2020-8](#) on 6/16/2020

#### **Sec 108-16-2 Applicability**

In the Ogden Valley, and other areas of the County as may be provided in this Land Use Code, the following apply:

- (a) *New outdoor lighting.* All outdoor lighting installed after August 1, 2017, shall conform to the requirements established by this chapter.
- (b) *Existing outdoor lighting.* Except as provided in subsection (c) below, all existing outdoor lighting that does not meet the requirements of this chapter and is not exempted by this chapter shall be considered a nonconforming use and as such shall be phased out as outlined in section 108-16-7 of this chapter.
- (c) *Lighting for residential use.* Except as may be provided in section 108-16-7, the lighting standards of this chapter are not mandatory for a single-family, two-family, or three-family dwelling in existence or approved on or before August 1, 2017. The county shall employ educational methods and incentives to encourage voluntary compliance for these residential uses.
- (d) *Conflict.* Should this chapter be found to be in conflict with other sections of this code, the more restrictive shall apply.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

#### HISTORY

Amended by Ord. [2020-8](#) on 6/16/2020

#### **Sec 108-16-3 General Standards**

- (a) *Light shielding and direction.* Unless specifically exempted in section 108-16-5, all outdoor lighting shall be fully shielded and downward directed in compliance with the following, examples

of which are graphically depicted in section 108-16-10:

- (1) No artificial light source shall project direct artificial light into the nighttime sky.
- (2) No artificial light source shall be placed at a location, angle, or height that creates a light trespass, as defined in section 101-1-7 and graphically depicted in section 108-16-11.
- (3) The shielding shall be made of completely opaque material such that light escapes only through the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or allows light to escape through it in any other manner is not permitted.
- (4) Shielding may be attained by light fixture design, building design, or other site design features such as fencing, walls, landscaping, or other screening, provided it is in strict compliance with subsections (a)(1) through (3) of this section.
- (5) To ensure light does not trespass on neighboring property, light fixtures that comply with the shielding provisions of this section may also require additional or extended shielding elements to further mitigate its angle of light travel to ensure the direct artificial light source does not trespass on neighboring property. This concept is graphically depicted in section 108-16-11.

(b) *Light color.* Unless otherwise specified in this chapter, the color of any outdoor artificial light source shall be equal to or less than 3000K, in accordance with the standard Kelvin temperature chart, as graphically depicted in section 108-16-12.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

HISTORY

Amended by Ord. [2020-8](#) on 6/16/2020

**Sec 108-16-4 Specific Standards**

In addition to the general standards of section 108-16-3, the following are specific standards that apply to all commercial, industrial, manufacturing, public and quasi-public, institutional, recreation, and resort uses, and multiple-family dwellings as defined in Section 101-1-7:

- (a) *Light curfew.* Unless exempt in section 108-16-5, outdoor lighting shall be turned off by 10:00 p.m., or, if applicable, within one hour after the close of business, whichever is later, except the following, so long as they are activated by a motion sensor controller that is set to extinguish the light source within two minutes after the last detection of motion:
  - (1) Lighting to illuminate the building's point of entry only;
  - (2) Safety lighting of parking lots and pedestrian areas;
  - (3) Limited lighting that is absolutely necessary for after-hours business.
- (b) *Flashing or flickering light.* No flickering or flashing lights shall be permitted.
- (c) *Canopy lighting.* All direct artificial light sources shall be sufficiently recessed so as not to project direct light greater than five feet from the outside perimeter of the canopy, and shall not produce more than a ratio of eight lumens per square foot of canopy area. This ratio shall be calculated by combining the total lumen output of each artificial light source and dividing by the square footage of the canopy. See section 108-16-13 for a graphic depiction.
- (d) *Parking lot lighting.* All artificial light sources in open-air parking lots shall not exceed a ratio of two lumens per square foot of parking lot area. This ratio shall be calculated by combining the

total lumen output of each artificial light source divided by the square footage of the parking lot area. See section 108-16-14 for a graphic depiction.

(e) *Recreation facility lighting.* Recreation facility lighting, as defined in section 101-1-7, shall comply with the following:

- (1) The lighting for the recreation activity area shall only be directed onto the area where the recreation activities are occurring. It shall not be allowed to illuminate surfaces that are not essential to the function of the recreation activity.
  - a. The lighting shall not exceed a ratio of 10 lumens per square foot of recreation activity area. This ratio shall be calculated by combining the total lumen output of each artificial light source divided by the square footage of the recreation activity area. See section 108-16-15 for a graphic depiction.
  - b. The recreation activity area shall be lit only when it is in use.
  - c. The light color standard of 108-16-3 does not apply to lighting for the recreation activity area.

