



# Staff Report to the Ogden Valley Planning Commission

Weber County Planning Division

## Synopsis

### Application Information

<b>Application Request:</b>	Consideration and recommendation on a proposal to amend the Weber County Land Use Code to provide for the nonconforming designation of lots made smaller by right-of-way expansions, and to provide administrative clarifications related to those sections.
<b>Agenda Date:</b>	Tuesday, February 24, 2015
<b>Staff Report Date:</b>	Thursday, February 12, 2015
<b>Applicant:</b>	Planning Division
<b>File Number:</b>	ZTA 2014-05

### Property Information

<b>Approximate Address:</b>	Not Applicable
<b>Project Area:</b>	Not Applicable
<b>Zoning:</b>	Not Applicable
<b>Existing Land Use:</b>	Not Applicable
<b>Proposed Land Use:</b>	Not Applicable
<b>Parcel ID:</b>	Not Applicable
<b>Township, Range, Section:</b>	Not Applicable

### Adjacent Land Use

<b>North:</b>	Not Applicable	<b>South:</b>	Not Applicable
<b>East:</b>	Not Applicable	<b>West:</b>	Not Applicable

### Staff Information

<b>Report Presenter:</b>	Charlie Ewert cewert@co.weber.ut.us (801) 399-8763
<b>Report Reviewer:</b>	SW

## Applicable Ordinances

- Weber County Land Use Code Title 101 (General Provisions) Section 7 (Definitions)
- Weber County Land Use Code Title 108 (Standards) Chapter 12 (Noncomplying Structures and Nonconforming Uses/Parcels)

## Legislative Decisions

When the Planning Commission is acting as a recommending body to the County Commission, it is acting in a legislative capacity and has wide discretion. Examples of legislative actions are general plan, zoning map, and land use code amendments. With legislative actions it is required that the Planning Commission give a recommendation to the County Commission. Typically, the criterion for providing a recommendation on a legislative matter suggests a review for compatibility with the general plan and existing ordinances.

## Background

The Engineering Department is currently working with the public along 3500 West and 12th Street to initiate a public right of way expansion of both roads. The expansions will take the front portions of the parcels that front these streets. The amount taken depends on a myriad of factors, such as the current right of way width, necessary road appurtenances, and proximity to intersections of streets and canals. A special ordinance is necessary that allows lots made noncompliant to current zoning standards to be considered a legal, nonconforming status. This will help clarify in the law that the current occupancy, use, and the right to initiate new uses, as may be allowed by the zone, may be continued on properties that drop below the zoning standards.

In the process of vetting language to enable this, staff found other areas of the code related to nonconforming parcels that need additional clarity. Under historic best management practices, and in model ordinances used throughout the country,

the nonconforming use and noncomplying structures ordinance is intended to ensure that the right to continue existing uses and structures are vested throughout time, and are protected from zoning changes or standards changes presented by new ordinances (often referred to as “grandfathered”). However, the original intent of such an ordinance is to make the changes or modifications of nonconforming uses and structures so restrictive that future land owners are more motivated to eliminate the nonconformity and comply with new ordinance standards (achieved by reconfiguring property and/or tearing down old structures). This intent was a method of advancing the purposes of new ordinances, which were presumably enacted to better the health, safety, and welfare of the public.

In Weber County, such restrictiveness has not prevailed. Even though the framework of Chapter 108-12 Noncomplying Structures and Nonconforming Uses/Parcels appears to follow the framework of historic model ordinances, the chapter has been amended to be more permissive regarding the modification of noncomplying structures. It has also been amended with provisions on how to treat nonconforming lots, giving leniency to those lots created in a manner that did not comply with previous subdivision codes. Essentially, what this does is gives a grant of amnesty from subdivision requirements for these lots. The County does this for three reasons:

1. It some cases it is difficult to determine what laws were in effect at the time, and whether they complied with state laws of the time.
2. It is difficult to tell whether the County has consistently and fairly applied those laws to all people/properties.
3. It is politically unpalatable to penalize a successor for violations that were created by a prior owner.

These provisions are not proposed to be removed, but they are being revised to provide clarity.

## Policy Analysis

To provide for lots affected by public right-of-way expansions, Staff proposes the changes that can be found in the attached Exhibit A proposed code change, Section 108-12-15. Along with this new code section, a notice document has been created that will be recorded on the properties affected by right of way expansions. This notice will give current and future property owners notice of the new ordinance, and provide clarity in the record that their right to existing and new uses on the property will not be affected by the right of way expansion. This notice is provided in Exhibit B. The notice is not part of the text amendment.

Regarding unplatted properties, the changes proposed in Exhibit A, under Section 108-12-11, maintain the flexibility of the current ordinance whilst also providing clarifications. One primary difference in the proposal that deviates from the historic standard of practice is the modified definition of “Lot, nonconforming,” in Section 101-1-7. Current ordinance only lists that zoning area and zoning width standards may make a lot nonconforming. The new definition specifies that all applicable lot standards are to be considered when evaluating whether a lot is nonconforming. The significance of this change is this: lot standards may be found in various places in the code, including the zoning ordinance and the subdivision ordinance. If a lot is legally created or modified under the lot standards of any land use code requirement at the time and any of those lot standards are later changed, then the lot is considered nonconforming as it relates to the changed lot standard, whatever that standard may be. The proposed definition is no longer limiting to zoning area and zoning width standards.

Because this change parts ways with historic application of this ordinance, both within Weber County and elsewhere, staff consulted with the Weber County legal team and the Office of the Property Rights Ombudsman to ensure the philosophy is keeping with the goal of maintaining a supportable and defensible code.

This new distinction is only important inasmuch as nonconforming lots are treated differently from conforming lots. Staff has searched the code for all references to nonconforming lots and cannot find any reference that this change may negatively affect.

## Conformance to the General Plan

Legislative decisions should be considered through the lens of policy perspectives provided in the General Plan. A review of the general plan documents returned little specificity on the subjects. However, the transportation element of both

townships' current general plans provide recommendations regarding sufficient vehicular transportation facilities<sup>1</sup>, and this proposal helps support that.

## Conditions of Approval

Not Applicable

## Past Action on this Item

The Western Weber Planning Commission reviewed the proposal in a work session on November 18, 2014. The Ogden Valley Planning Commission reviewed the proposal in a work session on January 27, 2015. No action was taken in either meeting.

## Noticing Compliance

A hearing for this item before the Planning Commission has been posted for public notice in compliance with UCA §17-27a-205 in the following manners:

- Posted on the County's Official Website 10 days in advance of the hearing.
- Posted on the Utah Public Notice Website 10 days in advance of the hearing.
- Published in a local newspaper 10 days in advance of the hearing.

## Staff Recommendation

Staff recommends approval of the text included as Exhibit B and Exhibit C with the following findings:

1. The additions will provide property owners affected by the expansion of a public right-of-way the protections of a nonconforming status that fall below zoning standards as a result of the expansion.
2. The additions provide property owners with an equitable balance to an issue caused by the County's acquisition of a portion of their land for public purposes.
3. The clarifications are not detrimental to the health, safety, and welfare of County residents.

The Planning Commission's decision should be made as a recommendation to the County Commission. A model motion is provided below.

## Sample Motions

Sample Motion for a **Positive Recommendation** – "I move we forward a positive recommendation to the County Commission for the Zoning Text Amendment regarding lots made nonconforming by public right-of-way expansion, and other clarifications related to regulation of nonconforming lots, File #ZTA 2014-05, with the following findings:

1. All findings recommended by staff in the staff report dated February 12, 2015;
  - a. [as modified with these changes: \_\_\_\_\_]
2. ... List and additional findings to support the amendment, as may be deemed necessary."

Sample Motion for a **Negative Recommendation** – "I move we forward a negative recommendation to the County Commission for the Zoning Text Amendment regarding lots made nonconforming by public right-of-way expansion, and other clarifications related to regulation of nonconforming lots, File #ZTA 2014-05, with the following findings:

1. List any findings...

## Exhibits

- A. Summary, List, and Key to Proposed Changes.
- B. Code Change – Right of Way Expansions Causing Nonconforming Lots (Redlines).
- C. Code Change – Right of Way Expansions Causing Nonconforming Lots (Clean).
- D. Draft Notice of Legal-Nonconformance (for administrative use).
- E. Land Use Code Revision Process Flowchart

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<sup>1</sup> For 1998 Ogden Valley General Plan, see Section 9.02. For the 2003 West Central Weber General Plan, see Section 3-1.

## EXHIBIT A: SUMMARY, LIST, AND KEY TO PROPOSED CHANGES

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1 The following code changes are being proposed due to several planned public right of way expansion  
2 projects that may cause some lots to lose area and drop below the minimum lot standards of the  
3 applicable zone. During routine review of related code sections, staff found the need for greater clarity  
4 throughout, and are proposing such changes here.

5 This change addresses the following sections:

6 Sec 101-1-7. Definitions:

7 Lot, nonconforming

8 Lot of record (lawfully created lot)

9 Noncomplying structure

10 Nonconforming lot or parcel

11 Nonconforming sign

12 Sec. 108-12-10. Legal use of nonconforming lots

13 Related Additions, Corrections, and Clarifications:

14 Sec. 108-12. General Code Clarification.

15 Sec. 108-12-11. Subdivision Plat Requirements for Nonconforming Lots

16 Sec. 108-12-13. Setback requirements for nonconforming lots.

17 Sec. 108-12-14. Parcels previously combined

18

19 Key to changes:

20 Language that has been added is shown in blue underline.

21 ~~Language that has been moved to a new location is shown in green double strikeout.~~

22 ~~Language that has been deleted is shown in red strikeouts.~~

23 Language that has been moved from an old location is shown in green double underline.

## EXHIBIT B: CODE CHANGE – RIGHT OF WAY EXPANSIONS CAUSING NONCONFORMING LOTS.

All sections of code not specifically addressed herein shall remain unchanged.

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1 **PART II LAND USE CODE** <sup>[1]</sup>

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2 Title 101 - GENERAL PROVISIONS

3 Title 102 - ADMINISTRATION

4 Title 103 - RESERVED

5 Title 104 - ZONES

6 Title 105 - RESERVED

7 Title 106 - SUBDIVISIONS

8 Title 107 - RESERVED

9 Title 108 - STANDARDS

10 Title 109 - RESERVED

11 Title 110 - SIGNS

12 **Title 101 GENERAL PROVISIONS** <sup>[2]</sup>

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13 Sec. 101-1-1. Short title.

14 Sec. 101-1-2. Purpose.

15 Sec. 101-1-3. Interpretation.

16 Sec. 101-1-4. Conflict.

17 Sec. 101-1-5. Effect on previous ordinances and maps.

18 Sec. 101-1-6. Rules of construction.

19 Sec. 101-1-7. Definitions.

20 Sec. 101-1-8. Amendments to Code; effect of new ordinances; amendatory language.

21 Sec. 101-1-9. Supplementation of Code.

22 Sec. 101-1-10. Catchlines of sections.

23 Sec. 101-1-11. Altering Code.

24 Sec. 101-1-12. Severability of parts of Code.

25 Sec. 101-1-13. General penalty; continuing violations.

26 Sec. 101-1-14. Certain ordinances not repealed or affected by adoption of Code.

27 ...

28 **Sec. 101-1-7. Definitions.**

29 ...

30 *Lot, nonconforming.* The term "nonconforming lot" means a lot or parcel that complied  
31 with lot standards in effect at the time of the lot's creation and, because of subsequent changes to  
32 the Land Use Code, does not conform to the current lot standards. Applicable standards include  
33 lot standards of the zone in which the lot is located, lot standards of the subdivision ordinance,  
34 and other lot standards of this Land Use Code. ~~of land that has less than the required minimum~~  
35 ~~area or width as established by the zone in which it is located and provided that such lot or parcel~~  
36 ~~was of record as a legally created lot on the effective date of the ordinance from which this title is~~  
37 ~~derived.~~

38 ...

39 *Noncomplying structure.* The term "noncomplying structure" means a structure that  
40 legally existed before its current land use designation and because of one or more subsequent  
41 land use ordinance changes, does not conform to the setback, height restrictions, or other  
42 regulations, excluding those regulations that govern the use of land.

43 ~~*Nonconforming building or structure.* The term "nonconforming building or structure"~~  
44 ~~means a building or structure or portion thereof, lawfully existing at the time of the effective date~~  
45 ~~of the ordinance from which this chapter is derived, which does not conform to all the height, area~~  
46 ~~and yard regulations herein prescribed in the zone in which it is located.~~

47 *Nonconforming lot or parcel.* See "Lot, nonconforming."

48 *Nonconforming sign.* See "Sign, nonconforming."

49 *Nonconforming use.* The term "nonconforming use" means a use of land that legally  
50 existed before its current land use designation, has been maintained continuously since the time  
51 the land use ordinance regulation governing the land changed, and because of one or more  
52 subsequent land use ordinance changes, does not conform to the regulations that now govern  
53 the use of the land.

54 ...

55 **Title 108 STANDARDS**

56 CHAPTER 1. - DESIGN REVIEW

57 CHAPTER 2. - OGDEN VALLEY ARCHITECTURAL, LANDSCAPE AND SCREENING DESIGN STANDARDS

58 CHAPTER 3. - CLUSTER SUBDIVISIONS

59 CHAPTER 4. - CONDITIONAL USES

60 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

- 61 CHAPTER 6. - TIME SHARE
- 62 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS
- 63 CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS
- 64 CHAPTER 9. - MOTOR VEHICLE ACCESS
- 65 CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS AND STRUCTURES
- 66 CHAPTER 11. - RESERVED
- 67 | CHAPTER 12. - NONCOMPLYING STRUCTURES ~~AND~~, NONCONFORMING USES ~~PARCELS~~, AND
- 68 | NONCONFORMING LOTS
- 69 | CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY OUTDOOR SALES; FARMER'S
- 70 | MARKETS
- 71 CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS
- 72 CHAPTER 15. - STANDARDS FOR SINGLE-FAMILY DWELLINGS
- 73 CHAPTER 16. - OGDEN VALLEY LIGHTING
- 74 CHAPTER 17. - OGDEN VALLEY PATHWAYS
- 75 CHAPTER 18. - DRINKING WATER SOURCE PROTECTION
- 76 CHAPTER 19. - ACCESSORY APARTMENTS
- 77 CHAPTER 20. - FOREST CAMPGROUNDS
- 78 CHAPTER 21 - AGRI-TOURISM
- 79 ...
- 80 | **CHAPTER 12. NONCOMPLYING STRUCTURES, ~~AND~~ NONCONFORMING USES, ~~PARCELS~~ AND**
- 81 | **NONCONFORMING LOTS**

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- 82 | Sec. 108-12-1. Purpose and intent.
- 83 | Sec. 108-12-2. Maintenance, repairs, and alterations.
- 84 | Sec. 108-12-3. Additions and enlargements.
- 85 | Sec. 108-12-4. Alteration where parking insufficient.
- 86 | Sec. 108-12-5. Moving noncomplying structures.
- 87 | Sec. 108-12-6. Restoration of damaged buildings.
- 88 | Sec. 108-12-7. One-year vacancy or abandonment.
- 89 | Sec. 108-12-8. Change of use.
- 90 | Sec. 108-12-9. Expansion of nonconforming use.
- 91 | Sec. 108-12-10. Legal use of ~~parcels~~ nonconforming lots.

92 [Sec. 108-12-11. Subdivision plat requirements for nonconforming lots, exceptions.](#) ~~Parcels in areas subjected~~  
93 ~~to change in zoning.~~

94 ~~Sec. 108-12-12. Combining-Enlarging nonconforming parcels~~lots.

95 ~~Sec. 108-12-13. Setback requirements for nonconforming lots.~~ ~~Small lots/parcels created prior to zoning.~~

96 [Sec. 108-12-14. Parcels previously combined for tax purposes.](#)

97 [Sec. 108-12-15. Effect of Public Right of Way Expansion.](#)

## 98 **Sec. 108-12-1. Purpose and intent.**

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

## 103 **Sec. 108-12-2. Maintenance, repairs, and alterations.**

104 (a) Maintenance, repairs, and structural alterations may be made to noncomplying structures  
105 on lots of record.

106 (b) Dwellings or other structures built on [lots or](#) parcels which were once legal, but have  
107 since been ~~made illegal~~ [modified in a manner that is in violation of applicable laws](#), shall  
108 not be issued land use or building permits, unless the structure is being strengthened or  
109 restored to a safe condition, or the [lot or](#) parcel is made to conform to current zoning  
110 regulations. In restoring the structure to a safe condition, no expansion of the structure is  
111 allowed.

## 112 **Sec. 108-12-3. Additions and enlargements.**

113 (a) A structure which is occupied by a nonconforming use shall not be added to or expanded  
114 in any manner, unless such expansion is made to conform to all yard and use regulations  
115 of the zone in which the structure is located.

116 (b) A noncomplying structure (main or accessory) shall not be added to or enlarged in any  
117 manner, unless such addition or enlargement conforms to all the regulations of the zone  
118 in which it is located, or conforms to the reduced yard setbacks as allowed in section  
119 108-12-13

120 (c) A legally constructed dwelling or other structure on a lot of record, which has yard  
121 setbacks that are less than the required yard setbacks for the zone in which it is located,  
122 shall be allowed to have an addition, provided that:



- 123 (1) The addition does not encroach into the required yard setbacks further than the  
124 existing dwelling or other structure; and
- 125 (2) The addition is located completely on the same property as the existing structure  
126 and does not encroach into a road right-of-way or on to adjacent property.
- 127 (d) A legally constructed dwelling or other structure on a lot of record, which is located within  
128 a stream corridor setback (as defined by the Weber County Land Use Code  
129 sections 108-7-23 and/or 104-28-2, ~~shall be allowed to have an addition(s)~~may be added  
130 to or enlarged, provided that:
- 131 (1) The addition does not encroach into the stream corridor setback further than the  
132 existing dwelling or other structure; and
- 133 (2) The addition meets the yard setback requirements of the zone in which it is  
134 located or conforms to the reduced yard setbacks as allowed in section 108-12-  
135 13; or
- 136 (3) The addition does not encroach into the required yard setbacks further than the  
137 existing dwelling or other structure.

138 **Sec. 108-12-4. Alteration where parking insufficient.**

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

142 **Sec. 108-12-5. Moving noncomplying structures.**

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

147 **Sec. 108-12-6. Restoration of damaged buildings.**

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

153 **Sec. 108-12-7. One-year vacancy or abandonment.**

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

170 **Sec. 108-12-8. Change of use.**

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

174 **Sec. 108-12-9. Expansion of nonconforming use.**

175 A nonconforming use may be extended to include the entire floor area of the existing  
176 legal structure in which it was conducted at the time the use became nonconforming,  
177 provided, however, that a ~~certificate of occupancy~~Land Use Permit is first obtained for such  
178 extension of use.

179 **Sec. 108-12-10. Legal use of nonconforming lots~~parcels~~.**

180 ~~(a) — Any legally created lot and/or parcel of land, which existed prior to adoption of the~~  
181 ~~Weber County Land Use Code/Zoning Map may apply to develop any of the permitted or~~  
182 ~~conditional uses for which the lot and/or parcel qualifies, in the zone where the lot and/or~~  
183 ~~parcel of land is located. In Western Weber County, the 1962 ownership plats are used as~~  
184 ~~the legal reference point, and in the Ogden Valley, the 1966 ownership plats are used as the~~  
185 ~~legal reference point.~~

186 ~~(b) — Any legally created lot and/or parcel of land which existed prior to the adoption of the~~  
187 ~~Weber County Land Use Code or an amendment to the Land Use Code, but which may now~~  
188 ~~require a different lot area or lot width/frontage, may apply to develop any of the permitted or~~

189 conditional uses for which the lot and/or parcel qualifies, in the zone where the lot and/or  
190 parcel of land is located.

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

196 ...

197 **Sec. 108-12-11. ~~Parcels in areas subjected to change in zoning~~ Subdivision plat**  
198 **requirements for nonconforming lots, exemptions.**

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

203 (a) The following rules govern the treatment of an unplatted lot that was created in  
204 conformance with the lot standards in effect at the time of the lot's creation and, because  
205 of subsequent changes to the Land Use Code, does not conform to the current lot  
206 standards; the lot may not have conformed with the requirements of the subdivision code  
207 in effect at that time:

208 (1) If the existing lot can be defined as a Lot of Record, as defined in Section 101-1-7,  
209 the lot shall be exempt from subdivision platting requirements.

210 (2) If the existing lot was created prior to July 1, 1992, contained a single family dwelling  
211 unit, and complied with the standards of the zone in effect at the time of the lot's  
212 creation, the lot shall be exempt from subdivision platting requirements, and is a  
213 nonconforming lot.

214 (3) If the existing lot was created prior to July 1, 1992, and does not qualify for the  
215 provisions of subsections (a)(1) and (a)(2), then the lot shall be platted in accordance  
216 with Title 106 of this Land Use Code. Lot standards applicable for such subdivision  
217 may be reduced to meet the minimum standards of the zone in effect at the time of  
218 the lot's creation so long as it does not create any more lots than currently exist, and  
219 the current lot size is not materially reduced from it's current acreage. All such platted  
220 lots that do not conform to current zoning standards shall thereafter be considered  
221 nonconforming lots. A lot that does not meet the minimum standards of the zone in

222 effect at the time of the lot's creation may be reconfigured upon platting to comply  
223 with such standards as long as the reconfiguration does not cause any other lot to  
224 become nonconforming or more nonconforming. A lot platted pursuant to this  
225 subsection may be further reduced in size to accommodate any right of way  
226 dedication as may be required by Title 106 of this Land Use Code. No unplatted lot  
227 or parcel governed by this subsection shall be granted a land use permit prior to  
228 subdivision platting.

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

234 ~~Where lot area and/or frontage/width requirements have increased as a result of a change in~~  
235 ~~zoning, the following shall apply:~~

236 ~~(1) — Parcels not meeting current zoning as to area and/or frontage/width~~  
237 ~~requirements, but containing a single family dwelling which:~~

238 ~~a. — Were built on and created and recorded prior to July 1992 changes to~~  
239 ~~the Utah Code, Subdivision Law and met area and frontage/width~~  
240 ~~requirements for the zone in which they were created at the time they were~~  
241 ~~created are considered nonconforming parcels; or~~

242 ~~b. — Were created and recorded with an existing single family dwelling~~  
243 ~~after July 1992 changes to the Utah Code, Subdivision Law but prior to the~~  
244 ~~change in zoning, and met area and frontage/width requirements for the zone~~  
245 ~~in which they were created at the time they were created shall submit an~~  
246 ~~application for subdivision approval;~~

247 ~~c. — Were part of a legal subdivision, but were further divided, and met the~~  
248 ~~requirements of subsections (1)a or b of this section shall be subject to the~~  
249 ~~note below.~~

251 ~~**NOTE:** No lot within a subdivision approved by the Planning Commission~~  
252 ~~and County Commission and recorded in the County Recorder's Office in~~  
253 ~~accordance with the provisions of the Subdivision Ordinance, shall be further~~  
254 ~~divided, rearranged, added to or reduced in area nor shall the boundaries of~~  
255 ~~any lot be altered in a any manner so as to create more lots than initially~~  
256 ~~recorded without first obtaining the approval of the Land Use Authority.~~  
257 ~~Therefore, an amended plat shall be required.~~

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~~(2) — Parcels not meeting current zoning as to area and/or frontage/width requirements, containing a single-family dwelling which:~~

- ~~a. — Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law;~~
- ~~b. — Are able to obtain the additional area and frontage/width which would bring the lot into compliance with the area and frontage/width requirements for the zone in which they were created at the time they were created; and~~
- ~~c. — Complied with all other county ordinances when built;~~

~~may submit an application for subdivision approval provided they meet all other requirements of title 106, Subdivisions.~~

~~(3) — Parcels not meeting current zoning as to area and/or frontage/width requirements which:~~

- ~~a. — Were created and recorded prior to July 1992 changes to the Utah Code, Subdivision Law; and~~
- ~~b. — Met area and frontage/width requirements for the zone in which they were created at the time they were created;~~

~~may submit an application for subdivision approval provided they meet all other requirements of title 106.~~

~~(4) — Lots/parcels which are subject to subsections (1), (2), or (3) of this section, and have boundary descriptions that fall within a roadway, shall be allowed to develop with the lot/parcel area that remains after dedicating land for the roadway, as required by the Weber County Land Use Code.~~

~~(5) — 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 provided:~~

- ~~a. — The parcels that are being separated were originally created prior to July 1992 changes to the Utah Code, and Subdivision Law;~~
- ~~b. — 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 parcels;~~
- ~~c. — 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;~~

293 ~~d. No new lots are being created;~~

294 ~~e. The separation of parcels results in a configuration consistent with the~~  
295 ~~original parcels and conforms to the ordinance that was in place prior to the recording~~  
296 ~~of the combination form; and~~

297 ~~f. The separation of combined parcels authorized under this subsection does~~  
298 ~~not authorize a change in the configuration of an approved and recorded subdivision~~  
299 ~~or lots within such subdivision. A subdivision plat cannot be changed unless an~~  
300 ~~amended subdivision plat is prepared and recorded in accordance with Utah Code~~  
301 ~~and title 106 of the Land Use Code.~~

302 **Sec. 108-12-12. ~~Combining~~ Enlarging nonconforming ~~parcels~~ lots.**

303 Nonconforming lots may be reconfigured in a manner that complies with the  
304 standards of the zone in effect at the time of the lot's creation if the reconfiguration does not  
305 create any more lots than currently exist. The reconfiguration shall not cause any other lot to  
306 become nonconforming or more nonconforming. If the nonconforming lot is part of a platted  
307 subdivision an amended subdivision plat is required. ~~Parcels not meeting current zoning as~~  
308 ~~to area and frontage/width requirements that were legally created or made legal through the~~  
309 ~~provisions of this chapter, may be enlarged by combining adjoining parcels provided that:~~

310  
311 ~~(1) The combination is achieved by submitting a subdivision if any of the parcels~~  
312 ~~were part of a recorded subdivision or by combining parcels if they have metes~~  
313 ~~and bounds descriptions;~~

314 ~~(2) All adjoining parcels under common ownership, or brought under common~~  
315 ~~ownership after the date of the adoption of this section are merged to create the~~  
316 ~~largest lot possible;~~

317 ~~(3) The combination does not result in any illegal divisions of land; and~~

318 ~~(4) Structures built on the newly created lot shall resemble the architectural style,~~  
319 ~~height, size and mass of existing noncommercial structures on parcels within 500~~  
320 ~~feet of the newly created lot, and meet all current setback and height~~  
321 ~~requirements of the zone in which the combination is made.~~

322 **Sec. 108-12-13. Setback requirements for nonconforming lots. ~~Small lots/parcels~~**  
323 **~~created prior to zoning.~~**

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

327 | (1) A nonconforming lot's/~~parcel's~~ actual width (v) may be divided by the current  
328 | required frontage/width (w) in order to formulate a ratio or proportional relation  
329 | (x). (Formula: "v" divided by "w" equals "x.")

330 | (2) The ratio may then be multiplied by the current zone's side yard setback  
331 | requirement (y) in order to establish a reduced setback (z). (Formula: "x"  
332 | multiplied by "y" equals "z".)

333 | (3) The reduced side yard setback is subject to the conditions listed below.  
334 | (Formula:  $v \div w = x$ .  $x \times y = z$ .)

335 | a. Under no circumstances shall an interior lot/~~parcel~~ be allowed to reduce  
336 | the side-yard setback requirement below five feet on one side and eight feet  
337 | on the other.

338 | b. Under no circumstances shall a corner lot/~~parcel~~ be allowed to reduce the  
339 | side-yard requirement below ten feet when the side yard fronts on a street.

#### 341 | Sec. 108-12-14. Parcels previously combined for tax purposes.

342 | (a) Parcels that have been combined by the county recorder's office for tax purposes shall be  
343 | allowed to separate one or more of the combined parcels on an approved and recorded form  
344 | provided if:

345 | (1) a.—The parcels that are being separated were originally created prior to July 1, 1992;  
346 | changes to the Utah Code, and Subdivision Law;

347 | (2) b.—The properties as configured prior to the combination met area and frontage/width  
348 | requirements for the zone in which they were created, or were considered  
349 | nonconforming ~~parcels~~ lots;

350 | (3) c.—The combination was done by the current owner or same owner acting as trustee,  
351 | and was done by a quit claim, combination form, or other instrument, which states the  
352 | consolidation of parcels is for tax purposes;

353 | (4) d.—No new lots are being created; and

354 | (5) e.—The separation of parcels results in a configuration consistent with the original  
355 | parcels and conforms to the ordinance that was in place prior to the recording of the

356 combination form, and the resulting lots conform with the provisions of Section 108-12-  
357 11. and

358 (b) ~~f.—The separation of combined parcels authorized under this sub~~Section does not authorize a  
359 change in the configuration of an approved and recorded subdivision or lots within such  
360 subdivision. A subdivision plat cannot be changed unless an amended subdivision plat is  
361 prepared and recorded in accordance with Utah Code and titleAny change to the configuration  
362 of a subdivision must comply with Title 106 of the Land Use Code, and any applicable state  
363 law.

364 **Sec. 108-12-15. Effect of Public Right of Way Expansion.**

365 (a) Any structure that legally existed with conforming or nonconforming setback prior to the  
366 expansion of a public right of way where the expansion of such public right of way makes  
367 the structure noncomplying or more noncomplying to the setback requirements of this  
368 Land Use Code, shall be deemed a legal, noncomplying structure.

369 (b) Any lot that legally existed in a conforming or nonconforming status prior to the  
370 expansion of a public right of way where the expansion of such public right of way makes  
371 the lot nonconforming or more nonconforming to the standards of this Land Use Code,  
372 shall be deemed a legal, nonconforming lot.

373 (c) This section does not excuse or exempt any past or future action that creates or modifies  
374 a lot in a manner that is in violation of applicable laws.

375



## EXHIBIT B: CODE CHANGE – RIGHT OF WAY EXPANSIONS CAUSING NONCONFORMING LOTS.

All sections of code not specifically addressed herein shall remain unchanged.

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1 **PART II LAND USE CODE** <sup>[1]</sup>

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2 Title 101 - GENERAL PROVISIONS

3 Title 102 - ADMINISTRATION

4 Title 103 - RESERVED

5 Title 104 - ZONES

6 Title 105 - RESERVED

7 Title 106 - SUBDIVISIONS

8 Title 107 - RESERVED

9 Title 108 - STANDARDS

10 Title 109 - RESERVED

11 Title 110 - SIGNS

12 **Title 101 GENERAL PROVISIONS** <sup>[2]</sup>

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13 Sec. 101-1-1. Short title.

14 Sec. 101-1-2. Purpose.

15 Sec. 101-1-3. Interpretation.

16 Sec. 101-1-4. Conflict.

17 Sec. 101-1-5. Effect on previous ordinances and maps.

18 Sec. 101-1-6. Rules of construction.

19 Sec. 101-1-7. Definitions.

20 Sec. 101-1-8. Amendments to Code; effect of new ordinances; amendatory language.

21 Sec. 101-1-9. Supplementation of Code.

22 Sec. 101-1-10. Catchlines of sections.

23 Sec. 101-1-11. Altering Code.

24 Sec. 101-1-12. Severability of parts of Code.

25 Sec. 101-1-13. General penalty; continuing violations.

26 Sec. 101-1-14. Certain ordinances not repealed or affected by adoption of Code.

27 ...

28 **Sec. 101-1-7. Definitions.**

29 ...

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

35 ...

36 *Noncomplying structure.* The term "noncomplying structure" means a structure that  
37 legally existed before its current land use designation and because of one or more subsequent  
38 land use ordinance changes, does not conform to the setback, height restrictions, or other  
39 regulations, excluding those regulations that govern the use of land.

40

41 *Nonconforming lot or parcel.* See "Lot, nonconforming."

42 *Nonconforming sign.* See "Sign, nonconforming."

43 *Nonconforming use.* The term "nonconforming use" means a use of land that legally  
44 existed before its current land use designation, has been maintained continuously since the time  
45 the land use ordinance regulation governing the land changed, and because of one or more  
46 subsequent land use ordinance changes, does not conform to the regulations that now govern  
47 the use of the land.

48 ...

49 **Title 108 STANDARDS**

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50 CHAPTER 1. - DESIGN REVIEW

51 CHAPTER 2. - OGDEN VALLEY ARCHITECTURAL, LANDSCAPE AND SCREENING DESIGN STANDARDS

52 CHAPTER 3. - CLUSTER SUBDIVISIONS

53 CHAPTER 4. - CONDITIONAL USES

54 CHAPTER 5. - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)

55 CHAPTER 6. - TIME SHARE

56 CHAPTER 7. - SUPPLEMENTARY AND QUALIFYING REGULATIONS

57 CHAPTER 8. - PARKING AND LOADING SPACE, VEHICLE TRAFFIC AND ACCESS REGULATIONS

58 CHAPTER 9. - MOTOR VEHICLE ACCESS

- 59 CHAPTER 10. - PUBLIC BUILDINGS AND PUBLIC UTILITY SUBSTATIONS AND STRUCTURES
  - 60 CHAPTER 11. - RESERVED
  - 61 CHAPTER 12. - NONCOMPLYING STRUCTURES, NONCONFORMING USES, AND NONCONFORMING LOTS
  - 62 CHAPTER 13. - HOME OCCUPATION; SHORT TERM VENDORS; TEMPORARY OUTDOOR SALES; FARMER'S
  - 63 MARKETS
  - 64 CHAPTER 14. - HILLSIDE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS
  - 65 CHAPTER 15. - STANDARDS FOR SINGLE-FAMILY DWELLINGS
  - 66 CHAPTER 16. - OGDEN VALLEY LIGHTING
  - 67 CHAPTER 17. - OGDEN VALLEY PATHWAYS
  - 68 CHAPTER 18. - DRINKING WATER SOURCE PROTECTION
  - 69 CHAPTER 19. - ACCESSORY APARTMENTS
  - 70 CHAPTER 20. - FOREST CAMPGROUNDS
  - 71 CHAPTER 21 - AGRI-TOURISM
  - 72 ...
  - 73 **CHAPTER 12. NONCOMPLYING STRUCTURES, NONCONFORMING USES, AND NONCONFORMING LOTS**
- 

- 74 Sec. 108-12-1. Purpose and intent.
- 75 Sec. 108-12-2. Maintenance, repairs, and alterations.
- 76 Sec. 108-12-3. Additions and enlargements.
- 77 Sec. 108-12-4. Alteration where parking insufficient.
- 78 Sec. 108-12-5. Moving noncomplying structures.
- 79 Sec. 108-12-6. Restoration of damaged buildings.
- 80 Sec. 108-12-7. One-year vacancy or abandonment.
- 81 Sec. 108-12-8. Change of use.
- 82 Sec. 108-12-9. Expansion of nonconforming use.
- 83 Sec. 108-12-10. Legal use of nonconforming lots.
- 84 Sec. 108-12-11. Subdivision plat requirements for nonconforming lots, exceptions.
- 85 Sec. 108-12-12. Enlarging nonconforming lots.
- 86 Sec. 108-12-13. Setback requirements for nonconforming lots.
- 87 Sec. 108-12-14. Parcels previously combined for tax purposes.
- 88 Sec. 108-12-15. Effect of Public Right of Way Expansion.

89 **Sec. 108-12-1. Purpose and intent.**

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

94 **Sec. 108-12-2. Maintenance, repairs, and alterations.**

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

102 **Sec. 108-12-3. Additions and enlargements.**

- 103 (a) A structure which is occupied by a nonconforming use shall not be added to or expanded  
104 in any manner, unless such expansion is made to conform to all yard and use regulations  
105 of the zone in which the structure is located.
- 106 (b) A noncomplying structure (main or accessory) shall not be added to or enlarged in any  
107 manner, unless such addition or enlargement conforms to all the regulations of the zone  
108 in which it is located, or conforms to the reduced yard setbacks as allowed in section  
109 108-12-13
- 110 (c) A legally constructed dwelling or other structure on a lot of record, which has yard  
111 setbacks that are less than the required yard setbacks for the zone in which it is located,  
112 shall be allowed to have an addition, provided that:
- 113 (1) The addition does not encroach into the required yard setbacks further than the  
114 existing dwelling or other structure; and
- 115 (2) The addition is located completely on the same property as the existing structure  
116 and does not encroach into a road right-of-way or on to adjacent property.
- 117 (d) A legally constructed dwelling or other structure on a lot of record, which is located within  
118 a stream corridor setback (as defined by the Weber County Land Use Code  
119 sections 108-7-23 and/or 104-28-2, may be added to or enlarged, provided that:
- 120 (1) The addition does not encroach into the stream corridor setback further than the  
121 existing dwelling or other structure; and

- 122 (2) The addition meets the yard setback requirements of the zone in which it is  
123 located or conforms to the reduced yard setbacks as allowed in section 108-12-  
124 13; or
- 125 (3) The addition does not encroach into the required yard setbacks further than the  
126 existing dwelling or other structure.

127 **Sec. 108-12-4. Alteration where parking insufficient.**

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

131 **Sec. 108-12-5. Moving noncomplying structures.**

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

136 **Sec. 108-12-6. Restoration of damaged buildings.**

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

142 **Sec. 108-12-7. One-year vacancy or abandonment.**

- 143 (a) A legal structure, or portion thereof, which is occupied by a nonconforming use, and  
144 which is or hereafter becomes vacant and remains unoccupied for a continuous period of  
145 one year, except for dwellings and structures to house animals and fowl, shall not  
146 thereafter be occupied except by a use which conforms to the use regulations of the  
147 zone in which it is located. Wherever a nonconforming use has been discontinued for a  
148 period of one year, such use shall not thereafter be re-established and any future use  
149 shall be in conformance with the current provisions of the Weber County Land Use Code.
- 150 (b) Any building or structure for which a valid building permit has been issued and actual  
151 construction was lawfully begun prior to the date when the structure became  
152 noncomplying, may be completed and used in accordance with the plans, specifications  
153 and permit on which said building permit was granted. The term "actual construction" is  
154 hereby defined to be the actual placing of construction materials in their permanent

155 position, fastened in a permanent manner, actual work in excavating a basement or the  
156 demolition or removal of an existing structure begun preparatory to rebuilding; provided  
157 that in all cases actual construction work shall be diligently carried on until the completion  
158 of the building or structure involved.

159 **Sec. 108-12-8. Change of use.**

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

163 **Sec. 108-12-9. Expansion of nonconforming use.**

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

167 **Sec. 108-12-10. Legal use of nonconforming lots.**

168  
169 Development on a nonconforming lot is permitted. Development on a nonconforming lot  
170 is limited to only those permitted and conditional uses allowed on the smallest minimum lot size  
171 for the applicable zone. A new use on a nonconforming lot is prohibited if the proposed use  
172 requires a lot size larger than the smallest lot size permitted in the zone. A legally established use  
173 may continue on a nonconforming lot regardless of the lot size requirements of the use.

174 ...

175 **Sec. 108-12-11. Subdivision plat requirements for nonconforming lots,**  
176 **exemptions.**

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

181 (a) The following rules govern the treatment of an unplatted lot that was created in  
182 conformance with the lot standards in effect at the time of the lot's creation and, because  
183 of subsequent changes to the Land Use Code, does not conform to the current lot  
184 standards; the lot may not have conformed with the requirements of the subdivision code  
185 in effect at that time:

- 186 (1) If the existing lot can be defined as a Lot of Record, as defined in Section 101-1-7,  
187 the lot shall be exempt from subdivision platting requirements.
- 188 (2) If the existing lot was created prior to July 1, 1992, contained a single family dwelling  
189 unit, and complied with the standards of the zone in effect at the time of the lot's  
190 creation, the lot shall be exempt from subdivision platting requirements, and is a  
191 nonconforming lot.
- 192 (3) If the existing lot was created prior to July 1, 1992, and does not qualify for the  
193 provisions of subsections (a)(1) and (a)(2), then the lot shall be platted in accordance  
194 with Title 106 of this Land Use Code. Lot standards applicable for such subdivision  
195 may be reduced to meet the minimum standards of the zone in effect at the time of  
196 the lot's creation so long as it does not create any more lots than currently exist, and  
197 the current lot size is not materially reduced from it's current acreage. All such platted  
198 lots that do not conform to current zoning standards shall thereafter be considered  
199 nonconforming lots. A lot that does not meet the minimum standards of the zone in  
200 effect at the time of the lot's creation may be reconfigured upon platting to comply  
201 with such standards as long as the reconfiguration does not cause any other lot to  
202 become nonconforming or more nonconforming. A lot platted pursuant to this  
203 subsection may be further reduced in size to accommodate any right of way  
204 dedication as may be required by Title 106 of this Land Use Code. No unplatted lot  
205 or parcel governed by this subsection shall be granted a land use permit prior to  
206 subdivision platting.
- 207 (b) Any lot legally platted within the bounds of a subdivision that was created pursuant to the  
208 standards of the zoning code and subdivision code in effect at the time of its creation, but  
209 no longer complies due to subsequent changes to these codes, may be amended  
210 pursuant to the minimum standards in effect at the time of its creation. The amendment  
211 shall not create any new lots. An amended plat shall be required.

212

213

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218

219 **Sec. 108-12-12. Enlarging nonconforming lots.**

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

225 **Sec. 108-12-13. Setback requirements for nonconforming lots..**

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

229 (1) A nonconforming lot's actual width (v) may be divided by the current required  
230 frontage/width (w) in order to formulate a ratio or proportional relation (x).  
231 (Formula: "v" divided by "w" equals "x.")

232 (2) The ratio may then be multiplied by the current zone's side yard setback  
233 requirement (y) in order to establish a reduced setback (z). (Formula: "x"  
234 multiplied by "y" equals "z".)

235 (3) The reduced side yard setback is subject to the conditions listed below.

236 a. Under no circumstances shall an interior lot be allowed to reduce the side-  
237 yard setback requirement below five feet on one side and eight feet on the  
238 other.

239 b. Under no circumstances shall a corner lot be allowed to reduce the side-  
240 yard requirement below ten feet when the side yard fronts on a street.

241

242 **Sec. 108-12-14. Parcels previously combined for tax purposes.**

243 (a) Parcels that have been combined by the county recorder's office for tax purposes shall be  
244 allowed to separate one or more of the combined parcels on an approved and recorded form if:

245 (1) The parcels that are being separated were originally created prior to July 1, 1992;

246 (2) The properties as configured prior to the combination met area and frontage/width  
247 requirements for the zone in which they were created, or were considered  
248 nonconforming lots;



- 249 (3) The combination was done by the current owner or same owner acting as trustee, and  
250 was done by a quit claim, combination form, or other instrument, which states the  
251 consolidation of parcels is for tax purposes;
- 252 (4) No new lots are being created; and
- 253 (5) The separation of parcels results in a configuration consistent with the original parcels  
254 and conforms to the ordinance that was in place prior to the recording of the combination  
255 form, and the resulting lots conform with the provisions of Section 108-12-11.
- 256 (b) The separation of combined parcels authorized under this Section does not authorize a change  
257 in the configuration of an approved and recorded subdivision or lots within such subdivision.  
258 Any change to the configuration of a subdivision must comply with Title 106 of the Land Use  
259 Code, and any applicable state law.

260 **Sec. 108-12-15. Effect of Public Right of Way Expansion.**

- 261 (a) Any structure that legally existed with conforming or nonconforming setback prior to the  
262 expansion of a public right of way where the expansion of such public right of way makes  
263 the structure noncomplying or more noncomplying to the setback requirements of this  
264 Land Use Code, shall be deemed a legal, noncomplying structure.
- 265 (b) Any lot that legally existed in a conforming or nonconforming status prior to the  
266 expansion of a public right of way where the expansion of such public right of way makes  
267 the lot nonconforming or more nonconforming to the standards of this Land Use Code,  
268 shall be deemed a legal, nonconforming lot.
- 269 (c) This section does not excuse or exempt any past or future action that creates or modifies  
270 a lot in a manner that is in violation of applicable laws.  
271
-



**Weber County**

**Notice of Effect  
Public Right of Way Expansion of Street Name**

**Legal Description**

SEE EXHIBIT A

**RE: Potential Nonconformity on Land Due to the Expansion of the Street Name Right of Way, as part of Project Number and Description.**

The parcel of land with the Land Serial Number # \_\_\_\_\_ is currently zoned ZONE (ZONE SYMBOL).

This notice is intended to document how the above specified right of way expansion project affects the subject property. If the property legally existed in a conforming or legal nonconforming status prior to the expansion of the public right of way, and the expansion of the public right of way has made the lot or parcel nonconforming or more nonconforming to the lot standards of the subject property's zone, the property shall be deemed legal, even though nonconforming. Any further development of it shall be allowed pursuant to and in compliance with Weber County Code §108-12, and other applicable local, state, and federal laws. The same consideration will be given for structures affected by the expansion of a public right of way; if the setbacks are made noncomplying or more noncomplying the structure shall be deemed legal, even though noncomplying.

Note: This notice does not excuse or exempt any past or future action that creates or modifies a lot, parcel, or structure in a manner that is in violation of applicable laws.

\_\_\_\_\_ Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Sean Wilkinson  
Planning Director

STATE OF UTAH    )  
                              :SS  
COUNTY OF WEBER )

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ the signer(s) of the foregoing instrument, who duly acknowledged to me that he/she/they executed the same.

Notary Public

\_\_\_\_\_

Residing at \_\_\_\_\_

# Weber County Land Use Code Revision Process Workflow

The proposed edits fall here

This flowchart is intended to illustrate the intended course of the revision process. It is not an absolute plan, and deviations may occur as more information is gathered, but it will provide the Planning Commission with an idea where we are in the process at any given time. Staff will refer to this structure regularly.