(f) *Sign lighting.* Sign lighting shall comply with the requirements of 110-2-12.

(Ord. No. 2017-24, Exh. B, 6-27-2017)

#### HISTORY

Amended by Ord. [2020-8](#) on 6/16/2020

### **Sec 108-16-5 Exemptions**

The following artificial light sources are exempt from the requirements of this chapter:

- (a) *Agricultural lighting.* Lighting for agricultural uses;
- (b) *Federal and state flag lighting.* The outdoor lighting of a United States or State of Utah official flag, provided it is in compliance with the following:
  - (1) The light shall be downward directed from the top of the flag pole;
  - (2) The light shall be as narrow a beam as possible and aimed and shielded to illuminate, to the best effort practicable, only the area which the flag occupies in all wind conditions; and
  - (3) The light level shall be minimized to create the least amount of impact on the dark sky, while still offering noticeable illumination of the flag;
- (c) *Federal and state facilities lighting.* Federal and state facilities are exempt from the requirements of this chapter. However, they are encouraged to cooperate and to coordinate with the county during the construction of their facilities to be in compliance with this chapter;
- (d) *Fossil fuel lighting.* Fossil fuel light, produced directly by the combustion of natural gas or other utility-type fossil fuels;
- (e) *Holiday or festive lighting.* Holiday or festive outdoor lighting for residential uses, provided it is in compliance with the following:
  - (1) That the lighting shall not create a hazard or glare nuisance; and
  - (2) That the lighting shall be temporary in nature and not permanently installed. It shall be removed within a reasonable time after the end of the holiday or festive event, but at least

- (f) *Low output light source.* An artificial light source having an output equal to or less than 105 lumens, provided that the cumulative lumen output of all low output light sources shall not exceed a ratio of one and one-half lumens per square foot of cumulative area intended to be illuminated. This ratio shall be calculated by combining the total lumen output of each low output light source divided by the square footage of the area intended to be illuminated. The low output light sources shall be distributed across the area intended to be illuminated and not organized in a focused location. Low output light sources are exempt from the requirements of this chapter so long as they comply with the definition and use outlined in this section, except that a low output light source may not be integrated into a new or replacement outdoor light fixture that is either:
- (1) rated to produce a lighting output that exceeds 105 lumens; or
  - (2) does not conform to the shielding requirements of section 108-16-3(a);
- (g) *Mobile lighting.* Lighting affixed to a vehicle, provided the lighting is not intended for the stationary illumination of an area;
- (h) *Motion sensor controlled light source with an integrated camera system.* A motion controlled artificial light source with an integrated camera system, provided it is in compliance with the following:
- (1) The light output is equal to or less than 1,800 lumens;
  - (2) The color temperature of the light source does not exceed 5,000 degrees kelvin;
  - (3) The motion sensor is set to turn the artificial light source off two minutes after the last detection of motion;
  - (4) Lighting shall not be triggered by any activity outside the property boundary; and
  - (5) The artificial light source is sufficiently shielded in a manner that prevents light trespass;
- (i) *Safety or security lighting.* For the sole purpose of mitigating legitimate and verifiable safety or security hazards, the land use authority may exempt an artificial light source if it is shown to be necessary. The land use authority may apply reasonable conditions to ensure optimal compliance with the purpose and intent of this chapter. Evidence demonstrating that it is necessary shall be one or both of the following:
- (1) Submitted proof of lighting requirements from a property insurance company that demonstrates that compliance with this chapter will render the property uninsurable. The minimum amount of lighting required by the property insurance company shall be considered the maximum for the purposes of this chapter; or
  - (2) Submitted reasonable research findings, from a qualified professional, as defined by section 101-1-7, that offer a compelling argument for the need for the exemption. However, if the land use authority is aware of other research findings that refute what is submitted, then the land use authority must determine which research findings are more persuasive under the circumstances. If the land use authority grants the exemption, then the minimum amount of lighting necessary to ensure appropriate safety or security, as recommended by the qualified professional, shall be considered the maximum for the purposes of this chapter;
- (j) *Occasional event lighting.* Outdoor lighting intended for an occasional event, such as a wedding, party, social gathering, or other similar event that occurs on an occasional basis, provided it is in compliance with the following: