



Staff Report to the Western Weber Planning Commission

Weber County Planning Division

Synopsis

Application Information

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

Applicant: Weber County

Agenda Date: Tuesday, April 11, 2023

File Number: ZTA 2022-07

Staff Information

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Applicable Ordinances

§101-2: Definitions	Collector or Arterial Streets
§102-1-2: Planning Director Authority	§108-7-19: Building on Dedicated Substandard Streets
§102-5: Rezone Procedures	§108-7-23: River and Stream Corridor Setbacks
§104-1-1: Establishment of Zones	§108-7-24: Supplemental Energy Generation Standards
§104-12: Single-Family Residential Zones	§108-7-29: Flag Lot Access Strip, Private Right of Way, and Access Easement Standards
§104-15: Two-Family Residential Zone	§108-7-30: Flag Lots
§104-16: Multi-Family Residential Zone	§108-7-31: Access to Lot/Parcel Using Private Right-of-Way or Access Easement
§106-1-8: Final Plat Requirements and Approval Procedure	§108-7-32: Access to a Lot/Parcel at a Location Other Than Across the Front Lot Line
§106-2-2: Street Standards	§108-16: Outdoor Lighting
§106-2-4: Lot Standards	
§106-4-2: Curbs and Gutters	
§108-7-7: Supplemental Street, Access, and Right-of-Way Standards	
§108-7-10: Required Setback from Designated	

Legislative Decisions

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

Summary and Background

The Western Weber General Plan's Future Land Use Map designates much of the Western Weber Planning Area for "medium-sized residential" lots and land uses. The plan also calls for some areas along major transportation corridors and villages to have a mixture of various housing types (mixed housing). Mixed housing, generally, is described as housing types that the private market is demanding. This designation is intended to allow the market to drive the types of residential land uses, and will hopefully result in a wide variety a mixture of housing types in a medium-to-high density development pattern.

Implementing the general plan will required amendments to county's residential zones, lot development standards, and flexible lot development standards, street standards, lot access standards, as well as a number of other ordinance that affect residential development patterns. Implementing the plan into ordinance will also have effect

on the implementation of zoning and development regulations in the Ogden Valley. Both the Ogden Valley Planning Commission and the Western Weber Planning Commissions have independently reviewed the proposal during recent work sessions and helped shape the final proposal.

The attached Exhibit A contains the amendments created through this effort.

Policy Analysis

Policy Considerations:

Ordinance Amendments (See Exhibit A):

General Revisions:

Currently, the county has two zones that are intended to be nearly exclusively for “single-family” residential lots: the R-1-12 zone and the R-1-10 zone. There is little land in the unincorporated areas that have these zones. There are a couple of subdivisions in the Uintah Highlands that were rezoned to these zones in the last five to 10 years. The county also has two zones intended for higher density residential: the R2 zone, which is intended primarily for two-family (duplex) and single-family lots, and the R3 zone, which is primarily intended to allow multi-family in addition to two- and single-family lots.

When reviewed together, the R-1-X zones and the R2 and R3 zones create the original basis of a typical residential zoning ordinance. It is believed that the county initially adopted a typical R1, R2, and R3 residential zoning ordinance, but due to unique changes over time, the ordinances have crept away from the simplicity of the three zone stratification toward a more complicated and less structurally organized amalgamation ordinances.

This proposal, provided in Exhibit A, reunites these three successive residential zoning tools into one zoning chapter. The proposal still provides for the different single-family R1 zones by further spitting the R1 into sub-zones: R1-15, R1-12 and R1-10. The R1-15 zone is a proposed zone that is entirely new to the County’s ordinances, and is intended to be the County’s response to the 15,000 square foot lot recommendation found in the general plan’s encouragement for medium-sized lots.

As can be browsed in the list of applicable ordinances at the beginning of this report, the general plan provides a lot of direction that, if implemented, will require amendments to a lot more than just the residential zones. The attached proposal attempts to address many of the plan’s recommendations regarding providing flexible lot area and flexible lot development standards, designating and designing an adequate street network that will be needed to serve the future traffic demands for development, and providing a reasonable pedestrian-devoted network throughout neighborhoods and communities.

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

§101-2: Definitions:

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

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

specific meaning in state code that runs contrary to this context.

- Public street: removing some of the specificity and standards from the definition so they cannot be in conflict (whether now or in the future) with the more specific standards in the ordinances.
- Standard residential street: deleting this term. It is not used anywhere in the ordinances.

§102-1-2: Planning Director Authority

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

§102-5: Rezone Procedures

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

§104-1-1: Establishment of Zones

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

§104-12: Single-Family Residential Zones

The bulk of the proposed zone changes are being provided in this section. The proposal merges two-family and three-family residential zones provide one chapter that governs all typical residential development in Western Weber, except for development in zones that allow agricultural animals.

In making the consolidation, the proposal resurrects the R1 zone classification, and adds the existing R-1-12 and R-1-10 zones into it as R1-12 and R1-10, and then creates a new R1-15 zone to specifically implement provisions of the Western Weber General Plan.

Uses: The proposal deletes the list of permitted and conditionally permitted uses in favor of consolidated land use tables. In the tables, the vast majority of uses currently listed in the R-1-12, R-1-10, R2, and R3 zones remain unaffected. There are some minor clerical or terminology changes being proposed for consistency purposes, but nothing that is intended to change the implementation of the uses. There are a handful of uses that the proposal omits due to conflicts either in the code, with state code, or with federal regulations. For example, specifically governing "bachelorette dwellings" different than any other dwelling in the R3 zone likely runs afoul of federal fair housing laws.

One specific use that the County Commission has requested the Western Weber Planning Commission to consider is the allowance of short-term rentals (STRs) in the Western Weber Planning Area. This provision is highlighted just above line 384. The proposal suggests that STRs should be permitted in all residential zones. After careful deliberation, if the Planning Commission desires to remove or modify this provision but recommends approval of the rest, please do so in the motion. A model motion to this effect has been provided at the end of this report.

Lot development standards. The planning commission has discussed new lot development standards for a flexible R1-15 zone over the course of the past several work sessions. The last discussion the planning commission had with staff is that this proposal will likely be amended before the hearing to provide a specific "flex" zone to help implement the plan. As staff was in the middle of writing these changes, it became clear that perhaps new zones are not necessary, but rather amendments to existing subdivision regulations might better provide for the desired changes without creating more zones that might convolute the Land Use Code even more than what has occurred over the last 70 years. Thus, the attached proposal favors no new "flex" zones, but instead offers flexible lot development standards in the "Street Connectivity Subdivision" section of the land use code, as further explained later in this report. This uses existing tools to the area's advantage rather than created new ones.

A few changes to note about the lot development standards of the zones:

- The minimum lot widths and side setbacks are proposed to be narrowed. The market will likely continue to drive lot width in most developments, but reducing these restrictions will offer greater flexibility for lot configuration.

- Given the narrower lot widths, the planning commission shared concerns over neighborhoods becoming overwhelmed with the appearance of rows of prominently visible front-facing garages. To resolve this concern, the R zones are proposed to have a maximum allowed cumulative garage door width for front-facing garages. The proposed amount is 18% of the lot width. Previous versions the planning commission reviewed specified this to be 15%, but as staff did the math, 15% has fairly severe consequences for some of the wider lot sizes whereon this may not be as big of a visual issue. For the planning commission's reference, calculations are provided in a staff-comment in the margin adjacent to the regulation. This regulation does not affect side or rear-facing garages, nor does it affect any front-facing garage that is setback from the front of the house by 30 feet or more.
- Front setback standards are being reduced across the board from 30 feet to 20 feet, as generally discussed by the planning commission. This will help reduce the area of the front that will be landscaped and irrigated. This setback can be further reduced to 15 feet in the R1 and R2 zones if the lot is either side or rear-loaded by means of access to an adjacent alley. Alley standards are being amended to better provide for this, as further explained later in this report. However, the proposal does not allow any parking pads in the front-yard area unless the parking pad is at least 20-feet deep. In this case, it should be expected that lots that are not rear-loaded may have buildings setback at 15 feet, but jog back to 20 feet to fit a parking pad in the front.
- Side yard setback are also proposed to be reduced to five feet; however, to get a five-foot setback in the R1 zone the lot will need to be rear or side loaded with access from an alley. Otherwise one side must be 10 feet in order to provide access to the rear of the lot. This will be especially important for narrower, deeper lots.
- Although revised or reworded, staff tried to be true to the original intent of other lot development standards, as specified in the existing zones.

§104-15: Two-Family Residential Zone

Proposing to delete this section, and move its contents into §104-12.

§104-16: Multi-Family Residential Zone

Proposing to delete this section, and move its contents into §104-12.

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

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

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

§106-2-2: Street Standards

The amendments proposed in the street standards section primarily pertain to provisions clarifying how public and private streets will be allowed (or disallowed as the case may be) in the Western Weber Planning Area. Under this section, provisions for a "shared private lane" can also be found.

Public street amendments. The proposed amendments in this section are clerical in nature.

Private street amendments. These proposed amendments are also mostly clerical. However, one proposed amendment makes it clear that the only circumstance under which a private street is allowed and/or required in the Western Weber Planning Area is when the street is a permanently terminal street.

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

Most of the proposed regulations for a shared private lane reflect the provisions for a private street, however, the

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

In Western Weber County, a shared private lane is proposed to only access up to seven lots and have a max length of 200 feet.

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

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

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

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

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

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

§106-2-4: Lot Standards

Generally. The amendments to the general lot standards in the subdivision ordinance are to make clerical edits and provide revised standards for flag lots. Amending regulations for flag lots is specified in the general plan. The proposal reduces the flag lot area requirement from three-acres down to 50% of the area required by the zone (regardless of whether it is in a flexible development type). Most, if not all, of the rest of the provisions come directly from the code’s current flag lot provisions, but it moves those provision from supplemental regulations to the subdivision regulations because new flag lots should not be created without first being subject to the subdivision regulations.

Hillside development. The proposed amendments modify the hillside development regulations to eliminate the appeared allowance of “R” lots. An “R” lot is a lot on land that has not first been subject to the hillside development regulations to verify hillside stability or lot buildability, as mentioned earlier in this report.

Connectivity-incentivized subdivision. As also mentioned earlier in this report, the proposed amendments include amending the connectivity incentivized subdivision regulations to allow the flexible lot development standards that the planning commission has been discussing in work sessions over the last several months. The entire section is proposed to be revamped to make a few things more clear:

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

As discussed by the planning commission, the proposal allow lots in the R1 zone to be reduced to no less than 6,000 square feet, with area limitations on small lots adjacent to existing subdivisions.

§106-4-2: Curbs and Gutters

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

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

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

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

Proposed amendments are clerical in nature.

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

This section is being renamed to “Development on a Substandard Street or Public by Right-of-Use Road.” The provisions from the subdivision ordinance regarding development on a substandard street or road is proposed to be moved here.

§108-7-23: River and Stream Corridor Setbacks

The Western Weber General Plan suggests requiring a 300 foot development setback from the high water mark of the Weber River. This proposed amendment does that, and clarifies exceptions.

§108-7-24: Supplemental Energy Generation Standards

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

§108-7-27: Solar Energy Systems

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

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

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

§108-7-30: Flag Lots

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

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

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

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

Proposed amendments to this section are clerical.

§108-16: Outdoor Lighting

After much discussion about applying outdoor lighting regulations in the Western Weber Planning Area, consensus has not quite been achieved. The recommended amendments to this section only applies to the Ogden Valley Planning Area.

Conformance to the General Plan

Generally, land use code changes should be vetted through the filter of policy recommendations of the applicable general plan. In 2022, the Western Weber General Plan was adopted after a significant public involvement process.

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

Smart Growth Planning

1. STREET CONNECTIVITY

Today there are relatively few streets in the unincorporated areas. As can be observed in the Uintah Highlands, optimally planned street connectivity can easily fall by the wayside when an area develops one parcel at a time.

The best connections for streets are four-way intersections. They offer the most efficient connections for adjoining neighborhoods and tend to provide a more logical and directional street layout that is easier to use. Cul-de-sacs are unsurprisingly the least efficient and should be avoided in smart growth development. In 2018, the Wasatch Front Regional Council funded the creation of a street connectivity policy based on the potential development of West Central Weber. That policy can be observed in **Appendix C**.



Image 24 - Street Connectivity

2. PATHWAY & TRAIL CONNECTIVITY

Street connectivity is an important smart growth principle, and pathway, trail, and sidewalk connectivity is an even more important principle. If a community is designed to focus transportation resources only on vehicles, then the residents of that community are only given one safe choice.

Strong pathway and trail connectivity considers that human nature leads to the use of paths of least resistance. Pathway connectivity should occur more frequently than street connectivity. More regarding pathway design and connectivity can be found in **Chapter 5: Transportation**.

3. OPEN SPACE & RECREATION FACILITIES

Providing for the emotional, mental, and physical wellbeing of residents is another smart growth principle. Communities with plenty of open space and recreational opportunities tend to have lower crime rates, better overall physical health, better social connections, and a better and more meaningful quality of life. More regarding open space and recreation can be found in **Chapter 7: Parks & Recreation**.

4. DARK SKY CONSIDERATION

Although finding relief from skyglow resulting from the adjacent urbanized Wasatch Front may be a challenge, many residents of West Central Weber expressed their desire to preserve the appearance of the night sky as it is now. If new development in the area follows the same dark sky regulations already applicable in the Ogden Valley, then future residents might be able to enjoy star gazing like current residents can. At the very least, adopting dark sky regulations will help keep new development from creating additional skyglow. The Wasatch Front's ever increasing skyglow is already threatening the North Fork Park's Bronze status as designated by the International Dark Sky Association.

6. EMISSIONS & AIR QUALITY

While planning for growth county leaders should be cognizant of the impact that new buildings and cars have on air quality. Not only will better street efficiencies help reduce air pollution as previously mentioned (approximately 42 percent of air pollution results from automobile uses), increasing the efficiency of buildings will further help reduce pollution sources. Approximately 30 percent of the area's poor air quality is created by residential and residential supporting uses.²

7. RENEWABLE ENERGY

Supporting the local electrical grid with renewable resources will help the area become more energy independent. While it is unlikely the area will ever be fully energy independent, energy resources to provide for an increasing population is and will continue to become more important. As one of the most arid states in the nation, the solar index of the planning area is also optimal for photovoltaic power generation. Solar generation should be a consideration when the county considers development proposals that seek above the zone's minimum allowance.

1

GOAL 1 – RESIDENTIAL LAND USE: As residential growth occurs, a goal of Weber County is to ensure it is deliberately and thoughtfully planned in patterns that support efficient organization of infrastructure and services, provide for a variety of housing options and familial situations and, in tandem with Transportation Goal 1, is implemented in a manner in which infrastructure keeps pace with growth rather than stimulating leap-frog development patterns.

- **Land Use Action Item 1.2.1:** In areas planned for medium-sized lots, the County should consider rezoning property to allow 15,000 square-foot lots. Generally, this coincides with the RE-15 zone. A rezone of this nature should only be allowed if smart-growth implementation strategies are volunteered by the developer, as provided in **Land Use Principle 1.4**.
- **Land Use Action Item 1.2.2:** Smaller lot sizes, generally as small as ¼ acre on average, in areas planned for medium-sized lots could be allowed for master-planned communities, lot averaged subdivisions, connectivity incentivized subdivisions, cluster or conservation subdivisions, and other developments that propose to implement exemplary smart-growth principles, as provided in **Land Use Action Item 1.4.6**. There may be benefit to encouraging and incentivizing large acreage master planned development with additional density based on commensurate public benefit both inside and outside of the proposed master plan. Additional density should be considered to provide this incentive.

LAND USE PRINCIPLE 1.3: In areas planned for mixed-use residential, as illustrated on the **Map 5: Future Land Use**, a variety of housing types and lot designs should be allowed.

- **Land Use Action Item 1.3.1:** Create a mixed-use residential zone, or similar development regulatory tool such as a form-based code, that allows a wide variety of housing options. A variety of housing options can be created by substantially reducing lot development standards, allowing more than one residential unit per lot, allowing zero or very low side-yard setbacks, and increasing building height allowances. Establish building height allowances that are sensitive to the surrounding existing and planned land use and development.
- **Land Use Action Item 1.3.2:** With the creation of the mixed-use residential zone or similar, create two-, three-, four-, and multi-family building design standards that will support context-appropriate scale and help avoid unsightly appearing mobile-home or tiny-home developments. Ensure a building's wall massing and vertical and horizontal lines, contours, and edges are broken at certain intervals to avoid buildings that appear plain and uninteresting. Continue to support a minimum width requirement for a single-family dwelling.

LAND USE PRINCIPLE 1.4: Smart-growth principles should be implemented before or in tandem with residential rezones being approved. Regardless of the land use designation on the Future Land Use Map, the County should not entitle new density without the overarching guidance of smart-growth principles.

- **Land Use Action Item 1.4.1:** Amend the subdivision ordinance to create a basic smart-growth implementation policy prior to making significant changes to the zoning map.
- **Land Use Action Item 1.4.2:** A rezone request that will yield twice as many residential housing units than the current zone allows, including mixed-use and vehicle-oriented commercial, should only be considered with a concept plan that demonstrates smart-growth principles.
- **Land Use Action Item 1.4.3:** A rezone that is adopted contingent on the successful execution of a concept plan should be reverted to the prior zone if the development does not come to fruition within a specified period of time.
- **Land Use Action Item 1.4.4:** Implement street infrastructure that is designed to a human scale instead of designed to necessitate automobile use. **See Transportation Goal 6** for more details.
- **Land Use Action Item 1.4.9:** Reduce the county's flag lot standards to be no less than twice the area otherwise required for a lot in the development (this area should exclude the flag stem of the lot). A flag lot should not be counted toward lot averaging calculations.

The residents of the Western Weber Planning Area recognize that housing attainability is essential to the stability of sustainable communities. Residents want housing options that provide for the housing needs and desires of a diverse, vibrant, and inclusive population. Residents recognize that current housing options and supply are so constrained that housing affordability is becoming unattainable for newer families that are less economically established, as well as the aging population that might be on fixed incomes. Housing choices should be attainable for people at various incomes, ages, and stages of life. Locating higher housing densities in close proximity to walkable village areas and better transportation options will help secure access to opportunities for many, and providing other areas in which medium and large-lot single-family neighborhoods can organically evolve will provide for the rest.

2

GOAL 2 – HOUSING: Provide housing choices in neighborhoods that will allow residents with a variety of incomes and at different stages of life to live in West Central Weber.

HOUSING PRINCIPLE 2.1: Encourage residential development projects to incorporate a mix of housing sizes, types, and prices while aligning with neighborhood design standards and supporting community sustainability.

1

GOAL 1 – TRANSPORTATION: Consistent with Land Use Goal 2, ensure the transportation network is designed and implemented in a smart growth manner in tandem with population increases and installation of new or higher intensity land uses.

TRANSPORTATION PRINCIPLE 1.2: Provide efficient regional street access.

- **Transportation Action Item 1.2.1:** Locate and design new development with direct, redundant, and multi-modal access to major corridors.

2

GOAL 2 – TRANSPORTATION: Create street infrastructure that enhances and showcases the community’s character through a careful balance between traffic efficiencies and multi-modal design and aesthetics.

- **Transportation Action Item 2.3.1:** Minimize or prohibit new single-family driveways from providing direct access onto streets that are designated as arterial or collector streets on **Map 10 - Future Street and Transit on page 89**. Where single-family lots are allowed, encourage or require lots to rear onto the corridor without direct access from the corridor. Consolidate access by means of other residential streets or shared driveways. Amend County ordinances to provide for this.

TRANSPORTATION PRINCIPLE 2.4: Ensure all arterial and collector streets have parallel active transportation infrastructure.

- **Transportation Action Item 2.4.2:** As development occurs along minor arterial or collector streets, require developers to install a street-separated multi-use paved pathway on at least one side of the street. Modify impact fee analysis and plans to provide funding to connect these developer-installed pathway segments to meaningful community connections. If a pathway is or will be installed on only one side of the street, priority should be given to the north and east sides of the street to ensure optimal sun exposure during winter months, unless the context of the street and/or other nearby infrastructure merits otherwise.

TRANSPORTATION PRINCIPLE 3.2: In all village areas and areas that will have higher density housing, provide street cross-section designs that are multimodal and support and emphasize pedestrian priority. While these communities will likely be predominantly automobile oriented for the foreseeable future, they should be planned so as not to be automobile dependent.

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GOAL 4 – TRANSPORTATION: Plan, design, and build connected street and pathway networks.

TRANSPORTATION PRINCIPLE 4.1: Generally, establish a regular, connected network of collector streets at quarter section (half-mile) lines.

TRANSPORTATION PRINCIPLE 4.2: Follow the basic principles for street and pathway connectivity – connected streets, frequent intersections, and small blocks.

TRANSPORTATION PRINCIPLE 4.3: Create connected streets for all land use contexts.

- **Transportation Action Item 4.3.2:** Continue to support connectivity incentivized subdivisions by offering smaller lot sizes as a bonus for good connections, as provided in **Land Use Action Item 1.2.2**.

Staff Recommendation

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

Model Motion

The model motions herein are only intended to help the planning commissioners provide clear and decisive motions for the record. Any specifics provided here are completely optional and voluntary. Some specifics, the inclusion of which may or may not be desired by the motioner, are listed to help the planning commission recall previous points of discussion that may help formulate a clear motion. Their inclusion here, or any omission of other previous points of discussion, are not intended to be interpreted as steering the final decision.

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

I move we forward a positive recommendation to the County Commission for File #ZTA2022-07, a county-initiated application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions that will help implement the Western Weber General Plan as it generally relates to residential zoning and residential development and provide related clerical edits and policy adjustments deemed necessary by the Western Weber Planning Commission and the Ogden Valley Planning Commission., as provided in Exhibit A. I do so with the following findings:

Example findings:

1. *The changes are supported by the Western Weber General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan*
3. *The changes will enhance the general health and welfare of Western Weber residents.*
4. *[_____ add any other desired findings here _____].*

Motion for positive recommendation **with changes:**

I move we forward a positive recommendation to the County Commission for File #ZTA2022-07, a county-initiated application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions that will help implement the Western Weber General Plan as it generally relates to residential zoning and residential development and provide related clerical edits and policy adjustments deemed necessary by the Western Weber Planning Commission and the Ogden Valley Planning Commission, as provided in Exhibit A, **but with the following additional edits and corrections:**

Example of ways to format a motion with changes:

1. *Example: In Section 104-12-3(f), remove short-term rentals as a permitted use.*
2. *Example: On line number _____, it should read: _____ state desired edits here _____.*
3. *Etc.*

I do so with the following findings:

Example findings:

1. *The changes are supported by the Western Weber General Plan.*
2. *The proposal serves as an instrument to further implement the vision, goals, and principles of the Western Weber General Plan*
3. *The changes will enhance the general health, safety, and welfare of Western Weber residents.*
4. *[Example: allowing short-term rentals runs contrary to providing affordable long-term rental opportunities]*
5. *[Example: etc]*

Motion to **table:**

I move we **table** action on File #ZTA2022-07, a county-initiated application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions that will help implement the Western Weber General Plan as it generally relates to residential zoning and residential development and provide related clerical edits and policy adjustments deemed necessary by the Western Weber Planning Commission and the Ogden Valley Planning Commission, to [state a date certain], so that:

Examples of reasons to table:

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

Motion to recommend denial:

I move we forward a recommendation for **denial** to the County Commission for File #ZTA2022-07, an application to amend the Weber County Code to provide ordinances, regulations, permissions and restrictions that will help implement the Western Weber General Plan as it generally relates to residential zoning and residential development and provide related clerical edits and policy adjustments, **as provided in Exhibit A. I do so with the following findings:**

Examples findings for denial:

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

Exhibits

- A. Proposed Amendments to the Form-Based (FB) zoning ordinance (Redlined Copy).

WEBER COUNTY
ORDINANCE NUMBER 2023-_____

AN AMENDMENT TO VARIOUS SECTIONS OF THE COUNTY’S LAND USE CODE TO IMPLEMENT POLICIES AND RECOMMENDATION OF THE WESTERN WEBER GENERAL PLAN, INCLUDING SMART GROWTH REQUIREMENTS, LOT WIDTH REDUCTIONS, STREET AND PATHWAY CONNECTIVITY AND IMPROVEMENT REQUIREMENTS, A RELATED CLERICAL AMENDMENTS.

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

WHEREAS, _____; and

WHEREAS, _____; and

WHEREAS, on _____, the Western Weber Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on _____, the Ogden Valley Planning Commission, after appropriate notice, held a public hearing to consider public comments regarding the proposed amendments to the Weber County Land Use Code, offered a positive recommendation to the County Commission; and

WHEREAS, on _____, the Weber County Board of Commissioners, after appropriate notice, held a public hearing to consider public comments on the same; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments herein substantially advance many goals and objectives of the Western Weber General Plan and the Ogden Valley General Plan; and

WHEREAS, the Weber County Board of Commissioners find that the proposed amendments serve to create the necessary regulatory framework that will guide future development of neighborhoods and communities;

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

SECTION 1: AMENDMENT. The Weber County Code is hereby *amended* as follows:

- 1 **Part II Land Use Code**
- 2 ...
- 3 **TITLE 101 GENERAL PROVISION**

4 ...

5

6 **Chapter 101-2 Definitions**

7 ...

8 **Sec 101-2-13 Lot Definitions**

9 ...

10 **Lot, flag.** The term "~~flag-Flag lot~~Lot" means an "L" shaped Lot lot comprised of a narrow access strip
11 connected to a street (~~the flag's~~ staff-portion) which opens into the Lotlot area (~~the flag-~~portion).

12 ...

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

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

15 ...

16 ~~Lot line, front for flag lot.~~ The term "~~lot line, front for flag lot~~" means the front lot line of a flag lot which is
17 the lot line parallel to a dedicated public street and at the end of the stem.

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

18 ...

19 **Sec 101-2-17 P Definitions**

20 ...

21 ~~Private access right-of-way.~~ See "Shared private lane." The term "~~private access right-of-way~~" means
22 an easement of not less than 50 feet wide reserved by dedication to the property or lot owners to be used
23 as private access to serve the lots platted within the subdivision and complying with the adopted street
24 cross-section standards of the County and maintained by the property owners or other private agency.

25 ...

26 **Sec 101-2-20 Sh Definitions**

27 Shared private lane. The term "shared private lane," which may also be referred herein as a "private
28 access right-of-way," means a lane or driveway, within a recorded private right-of-way easement, to be
29 used as a private access to a Lot or Lots.

30 ...

31 **Sec 101-2-20 St Definitions**

32 ...

33 ~~Street, bBlock.~~ The term "~~street block~~Street-Block," also referred to as "blockBlock," means a series of
34 streets that bound, or in the future will bound land bounded on all sides and that are ~~by a street or lane~~
35 ~~that is open to~~ open for use by the general public, or land which is designated as a Blockblock or street-
36 Street-Blockblock on any recorded subdivision plat. A temporarily incomplete Street-Block is still a Street-
37 Block for the purposes of this definition.

38 ~~Street, cCollector.~~ The term "Collector Street~~collector street~~" means a street existing or proposed of
39 considerable continuity which is the main means of collecting traffic from local Major Streets and Minor
40 Streets, and providing eventual access to ~~the an Arterial Street~~ major street system.

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

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

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

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

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

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

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

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

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

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

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

75
76 ...

77 **TITLE 102 ADMINISTRATION**

78 ...

79 **Chapter 102-1 General Provisions**

80 ...

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

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

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

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

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

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

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

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

93 ~~6~~ ~~Flag lots, access to a lot/parcel using a private right-of-way or access easement, as provided in~~
94 ~~Sec 108-7-XX, and access to a lot/parcel at a location other than across the front lot line~~ [land locked](#)
95 [Lot or Parcel, as provided in title 108, chapter 7 Section 108-7-32 of this Land Use Code.](#)

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Chapter 102-5 Rezoning Procedures

...

Sec 102-5-1 Purpose And Intent

Every property in the unincorporated area of the county is legally zoned as a result of comprehensive zoning in Western Weber County in the 1950s and the Ogden Valley in the 1960s. The purpose of this chapter is to establish a legislative means by which applications to the county are processed to change zoning. Rezoning is intended to implement the adopted general plans for the different planning areas of the county.

Sec 102-5-2 Development To Be In Conformance To The General Plan

Rezoning of property should further the purpose of the zoning regulations listed in Section 101-1-2 of the county's Land Use Code by complying with the county's general plans.

Sec 102-5-3 Reserved

Sec 102-5-4 Application Requirements

- (a) A rezoning application may be initiated by an owner of any property or any person, firm, or corporation with the written consent of the owner of the property, or be county-initiated.
- (b) An application for a rezoning shall be prepared and submitted on forms provided by the planning division. The application shall be accompanied with the following information:
 - (1) The application shall be signed by the landowner or their duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule.
 - (2) A conceptual street, pathway, trail, and accessway or Alley/valley connectivity plan showing how the project or a future project can connect to both existing, proposed, and potential future streets, pathways, trails, and accessways or Allev/alleys.
 - (3) The A proposed parks and open space plan, including land, infrastructure, or monetary donations intended to be given to the park district, county, or other entity for the purpose of providing parks or open spaces.
 - (4) A narrative explaining the planned or potential future access to culinary and secondary water facilities, and wastewater disposal facilities.
 - (5) A proposed rezone may be required to be accompanied by a concept development plan in accordance with Section 102-5-5 of this chapter. A detailed site plan, in lieu of a concept development plan may be required.
 - ~~(1) A street, pathway, trail, and accessway or alley connectivity plan showing how the project or a future project can connect to both existing, proposed, and potential future streets, pathways, trails, and accessways or alleys.~~
 - ~~(2)(1) The proposed parks and open space plan, including land, infrastructure, or monetary donations intended to be given to the park district, county, or other entity for the purpose of providing parks or open spaces.~~
 - ~~(3)(1) A narrative explaining the planned or potential future access to culinary and secondary water facilities, and wastewater disposal facilities.~~
 - ~~(4) If the land is located within an existing or future service area of a local water or sewer service provider, a letter of acknowledgment and conditions of future service.~~
 - ~~(5) A narrative from the project engineer discussing the feasibility for the mitigation of stormwater runoff.~~
 - (6) The applicant shall provide a narrative **addressing the following information** explaining:
 - a. The vision for the proposed zone change and, if known, the proposed development. Project narrative describing the project vision.

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

Commented [E10]: Check ref

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187 **Sec 102-5-5 Concept Development Plan**

- 188 (a) A concept development plan may be required to be submitted with a rezoning application to any zone,
189 as provided in Section 102-5-6. The concept development plan shall supply sufficient information about
190 the development to assist the Planning Commission and County Commission in making a decision on
191 the rezoning application. Information supplied shall include text and illustration identifying or showing:
- 192 (1) Inventory of general land use types located within the project and the surrounding area.
 - 193 (2) Approximate locations and arrangements of buildings, structures, facilities and open space.
 - 194 (3) Architectural rendering of proposed buildings, structures, facilities and open space within the
195 project.
 - 196 (4) Access and traffic circulation patterns and approximate location of parking.
 - 197 (5) A written description explaining how the project is compatible with surrounding land uses.
 - 198 (6) The existing site characteristics (e.g., terrain, vegetation, watercourses, and wetlands, etc.).
 - 199 (7) Existing and proposed infrastructure.
 - 200 (8) Project density and mass/scale in comparison to the existing developed area adjacent to the
201 proposed rezone.
 - 202 (9) Legal description of the property being proposed for rezone.
- 203 (b) The applicant/owner, and any assignee or successor in interest, is required to develop only in
204 accordance with the proposals outlined in the plan. Any materially different concept, use, building
205 arrangement, etc., will not be approved nor will building permits be issued by the county until such plan
206 is amended by the county commission after recommendation of the planning commission. Minor
207 changes may be approved by the planning director. If the county denies such changes or amendments
208 and/or the concept plan is abandoned, the county may institute steps to revert the zoning to its former
209 or other appropriate zone. The information shown on the concept plan may vary in detail depending on
210 the size of projects.

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

- 212 (a) **Preapplication meeting; concept plan requirement.** Prior to submittal of a rezone application, the
213 applicant shall attend a pre-application meeting in which the proposal is discussed with County planning
214 staff. After the pre-application meeting, the Planning Director or designee may require a concept
215 development plan to be submitted with the application. After application submittal, if no concept plan
216 was previously required, the Planning Director or designee, the Planning Commission, or the County
217 Commission may require a concept development plan or any other information to address emerging
218 impacts.
- 219 (b) **Application process.** ~~When a~~ rezoning application ~~is not entitled to be reviewed until it~~ meets the
220 requirements outlined in Section 102-5-4 of this Chapter, and ~~after when~~ the application is deemed
221 complete by the Planning Director or designee, ~~Once complete,~~ the application ~~is entitled to~~ ~~will~~ be
222 processed in the following manner:
- 223 (1) **Planning Commission review and recommendation.** Upon receiving a recommendation from
224 staff regarding ~~an amendment to the zoning map~~ a rezone application, and after holding a public
225 hearing pursuant to State Code, the Planning Commission shall review the ~~application-amendment~~
226 and prepare its recommendation. The Planning Commission may recommend approval, approval
227 with modifications, or denial of the proposed amendment, ~~and shall~~ The Planning Commission's
228 recommendation shall then be ~~submitted to its recommendation~~ to the County Commission for
229 review and decision.
 - 230 (2) **County Commission review and decision.** Upon receiving a recommendation from the Planning
231 Commission regarding ~~an amendment to the zoning map~~ a rezone application, the County
232 Commission shall schedule and hold a public hearing to review and make a decision on the
233 application. Following the public hearing the County Commission may approve, approve with
234 modifications, or deny the proposed amendment. Prior to making a decision that goes contrary to
235 the Planning Commission's recommendation, the County Commission may, but is not obligated to,

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236 remand the ~~amendment~~ [application](#) to the Planning Commission with a request for another
237 recommendation with additional or specific considerations.

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

242 a. Whether the proposed amendment is consistent with goals, objectives, and policies of the
243 County's general plan.

244 b. Whether the proposed amendment is compatible with the overall character of existing
245 development in the vicinity of the subject property, [and if not, consideration of the specific](#)
246 [incompatibilities within the context of the general plan.](#)

247 c. The extent to which the proposed amendment may adversely affect adjacent property.

248 d. The adequacy of facilities and services intended to serve the subject property, including, but
249 not limited to, roadways, parks and recreation facilities, police and fire protection, ~~schools,~~
250 stormwater drainage systems, water supplies, wastewater, and refuse collection.

251 e. Whether the proposed rezone can be developed in a manner that will not substantially degrade
252 natural/ecological resources or sensitive lands.

253 f. Whether proposed traffic mitigation plans will prevent transportation corridors from diminishing
254 below an acceptable level of service.

255 (4) **Supplementary approval considerations for a destination and recreation resort zone.** The
256 Planning Commission and County Commission are also encouraged to consider the following
257 factors, among other factors they deem relevant, when making an amendment to the DRR-1 zone:

258 a. Whether a professional and empirical study has provided substantial evidence determining that
259 the proposed resort is viable and contributes to the surrounding community's economic well-
260 being.

261 b. Whether the natural and developed recreational amenities, provided by the resort, will
262 constitute a primary attraction and provide an exceptional recreational experience by
263 enhancing public recreational opportunities.

264 c. Whether the proposed resort's seasonal workforce housing plan will provide a socially,
265 economically, and environmentally responsible development.

266 (5) **One-year period before reapplication if denied.** Where a rezoning application has been denied,
267 the County shall not accept a substantially similar zoning amendment application within one (1)
268 year of a denial unless there is a substantial change of conditions since the earlier application. A
269 new application, with the applicable fee, shall be required and processed in accordance with the
270 procedure outlined in this section.

271 (c) **Application expiration.** Rezoning applications shall expire 18 months after submittal, if not acted
272 upon. The Planning Director may extend the expiration date for six months for just cause.

273 (d) **Notice.** The first public hearing regarding the rezone shall be noticed as required by State Code, and
274 mailed to the owner of record of each ~~Parcel~~ ~~parcel~~ [Parcel](#) within 500 feet of the boundary of the area proposed
275 to be rezoned. The mailed notice shall be postmarked at least 10 calendar days prior to the first public
276 hearing.

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

278 After rezoning is granted, applications for development within the rezoned area shall be reviewed as
279 required by the Land Use Code. ~~The development~~ [An application for development plans](#) shall be consistent
280 with the approved concept development plan [and/or](#) development agreement, if applicable.

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

282 The county commission may require an applicant, at the time of zoning approval, to enter into a zoning
283 development agreement as outlined in Chapter 102-6. [Any rezone that is conditioned on a concept](#)

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[development plan requires a development agreement in order for the concept development plan to govern the development.](#)

Sec 102-5-9 Rezone Expiration And Reversion

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

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

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

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

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

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

Commented [E13]: The development agreement covers this.

Commented [E14]: This is redundant.

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

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

...

TITLE 104 ZONES

Chapter 104-1 In General

Sec 104-1-1 Establishment Of Zones

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

ZONE DISTRICTS	ZONE NAME
Residential Estates Zones	RE-15
Residential Estates Zone	RE-20
Gravel Zone	G
Agricultural Zones	A-1
Agricultural Zone	A-2

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

Commercial Valley Zone, Neighborhood	CV-1
Commercial Valley Zone, Community	CV-2
Manufacturing Zone, Light	M-1
Manufacturing Zone, Medium	M-2
Manufacturing Zone, Heavy	M-3
Manufacturing Zone, Valley	MV-1
Form-Based Zone	FB
Open Space Zone	O-1
Master Planned Development Overlay Zone	MPDOZ
Ogden Valley Sensitive Lands Overlay Zone	SLOZ
Ogden Valley Destination and Recreation Resort Zone	DRR-1
Large Solar Energy System Overlay Zone	SOZ

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318

319 **Chapter 104-12 Single-Family Residential Zones ~~R1, R2, and R3~~ ~~R-1-12, R-1-10~~**

320

321 **Sec 104-12-1 Purpose And Intent**

322 (a) ~~The purpose of the R1 zone is to provide regulated areas for Single-Family Dwelling uses at three~~
 323 ~~different low-density levels. The R1 zone includes the R1-15, R1-12, and R1-10 zones. Any R-1-12 and~~
 324 ~~R-1-10 zones shown on the zoning map or elsewhere in the Land Use Code are synonymous with the~~
 325 ~~R1-12 and R1-10 zones, respectively.~~

326 (b) ~~The purpose of the R2 Zone classification is to accommodate a need for moderate density residential~~
 327 ~~districts incorporating both Single-Family Dwellings and Two-Family Dwellings. Any R-2 zone shown~~
 328 ~~on the zoning map or elsewhere in the Land Use Code is synonymous with the R2 zone.~~

329 (c) ~~The purpose of the R3 Zone classification is to provide residential areas that will accommodate the~~
 330 ~~development of dwelling types from Single-Family Dwellings through Multiple-Family Dwellings with~~
 331 ~~their associated necessary public services and activities. It is also to provide an orderly transition from~~
 332 ~~less intensive, lower density uses to more intensive, higher density uses. Any R-3 zone shown on the~~
 333 ~~zoning map or elsewhere in the Land Use Code is synonymous with the R3 zone.~~

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335 ~~The purpose of the R-1-12, R-1-10 Zone classification is to provide regulated areas for single-family~~
 336 ~~residential use at two different low-density levels.~~

337 **Sec 104-12-2 Permitted Uses**

Commented [E15]: Current code does not use the R1 zone designation for some reason. Based on area requirements, I think the current R-1-[12 and 10] zones are supposed to be the County's R1 provisions. Because of that I have consolidated all R1's, R2 and R2 into one zone chapter here, and deleted the independent R2 and R3 zone chapter. The R1 will still provide for the R1-12, and 10 designations, and add a new R1-15, as a sub-zone of R1.

Commented [E16]: Consolidating residential zones into one chapter, similar to the way we previously did to ag zones, commercial zones, and manufacturing zones

Moved all "flex" zone allowances WWPC recently discussed into the connectivity incentivized subdivision section (106-2-4.030)

DRAFT – Last edited 3/27/2023

~~The following are permitted uses in the Single-Family Residential Zones R-1-12, R-1-10:~~

- ~~1. Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.~~
- ~~2. Accessory dwelling unit, in compliance with Chapter 108-19.~~
- ~~3. Agriculture.~~
- ~~4. Church, synagogue or similar building used for regular religious worship.~~
- ~~5. Cluster subdivision, in accordance with title 108, chapter 3 of this Land Use Code.~~
- ~~6. Educational institution.~~
- ~~7. Golf course, except miniature golf course.~~
- ~~8. Greenhouse, for private use only.~~
- ~~9. Home occupations.~~
- ~~10. Household pets, which do not constitute a kennel.~~
- ~~11. Parking lot accessory to uses permitted in this zone.~~
- ~~12. Public building, public park, recreation grounds and associated buildings.~~
- ~~13. Single-family dwelling.~~
- ~~14. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.~~
- ~~15. Residential facilities for persons with a disability meeting the requirements of section 108-7-13.~~

Sec 104-12-3 Conditional Uses

The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108, chapter 4 of this Land Use Code:

- ~~1. Educational/institutional identification sign.~~
- ~~2. Private park, playground or recreation area, but not including privately owned commercial amusement business.~~
- ~~3. Public utility substations.~~
- ~~4. Residential facility for elderly persons meeting the requirements of section 108-7-15.~~
- ~~5. Water storage reservoir developed by a public agency and meeting requirements of title 108, chapter 10 of this Land Use Code.~~

Sec 104-12-2 (Reserved)

Sec 104-12-3 Land Use Table

The following tables display the uses permitted, conditionally permitted, or not permitted in the these Residential Zones. The letter "P" indicates a permitted use in the zone. The letter "C" indicates a use that requires a conditional use permit, as governed by Title 108 Chapter 4, in the zone. The letter "N" indicates a use that is prohibited in the zone. A use listed is a main use, unless specifically listed as an accessory use.

(a) **Accessory uses.** An accessory use is prohibited unless located on the same Lot or Parcel as the main use to which it is accessory.

	R1			R2	R3	SPECIAL REGULATIONS
ACCESSORY USES	R1-15	R1-12	R1-10			

<u>Accessory building, when accessory and incidental to the use of a main building and when not otherwise specified in this table.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Accessory Dwelling Unit.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Chapter 108-19. This use is only allowed when accessory to one Single-Family Dwelling per Lot.</u>
<u>Accessory use, when accessory and incidental to a permitted or conditional use and when not otherwise specified in this table.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Accessory uses for a cemetery, including but not limited to a mortuary, crematory, staff housing, service shop and chapel.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	
<u>Home occupation, when accessory to a residential use.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>See Chapter 108-13.</u>
<u>Household pets, when accessory to a residential use.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Main building, which is accessory to, and designed or used to accommodate, a main use.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Parking lot, when accessory to a main use allowed in the zone.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Temporary building or use, accessory and incidental to onsite construction work typical for the area.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>The building or use shall be removed upon completion or abandonment of the construction work.</u>

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377 (b) [Agricultural uses, non-animal](#)

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>AGRICULTURAL USES, NON-ANIMAL</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Agriculture, limited.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>Limited to noncommercial crop.</u>

						production in private or community gardens no greater than one acre.
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(c) (Reserved)

(d) Commercial uses. The following are uses that typically generate customer-oriented traffic to the Lot or Parcel.

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>COMMERCIAL USES</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Child day care.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	

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(a)(e) Institutional or governmental uses.

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>INSTITUTIONAL OR GOVERNMENTAL USES</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Cemetery.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>At least half an acre devoted to the cemetery shall be provided.</u>
<u>Church, synagogue, or similar building used for regular religious worship.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Convalescent or rest home.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	
<u>Private park, playground or recreation area.</u> Fees collected, if any, shall be devoted to operations and maintenance of the park. No commercial venture allowed.	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>A private park and related infrastructure approved as part of a subdivision or development agreement shall be a permitted use provided compliance with the standards of Chapter 108-4.</u>
<u>Public building.</u> A building used by a governmental agency, or a nonprofit entity that provides typical governmental or government-sponsored functions.	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Public park, recreation grounds and associated buildings.</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	

Public school, or private educational institution having a curriculum similar to that ordinarily given in public schools.	P	P	P	P	P	
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383 (f) Residential uses.

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>RESIDENTIAL USES</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
Dwelling, Group	N	N	N	P	P	See Section 108-7-11. No more than 24 Dwelling units allowed per Lot.
Dwelling, Single-Family. A Single-Family Dwelling, as defined by Title 101, Chapter 2.	P	P	P	P	P	
Dwelling, Two-Family. A Two-Family Dwelling, as defined by Title 101, Chapter 2	N	N	N	P	P	
Dwelling, Three-Family. A Three-Family Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	
Dwelling, Four-Family. A Four-Family Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	
Dwelling, Multi-Family. A Multi-Family Dwelling, as defined by Title 101, Chapter 2.	N	N	N	N	P	
Residential facility for elderly persons.	P	P	P	P	P	See Section 108-7-15.
Residential facility for handicapped persons.	P	P	P	P	P	See Section 108-7-13.
Residential facility for troubled youth.	P	P	P	P	P	See Section 108-7-14.
Short-term rental. A short-term rental.	P	P	P	P	P	See Section 108-7-11.

Commented [E17]: Commissioners asked WWPC readdress STRs in Western Weber.

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385 (g) Utility uses.

	R1			R2	R3	SPECIAL REGULATIONS
UTILITY USES	R1-15	R1-12	R1-10			
<u>Public utility substations.</u>	C	C	C	C	C	
<u>Water storage reservoir, when developed by a utility service provider.</u>	C	C	C	C	C	See Chapter 108-10.

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387 [Sec 104-12-4 \(Reserved\)](#)

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389 **Sec 104-12-4.5 Site Development Standards**

390 The following site development standards apply to the ~~Single-Family~~ Residential Zones [R1](#), [R2](#), and [R3](#),
 391 unless specified otherwise in this Land Use Code ~~R-1-12, R-1-10:~~

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(a) Lot area:

	R1			R2	R3	SPECIAL REGULATIONS
LOT AREA	R1-15	R1-12	R1-10			
<u>Minimum Lot area, Single-Family Dwelling.</u> The minimum Lot area for a Single-Family Dwelling shall be:	15,000 square feet	12,000 square feet	10,000 square feet	6,000 square feet	3,000 square feet	See alternative Lot area allowances elsewhere in this Land Use Code for cluster subdivisions, lot-averaged subdivisions, and connectivity incentivized subdivisions.
<u>Minimum Lot area, non-Single-Family Dwelling.</u> The minimum Lot area for all Dwelling s other than a Single-Family Dwelling:	NA	NA	NA	9,000 square feet	8,000 square feet	A development with multiple Dwellings per Lot shall provide the minimum Lot area per building. An additional 2,000 square feet of Lot area is required for each Dwelling Unit in excess of two per building.
<u>Other main building.</u> The minimum Lot Area for a main building other than a Dwelling:	15,000 square feet	12,000 square feet	10,000 square feet	9,000 square feet	8,000 square feet	

Commented [E18]: Moved all "flex" allowances to the connectivity incentivized subdivision section (106-2-4.030)

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394 (b) Lot width:

	R1	R2	R3	SPECIAL REGULATIONS
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<u>LOT WIDTH</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Minimum Lot width:</u>	80	70	60	50	50	Unless located at least 30 feet behind the front-most part of the Dwelling, one or more front-facing garage door(s) shall have a cumulative width no greater than 18 percent of the width of the Lot.

Commented [E19]: Standard one-car garage door is 8-10 feet wide. Standard two-car is 16-18 feet wide. 18 percent, generally, allows the following lot width to front-facing garage door width ratios:

0-45': No front-facing garage doors.
 45-89': single car front-facing door.
 89'-177': double car front-facing door.
 100'-177': triple car front-facing door.
 177'-etc: quadruple car – etc.

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 396 (c) Yard setback:
 397 (1) Front yard setback:

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>FRONT YARD SETBACK</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Minimum for Single-, Two-, Three-, and Four-Family Dwelling:</u>	20 feet, except 15 feet if the Lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley ¹ .					No parking area, pad, or driveway within the front setback shall be less than 20 feet deep.
<u>Minimum for Multi-Family Dwelling:</u>	N/A				15	Parking shall be located on the opposite side of the building than the Public Street on which the building fronts; if a Corner Lot, the predominant Public Street.

¹To qualify for the reduced setback, the Alley shall first comply with Section 106-2-2.100.

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 400 (2) Side yard setback:

	<u>R1</u>			<u>R2</u>	<u>R3</u>	<u>SPECIAL REGULATIONS</u>
<u>SIDE YARD SETBACK</u>	<u>R1-15</u>	<u>R1-12</u>	<u>R1-10</u>			
<u>Minimum for Dwellings other than multi-family Dwellings:</u>	5 feet on one side, 10 feet on the other.				5 feet	Both sides may be 5 feet if the Lot's only vehicle access is over a side or rear Lot Line adjacent to an Alley ¹ . No parking area, pad, or driveway shall be provided within the 15-foot front setback.

Minimum for Multi-Family Dwelling:	N/A	NA	8 feet²	Parking shall be located on the opposite side of the building than the Public Street on which the building fronts; if a Corner Lot, the predominant Public Street.
Minimum for other main building:	20 feet	20 feet		
Minimum for side fronting street on Corner Lot:	15 feet			
Minimum for accessory building:	Same as main building, except 1 foot if located at least 6 feet in rear of main building.			If an accessory building greater than 1000 square feet, see Section 108-7-16 for side setback requirements.

¹ To qualify for the reduced setback, the Alley shall first comply with Section 106-2-2.100.

² This shall be increased to 18 feet for a side adjacent to a Lot that has an existing Single-, Two-, Three-, or Four-Family Dwelling.

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(3) [Rear yard setback:](#)

	R1			R2	R3	SPECIAL REGULATIONS
REAR YARD SETBACK	R1-15	R1-12	R1-10			
Minimum rear yard setback for main building:	30 feet			20 feet		
Minimum rear yard setback for accessory building:	1 foot, except 10 feet when on a corner Lot and adjacent to the adjoining Lot's front-yard.					The entrance of an Alley-facing garage, carport, or similar shall be setback from the Alley right-of-way no less than 15 feet.

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(d) [Building height:](#)

	R1			R2	R3	SPECIAL REGULATIONS
BUILDING HEIGHT	R1-15	R1-12	R1-10			
Minimum building height for main building:	1 story					

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Maximum building height for main building	35 feet	
Maximum building height for accessory building:	25 feet	See Section 108-7-16 for an accessory buildings over 1,000 sq. ft.

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(e) [Lot coverage:](#)

	R1			R2	R3	SPECIAL REGULATIONS
LOT COVERAGE	R1-15	R1-12	R1-10			
Maximum percent of Lot coverage by buildings:	30 percent			40 percent		

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(f) [Floor to area ratio:](#)

	R1			R2	R3	SPECIAL REGULATIONS
Floor to area ratio	R1-15	R1-12	R1-10			
Maximum ratio of total floor-area of buildings to Lot area:	N/A			1:1		

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Residential Zones	R-1-15	R-1-12	R-1-10
Minimum lot areas (in-square feet)	15,000	12,000	10,000
Minimum lot width	60 feet	90-60 feet	80-60 feet
Minimum yard setbacks (in feet)			
Front	30 feet	30 feet	20 feet
Side			
Dwelling with total width not less than		10 feet	10 feet
		24 feet	24 feet

Other main bldg. each side		20 feet	20 feet
Accessory bldg.		40 feet	40 feet
Exception: Where located at least 6 feet from rear of main building or 60 feet back from the front lot lines, 4 foot, but not closer than 10 feet to dwellings on adjacent lots.			
Side facing street on corner lot		20 feet	20 feet
Exception: Average of existing buildings where 50 percent frontage is developed but not less than 15 feet			
Rear			
Main building		30 feet	20 feet
Accessory building		40 feet	40 feet
Main building height			
Minimum		Same for all zones:	4 story
Maximum			35 feet
Accessory building height		25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings.	

414 **Sec 104-12-5 Sign Regulations**

415 The height, size and location of the following permitted signs shall be in accordance with the regulations
416 set forth in this Land Use Code:

- 417 1. ~~Business sign for legal nonconforming commercial and industrial uses.~~
- 418 2. ~~Identification and information.~~
- 419 3. ~~Nameplate.~~
- 420 4. ~~Property.~~
- 421 5. ~~Service.~~
- 422 ...

423 **Chapter 104-15 (Reserved) Two-Family Residential Zone R-2**

Commented [E20]: Consolidated into 104-12.

424 **Sec 104-15-1 Purpose And Intent**

425 The purpose of the R-2 Zone classification is to accommodate a need for moderate density residential
426 districts incorporating both single family and two-family dwelling units.

428 **Sec 104-15-2 Permitted Uses**

429 The following uses are permitted in the Two-Family Residential Zone R-2:

- 430 1. ~~Accessory building incidental to the use of a main building; main building designed or used to~~
431 ~~accommodate the main use to which the premises are devoted; and accessory uses customarily~~
432 ~~incidental to a main use.~~
- 433 2. ~~Accessory dwelling unit, in compliance with Chapter 108-19.~~

- ~~3. Agriculture.~~
- ~~4. Bachelor and/or bachelorette dwelling with 24 or less dwelling units.~~
- ~~5. Church, synagogue or similar permanent building used for regular religious worship.~~
- ~~6. Educational institution.~~
- ~~7. Golf course, except miniature golf course.~~
- ~~8. Greenhouse for private use only.~~
- ~~9. Group dwelling with 24 or less dwelling units in accordance with section 108-7-11 of this Land Use Code.~~
- ~~10. Home occupations.~~
- ~~11. Household pets.~~
- ~~12. Parking lot accessory to uses permitted in this zone.~~
- ~~13. Public building, public park, recreation grounds and associated buildings.~~
- ~~14. Residential facility for handicapped persons meeting the requirements of section 108-7-13.~~
- ~~15. Residential facility for elderly persons meeting the requirements of section 108-7-15.~~
- ~~16. Single-family dwelling.~~
- ~~17. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.~~
- ~~18. Two-family dwelling.~~

Sec 104-15-3 Conditional Uses

The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108, chapter 4 of this Land Use Code.

- ~~1. Cemetery with customary incidental uses including, but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.~~
- ~~2. Educational/institutional identification signs.~~
- ~~3. Private park, playground, or recreation area, but not including privately owned commercial amusement business.~~
- ~~4. Public utility substations.~~
- ~~5. Water storage reservoir developed by a public agency and meeting requirements of title 108, chapter 10 of this Land Use Code.~~

Sec 104-15-4 Site Development Standards

The following site development standards are applicable in the Two Family Residential Zone R-2:

Minimum lot area	
One-building dwelling	
Single-family	6,000 square feet
Two-family or other main-building	9,000 square feet
Minimum lot width	60 feet
Minimum yard setbacks	
Front	25 feet, except average of existing dwellings where 50 percent frontage is developed, but not less than 20 feet
Side	

Main building	8 feet with total width of two required yards of: One building; not less than 18 feet for single-family dwelling or two-family dwelling, and 20 feet each side for other main building
Accessory building	8 feet, except one foot if located at least six feet from rear of main building, but not closer than eight feet to dwelling on adjacent lot
Side facing street on corner lot	20 feet, except average of existing buildings where 50 percent frontage is developed, but not less than 15 feet
Rear	
Main building	30 feet
Accessory building	1 foot, except 8 feet where accessory building rears on side yard of adjacent corner lot
Main building height	
Minimum	1 story
Maximum	35 feet
Accessory building height	25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings

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Sec 104-15-5 Sign Regulations

466

The height, size and location of the following permitted signs shall be in accordance with the regulations set forth in this Land Use Code:

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469

1. Business sign for legal nonconforming commercial and industrial uses.

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2. Identification and information.

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3. Nameplate.

472

4. Property.

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5. Service.

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Chapter 104-16 (Reserved) Multiple-Family Residential Zone R-3

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Sec 104-16-1 Purpose And Intent

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The purpose of the R-3 Zone classification is to provide residential areas that will accommodate the development of dwelling types from single-family through multiple-family units with their associated necessary public services and activities. It is also to provide an orderly transition from less intensive, lower density uses to more intensive, higher density uses.

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Sec 104-16-2 Permitted Uses

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The following uses are permitted in the Multiple-Family Residential Zone R-3:

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1. Accessory building incidental to the use of a main building; main building designed or used to accommodate the main use to which the premises are devoted; and accessory uses customarily incidental to a main use.

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Commented [E21]: Consolidated into 104-12.

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- ~~2. Accessory dwelling unit, in compliance with Chapter 108-19.~~
- ~~3. Agriculture.~~
- ~~4. Bachelor and/or bachelorette dwelling with 24 or less dwelling units.~~
- ~~5. Church, synagogue or similar permanent building used for regular religious worship.~~
- ~~6. Educational institution.~~
- ~~7. Golf course, except miniature golf course.~~
- ~~8. Greenhouse for private use only.~~
- ~~9. Group dwelling with 24 or less dwelling units in accordance with section 108-7-11.~~
- ~~10. Home occupations.~~
- ~~11. Household pets.~~
- ~~12. Library or museum, public or nonprofit.~~
- ~~13. Multiple-family dwelling with 24 or less dwelling units.~~
- ~~14. Parking lot accessory to uses permitted in this zone.~~
- ~~15. Public building, public park, recreation grounds and associated buildings.~~
- ~~16. Residential facility for handicapped persons meeting the requirements of section 108-7-13.~~
- ~~17. Residential facility for elderly persons meeting the requirements of section 108-7-15.~~
- ~~18. Single-family dwelling.~~
- ~~19. Temporary building for use incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.~~
- ~~20. Two-family dwelling.~~

Sec 104-16-3 Conditional Uses

The following uses shall be permitted only when authorized by a conditional use permit as provided in title 108 of this Land Use Code.

- ~~1. Bachelor and/or bachelorette dwelling with 25 or more dwelling units.~~
- ~~2. Cemetery with customary incidental uses including, but not limited to mortuary, mausoleum, crematory, staff housing, service shops and chapel.~~
- ~~3. Day care center.~~
- ~~4. Educational/institutional identification signs.~~
- ~~5. Group dwellings with 25 or more dwelling units in accordance with section 108-7-11 of this Land Use Code.~~
- ~~6. Multiple-family dwelling with 25 or more dwelling units.~~
- ~~7. Nursing home.~~
- ~~8. park, playground, or recreation area, but not including privately owned commercial amusement business.~~
- ~~9. Public utility substations.~~
- ~~10. Water storage reservoir developed by a public agency and meeting requirements of title 108, chapter 10 of this Land Use Code.~~

Sec 104-16-4 Site Development Standards

Minimum lot area	
One-building dwelling	
Single-family	6,000 square feet
Two-family or other main building	8,000 square feet
Multiple-family	8,000 square feet plus 2,000 square feet for each unit in excess of two

Bachelor or bachelorette	Same as above plus 1,000 square feet for each dwelling unit
Group dwelling	8,000 square feet for each building plus 2,000 for each dwelling unit in excess of two in each building; bachelor or bachelorette same as above plus 1,000 square feet for each occupant in excess of four in each dwelling unit
Other main building	8,000 square feet for nursing home and additional 750 square feet for each guest or patient accommodations in excess of four
Minimum lot width	60 feet
Minimum yard setbacks	
Front	25 feet, except average of existing dwellings where 50 percent frontage is developed, but not less than 20 feet
Side	
Main building	8 feet with total width of two required yards of not:
One building	Less than 18 feet dwelling and plus one foot each side for each one-foot main group dwelling building is over 35 feet high
Other main building	20 feet each side plus one foot for each one-foot building is over 35 feet high
Accessory building	8 feet except one foot if located at least six feet from rear of main building but not closer than eight feet to dwelling on adjacent lot
Side facing street on corner lot	20 feet, except average where corner lot 50 percent frontage is developed, but not less than 15 feet
Rear	
Main building	30 feet
Accessory building	4 feet, except eight feet where accessory building rears on side yard of adjacent corner lot
Main building height maximum	35 feet
Accessory building height	25 feet, unless meeting requirements of section 108-7-16, Large accessory buildings
Lot coverage	No building or group of buildings with their accessory buildings shall cover more than 40 percent of the lot area

Open green space	At least 40 percent
Special regulations	In no case shall the ratio of total floor area in the building to the total lot area exceed 1:1

525 **Sec 104-16-5 Sign Regulation**
526 The height, size and location of the following permitted signs shall be in accordance with the regulations
527 set forth in title 110, chapter 1 of this Land Use Code:

- 528 1. ~~Business sign for legal nonconforming commercial and industrial uses.~~
- 529 2. ~~Identification and information.~~
- 530 3. ~~Nameplate.~~
- 531 4. ~~Property.~~
- 532 5. ~~Service.~~

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535 **TITLE 106 SUBDIVISIONS**

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537 **Chapter 106-1 General Provisions**

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

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

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

544 The following are requirements for final plat consideration:

545 ...

546 (b) **Plat notes required.** The following plat notes shall be placed on every page of the final plat, when
547 applicable:

548 (1) **Boundary and corners note.** A note on the plat shall indicate the subdivision boundary and the
549 ~~lot.~~ Lot corners are set as required by state code and county ordinances.

550 (2) **Hillside development plat note.** Pursuant to Section 106-2-4, a ~~Lot~~ lot that has an average percent
551 of slope that is greater than 25-percent shall provide the following on the final plat:

552 a. ~~Buildable area.~~ **Buildable area.** ~~If the lot provides a~~ **Buildable Area, as defined Section 101-2,**
553 ~~the~~ buildable area shall be delineated on the final plat by short dashed lines.

554 a. ~~A restricted area, if applicable.~~ **A restricted area, if applicable.** The ~~restricted~~ area shall be labeled as "~~Buildable-restricted~~
555 area. See note [enter note number here]." The note shall read as follows: "A ~~Lot~~ lot with a
556 delineated "~~buildable-restricted~~ area" shall ~~only-not~~ allow buildings within the designated
557 ~~buildable-restricted~~ area."

558 b. ~~Restricted lot.~~ **Restricted lot.** ~~If a lot is a restricted lot, the letter "R" shall be placed immediately to the right~~
559 ~~of the lot number. The lot shall be labeled as "Restricted lot. See note [enter note number~~
560 ~~here]." The note shall read as follows: "A lot labeled with the letter "R" after the lot number is a~~
561 ~~restricted lot because it has an average percent of slope greater than 25-percent. Development~~
562 ~~thereon is subject to a hillside development review pursuant to the provisions of Title 108,~~
563 ~~Chapter 14."~~

- 564 (3) **Agricultural uses plat note.** A subdivision located in an Agriculture A-1, A-2, A-3, or AV-3 Zone
565 shall have the following plat note: "Agriculture is the preferred use in the agricultural zones.
566 Agricultural operations as specified in the Land Use Code for a particular zone are permitted at any
567 time including the operation of farm machinery and no allowed agricultural use shall be subject to
568 restriction on the basis that it interferes with activities of future residents of this subdivision."
- 569 (4) **Lot-averaged subdivision plat note.** A lot-averaged subdivision shall have the following plat note:
570 "For each zone in this subdivision, the average area and average width of Lotlets within the zone
571 equal or exceed the minimum area and minimum width allowed in the zone. A subdivision
572 amendment within any part of the overall subdivision boundary shall comply with Section 106-2-
573 4.2 of the Weber County Code."
- 574 (5) **Connectivity-incentivized subdivision plat note.** A connectivity-incentivized subdivision shall
575 have the following plat note: "This subdivision was allowed flexible Lotlet area-Area and width in
576 exchange for superior street connectivity. A subdivision amendment within any part of the overall
577 subdivision boundary shall comply with Section 106-2-4.3 of the Weber County Code."
- 578 (6) **Moderate income housing plat note.** Pursuant to Section 104-27-6 or Section 104-22-12, a Lotlet
579 or unit set aside for moderate-income housing shall have a plat note explaining the nature of the
580 housing restriction and the method by which occupancy and moderate-income affordability will be
581 regulated.
- 582 (7) **Privately operated and maintained street or shared private lane plat note.**
- 583 a. Private Street. A parcel-Parcel dedicated to the county but intended for a privately operated
584 and maintained street, pursuant to Section 106-2-2.1(b), shall be labeled as "Privately operated
585 and maintained street. See note [enter note number here]." The note shall read as follows:
586 "Use of a street labeled as "Privately operated and maintained street" is reserved for the
587 exclusive and private use of the adjoining Lotlet owners until and unless the governing body
588 assumes public responsibility for the street."
- 589 a.b. Shared private lane. A shared private lane, pursuant to Section 106-2-2.1(c), shall be labeled
590 as "Shared private lane." If the shared private lane is temporarily in lieu of a street, then it shall
591 be labeled as "Shared private lane. See note [enter note number here]." The note shall read as
592 follows: "The shared private lane is also an easement held in favor of the County for possible
593 conversion to a Public Street at a time the County deems it appropriate, if ever."
- 594 (8) **Alley operations and maintenance plat note.** Pursuant to Section 106-2-2.100, an Alley shall be
595 labeled as "Public Alley, see note [enter note number here]." The note shall read as follows: "An
596 Alley is a dedicated public thoroughfare, but the operations and maintenance is the collective and
597 equitable responsibility of all landowners who's Lots and Parcels and/or parking areas gain access
598 from it."
- 599 ~~(9)~~ **Landscaping and watering restrictions plat note.** Pursuant to Section 106-4-2.1, a
600 Lotlet that will have landscaping and watering restrictions shall have a note placed on the final
601 recorded plat that generally explains the landscaping and watering restrictions per Lotlet, and
602 references the recorded covenant or, if applicable, covenants, and specifies the automatic watering
603 system requirements of Section 106-4-2.1, if applicable.
- 604 ~~(9)~~ **(10) Substitute monuments plat note.** Pursuant to Section 106-4-2.11, substitute
605 monuments, when used, shall be noted on the subdivision plat and must be durably and visibly
606 marked or tagged with the registered business name or the letters "P.L.S." followed by the
607 registration number of the surveyor in charge.
- 608 ~~(10)~~ **(11) Outdoor lighting in a cluster subdivision plat note.** Pursuant to Section 108-3-8, a
609 cluster subdivision plat shall contain a note stating that all Lotlets in the subdivision are required to
610 comply with the outdoor lighting requirements of Title 108 Chapter 16.
- 611 ~~(11)~~ **(12) Natural hazard report disclosure plat note.** If any Lotlet in the subdivision is in a natural
612 hazard study area, a note shall be placed on the subdivision plat as provided in Section 108-22-4.
- 613 ...

Commented [E22]: Check reference

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

615 ...

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

617 ...

618 **Chapter 106-2 Subdivision Standards**

619 ...

620

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

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

623 **Public street requirement.** The standard method of ensuring ease of access, efficient mobility, reduced
624 response time for first responders, effective emergency management, strong neighborhood relationships
625 through interconnectivity, and a more equitable means of access to community opportunities, is by requiring
626 ~~Public Streets public streets~~ and ~~Public Street public street~~ connectivity at the time new development is
627 proposed. As such, the default requirement for each subdivision ~~Lot lot~~ is to provide ~~Lot lot frontage Frontage~~
628 on a street dedicated to the County as a public right-of-way and thoroughfare.

629 (a) **Public Street dedication.** Each street in a subdivision shall be dedicated to the county as a ~~Public~~
630 ~~Street public street~~, except when a ~~Private Street private street~~ is allowed or required as provided in this
631 section.

632 (b) **Standard street cross-sections.** All proposed ~~Public Streets public streets~~ shall conform to the county
633 street cross-section standards, unless explicitly specified otherwise.

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

635 **Private street option.** ~~The provisions of Section 106-2-2.010 notwithstanding. In~~, the County, and in some
636 cases the applicant, may find benefit from a street being temporarily or permanently private. In those cases,
637 the Land Use Authority may require or an applicant may volunteer a proposed street to be privately owned
638 or privately operated and maintained. Development of or along a ~~Private Street private street~~ shall comply
639 with the following:

640 (a) **No entitlement.** An applicant is not entitled to make a street private. The Land Use Authority has full
641 discretion, subject to the regulations herein, to allow or require a street to be private.

642 (b) **Prohibition.** A ~~Private Street private street~~ shall not be allowed if:

643 (1) It creates a hardship for other landowners in the area to ~~provide access and to~~ develop their land
644 ~~in accordance with the provisions of this Land Use Code~~, or

645 (2) A ~~Public Street public street~~ is needed in the location of the ~~proposed Private Street private street~~,
646 as determined by the Land Use Authority.

647 (2)(3) ~~It is in the Western Weber Planning Area and is not a permanently terminal street, as~~
648 ~~provided in Subsection (g) of this section.~~

649 (c) **Responsibility for construction.** The applicant shall pay for and construct the ~~Private Street private~~
650 ~~street~~.

651 (d) **Ownership.** The final plat shall dedicate the land under the ~~Private Street private street~~ to the County
652 for the purpose of future conversion to a ~~Public Street public street~~ at a time the governing body
653 determines a ~~Public Street public street~~ is necessary, if ever.

654 (1) **Street-Parcel dedication waiver.** The Land Use Authority may waive this requirement if
655 development or further development on adjacent ~~lots or parcels Parcels~~ to which the street could
656 be extended is extremely unlikely, or to which future public access offers very little public benefit,
657 ~~or future development benefit~~, as determined by the Land Use Authority.

658 a. **No Street-Block waiver.** A street needed to satisfy the ~~Street-Block street-block~~
659 requirements of ~~Section 106-2-3~~ is not eligible for this waiver unless there is no way in which

Commented [E23]: Check ref

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- 660 that street can be configured in the subdivision to support the creation of the ~~street~~ Street-
661 ~~block~~ Block.
- 662 b. **Pathway in lieu waiver.** In circumstances where current or future public access by vehicle is
663 unwarranted, the Land Use Authority may grant a waiver and in lieu require the dedication and
664 installation of a 12-foot wide public easement and pathway or trail connection. The minimum
665 pathway or trail design shall provide for either a 10-foot wide hard-surface pathway with a
666 maximum average grade of 10 percent, or a single-track dirt trail with a maximum average
667 grade of 18 percent.
- 668 c. **Waiver requires joint ownership.** If a waiver is granted, the street-~~P~~ parcel shall be held in
669 joint ownership of the owners of all Lot ~~lots~~ that gain access from it.
- 670 (2) **Street-~~P~~ parcel configuration.** The ~~Parcel~~ parcel being dedicated to the county shall be the length
671 of the Private Street ~~private-street~~ and extend to adjacent developable land or another street
672 regardless of whether the Private Street ~~private-street~~ infrastructure does. The ~~Parcel~~ parcel shall
673 be the same width required for a Public Street ~~public-street~~ right-of-way, and be configured at a
674 grade that will not create an unreasonable burden for future street-building and connectivity given
675 typical grading and construction methods.
- 676 (3) **Transfer of street-~~p~~ Parcel.** If adjacent Parcel ~~parcels~~ to which the Private Street ~~private-street~~
677 could connect reach full build-out or otherwise change in a manner that renders a future Public
678 Street ~~public-street~~ connection extremely unlikely, or if future public access to those ~~Parcel~~ parcels
679 offers very little public benefit, the county, at its sole option, may transfer the land, in accordance
680 with all legal requirements, to the joint ownership of the owners of all Lot ~~lots~~ that gain access from
681 it.
- 682 (e) **Operation, maintenance, and use.** Except after the county assumes responsibility for the street, if
683 ever, the operations and maintenance of the installed Private Street ~~private-street~~ improvements shall
684 be the sole responsibility of the owners of each Lot ~~lot~~ gaining access from the Private Street ~~private~~
685 street. The Land Use Authority may allow these owners to restrict access to the street by the general
686 public, except county officials conducting official county business on a county-owned street-
687 Parcel ~~parcel~~.
- 688 (f) **Building setback standards.** The minimum building setbacks shall be measured from the boundary
689 of the county-owned street-Parcel ~~parcel~~.
- 690 (g) **Private ~~s~~ Street required.** Unless the County Engineer or the Land Use Authority authorizes otherwise
691 based on the public benefit outweighing the long term operations and maintenance expense, a Public
692 Street ~~public-street~~ is not allowed in the following circumstances:
- 693 (1) **Permanent terminal street.** A non-temporary terminal street;
- 694 (2) **Geologic hazards.** A street that traverses a geologic hazards study area shall be a Private
695 Street ~~private-street~~, unless the hazards study, as required by Chapter 108-22, provides compelling
696 evidence that demonstrates the hazard risk to a Public Street ~~public-street~~ is low.
- 697 (h) **Construction standards.** Unless otherwise required by the local Fire Authority or County Engineer, a
698 Private Street ~~private-street~~ shall be constructed to Public Street ~~public-street~~ standards.
- 699 (i) **Plat notes.** On the final plat, the county-owned street-Parcel ~~parcel~~, where applicable, shall be labeled
700 and noted as required by Section 106-1-8.2.
- 701 (j) **Recording requirements.** At the time of final plat recording, the applicant shall record a covenant to
702 run with the land that provides that:
- 703 (1) The owners of all Lot ~~lots~~ that gain access from the Private Street ~~private-street~~ are solely and
704 equally responsible for operations and maintenance of the street.
- 705 (2) If applicable, that by purchasing a Lot ~~lot~~ that gains access from a Private Street ~~private-street~~, the
706 owner acknowledges that the street-Parcel ~~parcel~~ is owned in fee by the governing body for possible
707 future Public Street ~~public-street~~ purposes, but that the governing body assumes no responsibility
708 or liability for the street or for the uses thereof or thereon until and unless, if applicable, the
709 governing body assumes responsibility for it.

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- 710 (3) The owner is responsible for disclosing the nature of the street to prospective purchasers, renters,
711 or lessees.
- 712 (4) The landowner of record or authorized representative agree to pay a proportionate amount of the
713 costs associated with improving or restoring the street to operational ~~Public Street~~~~public street~~
714 standards at the time the governing body assumes responsibility for it; and agrees to not protest
715 the creation of a special assessment area or other similar revenue generating mechanism the
716 governing body deems necessary to bring the ~~Private Street~~~~private street~~ to operational ~~Public~~
717 ~~Street~~~~public street~~ standards.

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

719 *Shared private lane.* Unless specified otherwise in this ~~Section 106-2-030~~ a shared private lane is only
720 allowed in locations where a street or street connection is not otherwise required or planned as provided in
721 the applicable general plan, and where its placement will not violate the applicable Street-Block requirement
722 of ~~Section 106-2-3~~. Construction of a shared private lane is a subdivision improvement requirement and
723 shall comply with the relevant sections of Section 106-4 of this Land Use Code.

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Commented [E27]: Check ref

724 (a) *Shared private lane design, configuration, and construction requirements.* A shared private lane
725 shall be:

726 (1) Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum
727 improved surface width of 20 feet. A greater right-of-way width may be required by the County
728 Engineer for a cross-slope easement.

729 (2) Configured and constructed so that any curve will safely facilitate the turning radius and weight of
730 the Fire Authority's largest fire apparatus.

731 (3) Constructed of all-weather material, have a grade of no greater than ten percent, a clearance no
732 less than 14 and a half feet. In a development with an average density that is greater than one unit
733 per acre, the lane shall be hard-surfaced.

734 (4) Be on a Parcel that is held in common ownership by a homeowner's association that governs the
735 Lots that gain access therefrom, or be an easement recorded in favor of the owners of all Lots that
736 gain access therefrom.

737 (5) If terminal, the shared private lane shall be no longer than

738 a. 200 feet in the Western Weber Planning Area, and provide access to no more than seven
739 Dwellings Units.

740 b. 600 feet in the Ogden Valley Planning Area, and provide access to no more than 15 Dwelling
741 Units. However, if longer than 200 feet in length it shall be designed with a fire apparatus turn-
742 around approved by the local fire authority at the end.

743 (b) *Shared private lane temporarily in lieu of street.* As long as development on other properties in the
744 general area to which a street could extend is not imminent, a private lane may be installed in place of
745 a required public or Private Street, and in the Ogden Valley it may be longer than 600 feet in length,
746 under the following circumstances:

747 (1) *No interruption of street connectivity.* Doing so shall not disrupt the orderly build-out or inhibit
748 the future street connectivity of the area.

749 (2) *Compliance with general plan.* It shall not be contrary to the General Plan's recommendations
750 that are specifically applicable to the area.

751 ~~(3)~~ *Easement required.* ~~The final plat shall convey an easement over the shared private lane
752 to Weber County for the purpose of reserving a future Public Street right-of-way at a time the
753 governing body determines a Public Street is necessary, if ever.~~

Commented [E28]: Needs legal review.

754 a. The easement being dedicated to the county shall be the length of the Private Street and extend
755 to adjacent developable land or another street regardless of whether the Private Street
756 infrastructure does.

757 b. The easement shall be the same width required for a Public Street right-of-way, and be
758 configured at a grade that will not create an unreasonable burden for future street-building and
759 connectivity given typical grading and construction methods.

760 (4) Operation, maintenance, and use. The operations and maintenance of the shared private lane
761 shall be the sole responsibility of the owners of each Lot gaining access from it.

762 (5) Building setback standards. The minimum front building setback shall be 33 feet greater than
763 otherwise required, and shall be measured from the centerline of the shared private lane.

764 (6) Plat note. On the final plat, the county-owned easement shall be labeled and noted as required by
765 Section 106-1-8.020.

766 (7) Recording requirements. At the time of final plat recording, the applicant shall record a covenant
767 to run with the land that provides that:

768 a. The owners of all Lots that gain access from the shared private lane are solely and equally
769 responsible for operations and maintenance of the lane.

770 b. If applicable, that by purchasing a Lot that gains access from a shared Private Street, the owner
771 acknowledges that the lane easement is owned in fee by the governing body for possible future
772 Public Street purposes, but that the governing body assumes no responsibility or liability for
773 the lane or for the uses thereof or thereon until and unless, if applicable, the governing body
774 assumes responsibility for it.

775 c. The owner is responsible for disclosing the nature of the lane to prospective purchasers,
776 renters, or lessees.

777 e.d. The landowner of record or authorized representative agree to pay a proportionate amount of
778 the costs associated with improving or restoring the street to operational Public Street
779 standards at the time the governing body assumes responsibility for it; and agrees to not protest
780 the creation of a special assessment area or other similar revenue generating mechanism the
781 governing body deems necessary to bring the shared private lane to operational Public Street
782 standards.

783 ...

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

785 ...

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

787 (a) Unless specified otherwise in this Land Use Code, an arterial or Collector Street~~collector street~~ shall
788 be dedicated to conform to the right-of-way width designated ~~on~~ in the general plan, master street plan,
789 capital improvement or facilities plan, impact fee facilities plan, development agreement, or similar
790 adopted planning or street design document. Setback from an arterial and Collector Street shall be in
791 compliance with Section 108-7-10.

792 (a)(b) Both arterial and Collector Streets are limited access streets. Subdivisions shall be designed to
793 avoid providing Lots direct access from an arterial or Collector Street, wherever possible. If a
794 subdivision cannot be designed to avoid providing a Lot access directly from an arterial or Collector
795 Street, then access to the Lot shall follow the access provisions of Section 108-7-29. Residential access
796 may be gained from the arterial or Collector Street by sharing another previously existing residential
797 access.

798 ...

799 **Sec 106-2-2.060 (Reserved)**

800 ...

801 **Sec 106-2-2.070 (Reserved)**

802 ...

803 **Sec 106-2-2.080 Street Cross Sections and Design**

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804 (a) **Street cross section design.** A proposed new street or street extension shall comply with the
805 standards and specifications provided in Section 106-4-5 of this Land Use Code, as shall half of an
806 existing street adjacent to the Lot/Lots in the subdivision, if applicable. The County Engineer is authorized
807 to require the applicant to make offsite improvements on streets in the area if the impact of the
808 subdivision on those streets necessitates the improvements. In the FB Zone, street design shall comply
809 with the specific standards therein.

810 (b) **Development on a substandard street.** Development on a substandard street shall comply with the
811 provisions of Section 108-7-19.

812 ~~When an applicant is proposing a lot or lots that will gain access from a substandard street, or from a~~
813 ~~terminal street or terminal street route that is substandard at any point leading to the lot or lots, the applicant~~
814 ~~can either choose to bring the street to the applicable standard or the following provisions shall apply:~~

815 ~~Paying proportionate share. As part of a "project improvement," as defined in UCA 11-36a-102, the~~
816 ~~applicant shall pay the cost of a proportionate share of street design, street improvements, and, if~~
817 ~~applicable, street right-of-way acquisition to bring that street into or closer to compliance with County~~
818 ~~standards. The cost of the proportionate share shall be determined as follows:~~

819 ~~Engineer's cost estimate. Estimate the cost to improve the street to County standards from the point it~~
820 ~~becomes substandard to the furthest extent of the applicant's subdivision along the street, in compliance~~
821 ~~with the following:~~

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

827 ~~The County Engineer may require the applicant to furnish engineered drawings of the street and an~~
828 ~~itemized cost estimate in order to substantiate the estimated cost;~~

829 ~~The County Engineer has the discretion to adjust the cost estimate for inflation or market fluctuations~~
830 ~~during the duration of construction of the applicant's obligations; and~~

831 ~~A subdivision improvement that is required of the applicant by the Land Use Code regardless of the~~
832 ~~condition of the street shall not be included in this calculation, and shall be provided as otherwise required~~
833 ~~by this Title.~~

834 ~~Determine street's buildout potential. Find the sum of the estimated number of lots expected along the~~
835 ~~street at buildout, plus the applicant's proposed number of lots, as follows:~~

836 ~~Measure the length of the substandard street or street route from the point it becomes substandard to the~~
837 ~~furthest extent of the applicant's subdivision along the substandard street or street route;~~

838 ~~Determine the estimated number of lots expected along the street at buildout by dividing the length of the~~
839 ~~street, the result of Subsection (b)(1)b.1., by the standard minimum lot width of the zone, as found in Title~~
840 ~~104 of this Land Use Code. Do not use alternative lot widths, such as those allowed in a cluster~~

841 ~~subdivision or a lot-averaged subdivision, even if the applicant's subdivision has them; then~~
842 ~~Combine the estimated number of lots expected along the street at buildout, the results of Subsection~~
843 ~~(b)(1)b.2. with the applicant's proposed number of subdivision lots.~~

844 ~~Final proportionate share calculation. Divide the cost to improve the street or street route to County~~
845 ~~standards, the result of Subsection (b)(1)a. by the sum of the estimated number of lots expected along~~
846 ~~the street at buildout plus the applicant's proposed number of lots, the results of Subsection (b)(1)b.~~
847 ~~Required improvements, escrow, and allowed deferral. The County Engineer shall:~~

848 ~~Required improvements. Require the applicant to make improvements to the substandard street or street~~
849 ~~route in an amount up to but not exceeding the applicant's cost of the proportionate share, as determined~~
850 ~~herein. The County Engineer has full authority and discretion to determine what improvements are~~
851 ~~required of the applicant;~~

852 ~~Escrow. Require this cost to be deposited with the County for the County to add a street's needed~~
853 ~~improvements into scheduled road maintenance and improvements; or~~

854 ~~Deferral. If the County Engineer determines that the funds that would be made available are insufficient to~~
855 ~~provide meaningful project improvements along the substandard street or street route, he may allow a~~
856 ~~substandard road agreement in lieu of the project improvements required in this section. In this case, all~~
857 ~~owners having interest in the new subdivision shall execute a substandard road agreement and notice to~~
858 ~~new owners. The content of the substandard road agreement and notice shall be as specified by the~~
859 ~~county. At a minimum, it shall:~~

Commented [E31]: Check reference.

Check also references to this section throughout and update.

~~Explain that the new subdivision has only a single street access connecting it to the greater interconnected public street network, and the single street access is not built to the minimum design and safety standards adopted by the County;~~

~~Require a deferral agreement that specifies that the owners or successors and heirs are responsible, at a time the governing authority deems it necessary, to pay for their proportionate share of improving the parts of the single access street route that do not conform to County standards;~~

~~Allow the governing authority, at its option, to withhold any written protest filed by the owners or their successors or heirs under the State Code's Assessment Area Act, Provisions For Local Districts, or any similar government revenue generation mechanism, from the final tally of collected protests, provided that the revenue generated by the mechanism is used to improve access to the subdivision; and~~

~~Be recorded to the property at the time of subdivision recordation or sooner.~~

...

Sec 106-2-2.090 Street Grades

Except ~~where due to~~ for rare and special circumstances, street grades over sustained length shall not exceed the following percentages: on ~~major public streets~~ Arterial Streets, eight percent; on Collector Streets, ten percent; on ~~minor streets~~ Major and Minor Neighborhood Streets, 12 percent; on Private Street ~~private streets, where allowed by this Land Use Code~~, 15 percent. All street grades shall be reviewed and approved by the ~~county~~ Local Fire Authority ~~fire district~~ and ~~county engineer~~ County Engineer.

...

Sec 106-2-2.100 Alleys

(a) Alleys shall have a minimum width of 20 feet unless specified otherwise in this Land Use Code.

(b) An Alley shall be provided snow storage areas abutting the Alley of sufficient size and configuration to easily accommodate the Alley's snow storage needs, as determined by the County Engineer.

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

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

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

Sec 106-2-2.110 Protection Strips

...

Sec 106-2-4 Lot Standards

Sec 106-2-4.010 Lot Standards Generally

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

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

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

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

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

Commented [E32]: This is not an all-inclusive list. Rather than spelling out all of the exceptions already allowed in the code, I've simply added a blanket statement at the front of the paragraph.

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

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

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

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

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

(3) **Access.**

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

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

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

d. The access strip shall be no less than 60 feet wide and extend from the street or shared private lane and extend to the furthest extent of the Lot. This may be reduced to 30 feet if two Flag Lot access strips are adjacent to each other. This area shall be denoted on the plat as the access strip to the Flag Lot, and the Lot's front shall be determined as facing this access strip. The front setback shall be measured from the access strip.

e. A Flag Lot shall not be used to circumvent the street connectivity or Street-Block standards of this Land Use Code. However, in the Ogden Valley, if it is determined by the Planning Director that development to which a future street could serve access on adjoining property is not likely within the next 10 years, a Flag Lot may be platted as long as an easement is platted over the entirety of the access strip in favor of the County for the purpose of creating a Public Street at a time the governing body determines a Public Street is necessary, if ever.

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

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

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

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

(h) **Easements.**

- 959 (1) **Lot frontage public utility easements.** Each ~~Lot~~ shall have a ten-foot public utility easement
960 abutting a street right-of-way and spanning the ~~Lot~~ width. This ten-foot easement is not required
961 in a zone that allows a zero front setback.
- 962 (2) **Other public utility easements.** Other public utility easements shall be provided if, and only if,
963 authorized or required by the County Engineer or Land Use Authority, who shall specify the
964 easement's location and width, with a minimum width no less than five feet.
- 965 (3) **Surface water drainage easements.** If the applicant cannot demonstrate that surface water runoff
966 onto other property will not exceed historic runoff rates, a land drain easement and drainage
967 infrastructure shall be provided by the applicant in a manner that protects other properties in the
968 area and public infrastructure. The land drain shall be installed as part of the subdivision
969 improvements.
- 970 (4) **Agricultural water drainage easements.** When a subdivision is proposed on land to which
971 irrigation water runoff has historically and lawfully drained from other property, a land drain
972 easement and drainage infrastructure shall be provided by the applicant in a manner that protects
973 the new ~~Lot~~s, public infrastructure, and historic irrigation flows from and to other property. The
974 land drain shall be installed as part of the subdivision improvements.
- 975 (h)(i) **Taxing district annexation.** ~~Parcel~~~~Parcels~~ that are split by a taxing district shall have the entire
976 ~~Parcel~~~~parcel~~ annexed into that taxing district prior to the recording of the subdivision. Exceptions will
977 be made for bond obligations by the taxing district.
- 978 (h)(ii) **Hillside development.** A ~~Lot~~ that has an average percent of slope, as defined in Section 101-2 of
979 this Land Use Code, that is greater than 25-percent shall provide for the following:
- 980 (1) **Buildable area.** If a ~~Lot~~ has a ~~buildable~~~~Buildable area~~~~Area~~, as defined in Section 101-2, a
981 hillside development review is not required. The buildable area shall be delineated on the final plat
982 by short dashed lines.
- 983 (2) **Restricted ~~L~~ot.** ~~Each Lot shall be configured, designed, and constructed in a manner that~~
984 ~~mitigates detrimental effects to future owners or the surrounding area. Each Lot shall provide a~~
985 ~~Buildable Area that can reasonably contain buildings typical for the zone. Each Lot that has area~~
986 ~~that has not been adequately studied and mitigated to prove buildability shall have the area clearly~~
987 ~~delineated and denoted on the final plat as "restricted area." A Lot that has a restricted area may~~
988 ~~be amended to reduce or eliminate the restriction after appropriate studies and mitigation measures~~
989 ~~have been completed, as provided elsewhere in this Land Use Code. A note shall be placed on the~~
990 ~~final plat pursuant to Section 106-1-8.020. A lot that cannot contain a buildable area is a restricted~~
991 ~~lot and is subject to a hillside development review pursuant to the requirements of Title 108, Chapter~~
992 ~~14. The letter "R" shall be placed immediately to the right of the lot number. All development~~
993 ~~conditions and restrictions resulting from the hillside development review shall be noted or~~
994 ~~referenced on the final plat.~~
- 995 (h)(k) **Sensitive lands restrictions.** A lot subject to development restrictions found in Title 104, Chapter
996 28 of this Land Use Code shall show the restrictions on the final plat. This shall include but may not be
997 limited to wildlife habitat areas, ridgelines, slopes, and stream corridor setbacks.

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

999 In the A-1, A-2, A-3, and AV-3 zones, a ~~Lot~~'s area and width standards may be reduced in a ~~Lot~~-
1000 averaged subdivision below the standard minimum ~~Lot~~~~area~~~~Area~~ or minimum ~~lot~~~~Lot~~~~width~~~~Width~~ as
1001 specified in the applicable zone or zones found in Title 104. A ~~lot~~~~Lot~~-averaged subdivision shall comply with
1002 the following:

- 1003 (a) **The averaged area and width of all lots to comply with zone standards.** The averaged ~~lot~~~~area~~~~Lot~~
1004 ~~Area~~ and averaged ~~lot~~~~Lot~~~~width~~~~Width~~ of all ~~Lot~~s located within a ~~Lot~~-averaged subdivision shall
1005 be no less than the minimum ~~Lot~~~~area~~~~Area~~ and minimum ~~lot~~~~Lot~~~~width~~~~Width~~ found in the applicable
1006 zone or zones. A pre-existing nonconforming ~~Lot~~ of record that is smaller in ~~Lot~~~~area~~~~Area~~ or ~~Lot~~~~lot~~
1007 ~~width~~~~Width~~ shall be excluded from the calculation, and may continue with the smaller dimensions as
1008 long as it is not made more nonconforming.
- 1009 (b) **Lot standards.** The ~~Lot~~~~area~~~~Area~~ and ~~Lot~~~~lot~~~~width~~~~Width~~ of an individual ~~Lot~~ located within a
1010 ~~Lot~~-averaged subdivision shall be no less than shown in the following table, provided that the

1011 averaged area and width of all [Lots](#) in the subdivision maintains compliance with Subsection (a) of
1012 this section.

	A-1 and A-2 Zones	A-3 and AV-3 Zones
Lot area	20,000 square feet	40,000 square feet
Lot width	80 feet	100 feet

1013 (c) **Subdivision plat table.** A table shall be provided with the subdivision application and on the final
1014 subdivision plat showing the area and width of each [Lot](#) within the overall subdivision boundary, the
1015 average area and width of all [Lots](#) within the overall subdivision boundary, and the average area and
1016 width of all [Lots](#) within each zone in the subdivision boundary. If platted in phases, the "overall
1017 subdivision boundary" shall mean the exterior boundary of all phases in the approved preliminary plat.

1018 (d) **Plat subtitle.** Pursuant to [Section 106-1-8.20](#), a subtitle and note referencing this provision shall be
1019 placed on the final plat.

1020 **Sec 106-2-4.030 Connectivity-Incentivized Subdivision**

1021 (a) **Intent.** [The intent of this section is to provide efficient, convenient, logical, and frequent street and](#)
1022 [pathway connections to, within, through, and out of a proposed subdivision in a manner that other](#)
1023 [provisions of this Land Use Code do not. In exchange for providing the additional infrastructure, the](#)
1024 [applicant may use the acreage otherwise occupied by streets and pathways as credit toward creating](#)
1025 [Lots.](#)

1026 (b) **Voluntary compliance.** [The provisions of this section offer a voluntary alternative to traditional and](#)
1027 [typical Lot development standards otherwise set forth in the applicable zone. An applicant shall not be](#)
1028 [allowed to use this section unless the applicant volunteers to comply with all provisions herein. Applying](#)
1029 [for a connectivity-incentivized subdivision constitutes the applicant's agreement to be governed by this](#)
1030 [section, and constitutes the applicant's acknowledgement that the discretionary authority this section](#)
1031 [offers to the Land Use Authority may result in a decision contrary to the applicant's initial intent. The](#)
1032 [applicant accepts all risk, including lost time and money, for voluntarily applying for subdivision review](#)
1033 [under these provisions. Otherwise, the applicant shall use other development types authorized by this](#)
1034 [Land Use Code to subdivide their land.](#)

1035 (c) **Maximum allowed density.** [If the applicant provides a street and pathway layout that complies with](#)
1036 [this section and is approved at the discretion of the Land Use Authority after receiving a favorable](#)
1037 [recommendation from staff, the applicant may use the Base Density calculation, as defined in Chapter](#)
1038 [101-2-3, to compute the maximum allowed Lots in the subdivision. Further, when calculating the Base](#)
1039 [Density, the area of the subdivision proposed to be occupied by public improvements is not required to](#)
1040 [be omitted from the net developable acreage.](#)

1041 ~~In the zones listed herein, when an applicant voluntarily designs a subdivision's public street layout in~~
1042 ~~accordance with the preferred layout of the County Planning Division Director and County Engineer, the~~
1043 ~~applicant may use the base density calculation, as defined in [Chapter 101-2-3](#), to determine the number of~~
1044 ~~lots allowed in the subdivision. The following provisions also apply:-~~

1045 (a) ~~**No entitlement.** An applicant is not entitled to the provisions of this section and the County is not~~
1046 ~~obligated to apply the provisions of this section to any application.-~~

1047 (b) ~~**Base density incentive.** When calculating the base density, the area proposed to be encumbered by~~
1048 ~~a public street right-of-way, up to ten percent of the gross developable acreage, is not required to be~~
1049 ~~omitted from the net developable acreage of the subdivision. Base density shall be calculated using~~
1050 ~~the minimum lot area and minimum lot width of the applicable zone, pursuant to the provisions in [Title](#)~~
1051 ~~[104](#).~~

1052 (a)(d) **Allowed zones.** [A connectivity-incentivized subdivision is allowed only in the following zones: S-1,](#)
1053 [F-5, AV-3, FV-3, A-3, A-2, A-1, RE-20, RE-15, R1-15, R1-12, R1-10, R2, R3, FR-3, and CVR-1](#)

- (1) Unless excepted in Subsection (e)(2) of this section, at no time shall the Lot area and Lot width of any residential Lot be less than provided in this table:

	S-1	F-5	AV-3	FV-3	A-3	A-2	A-1	RE-20	RE-15	FR-3	R-1-12	R-1-10	R-1	R-2	R-3	CVR-1
Reduced minimum <u>Lot area</u> :	50-percent of the zone's minimum.							80-percent of the zone's minimum.			6000 ¹ square feet			80-percent of the zone's minimum.		No minimum.
Reduced minimum <u>Lot width</u> :	50-percent of the zone's minimum.							80-percent of the zone's minimum.			60 feet			80-percent of the zone's minimum.		No minimum.

¹Each Lot adjacent to a Lot in another subdivision, including across a street, shall be no smaller than the lesser of: 80 percent of the square footage specified for the maximum allowed density; or the actual Lot area of the Lot or Lots to which it is adjacent.

- (2) The following are exceptions to the Lot area and Lot width provisions of Subsection (e)(1) of this section:

- a. A lot in a cluster subdivision shall not be reduced to less than 90 percent of the lot area and lot width standards of the cluster subdivision ordinance.
- b. A pre-existing nonconforming lot of record that is smaller than fifty-percent of the lot area or lot width may continue with smaller dimensions as long it is not made more nonconforming.

~~(c) **Preferred public street layout.** In determining the preferred public street layout, the County Planning Division Director and County Engineer shall focus on enhancing the overall public good. This may include, but need not be limited to using industry best practices regarding:~~

(e) **Public street layout.** Nothing here shall waive the minimum street or pathway requirements as provided elsewhere in this Land Use Code. A subdivision shall be designed in a manner that prioritizes circulation efficiencies both within the subdivision and to adjacent neighborhoods. Priority shall be given to both vehicular and pedestrian connectivity. To this end, a connectivity incentivized subdivision is only allowed if it meets the following minimum standards.

(1) **Street-Block.** A Street-Block shall have a length of no greater than 660 feet. The Land Use Authority may, but is not obligated to, approve an exception to this rule if a Street-Block cannot be formed as a result of one or more of the following. However, in each case the applicant shall provide a Street-Block or a connection that will help form a future Street-Block as near as is otherwise reasonably practicable:

- a. The adjacent area to which a street could otherwise be extended is built-out such that no reasonable street connection can be made thereto; or
- b. The adjacent area to which a street could otherwise be extended has characteristics that significantly reduce the likelihood the Street-Block will be needed, as determined by the Land Use Authority. These characteristics include, but are not limited to sensitive lands such as geologic hazards, riverways, floodplains, wetlands, and slopes on which no reasonable street configuration can be created that complies with allowed street grades;
- c. The adjacent area to which a street could otherwise be extended has culturally or locally important lands that can, is, or will be permanently preserved in a manner that benefits the general public. The Land Use Authority may require the applicant to secure the permanent preservation in a manner satisfactory to the Land Use Authority;

Commented [E33]: Check ref

- 1089 d. Adherence to the maximum Street-Block length will interrupt a regionally significant pedestrian
1090 pathway delineated in the area's general plan or similar planning document.
- 1091 e. Strict adherence to the maximum Street-Block length will result in a Street-Block that is less
1092 than 200 feet in length.
- 1093 (2) Street efficiency. A street or street segment shall provide the shortest connection as reasonably
1094 possible without compromising the buildability of adjoining lots given compliance with other
1095 requirements of this Land Use Code.
- 1096 (3) Intersections. Street intersections shall be four-way intersection wherever possible.
- 1097 (4) Directional continuity. Streets shall provide directional continuity. Regardless of how a street may
1098 wind through a subdivision, whenever possible it shall exit the subdivision in the same general
1099 direction it entered so that it provides users a consistent direction of travel along the same street.
- 1100 (5) Permanently terminal streets. Cul-de-sac and dead end streets shall be avoided. A cul-de-sac or
1101 dead end street may be allowed in rare circumstances if the same or similar characteristics as
1102 specified in the exceptions of (e)(1) are present.
- 1103 (6) Alignment and connection to other streets. Whenever possible, streets shall connect or be
1104 aligned to provide a future connection to other existing streets in the general area, with special
1105 deference for connecting to existing stubbed streets.
- 1106 ~~(1) Street and neighborhood connectivity for both motorized and nonmotorized street users;~~
1107 ~~(2) Efficiency of street routes in terms of distance traveled;~~
1108 ~~(3) Reducing block length;~~
1109 ~~(4) Enhancing pedestrian circulation and safety;~~
1110 ~~(5) Supporting four-way intersections over three-way intersections where appropriate; and~~
1111 ~~— Superior street alignment that will create best community outcomes.~~
- 1112 (f) Pathway location and design standards.
- 1113 (1) Pathways and sidewalks, generally.
- 1114 a. Each development shall be configured so that the maximum pathway or sidewalk walking-
1115 distance between a pathway or sidewalk intersection is 400 feet.
- 1116 1 This distance may be increased for a segment of a pathway that travels through a
1117 permanently preserved open space area or an area very unlikely to ever develop.
- 1118 2 A pathway or sidewalk intersection is where a pathway or sidewalk intersects with another
1119 pathway, sidewalk, or street that has pedestrian facilities.
- 1120 b. Pathway and sidewalk layout shall be designed in a manner that prioritizes efficiency of non-
1121 motorized modes of transportation.
- 1122 c. Pathways shall connect using shortest distance reasonably possible.
- 1123 d. Pathway and sidewalk layout shall provide for the continuation of existing pathways or
1124 sidewalks in the general area, and for future planned pathways, as shown on an adopted
1125 pathway plan, general plan, master trails plan, or other applicable adopted planning document.
- 1126 e. A pathway or sidewalk shall connect to any pathway or sidewalk stubbed from adjacent
1127 developed property.
- 1128 f. Continuation of a pathway or sidewalk to adjacent undeveloped property shall be provided with
1129 a stub to the subdivision boundary.
- 1130 g. Pathway and sidewalk arrangement shall not cause any unnecessary hardship for creating
1131 convenient and efficient access to nearby Lots or Parcels that are likely to eventually be
1132 developed.
- 1133 (2) Street-adjacent pathway. Along each Arterial Street, Collector Street, and Major Neighborhood
1134 Street, as provided in an adopted general plan, master streets plan, or similar adopted document,

Commented [E34]: Check ref

- a. 10-foot wide hard-surfaced pathway shall be installed.
- a. When determining which side of the street the pathway is required, preference shall be given to the side of the street that has optimal sun exposure during winter months.
- b. The Planning Director may require a pathway be located on the other side of the street to support pathway connectivity based on other factors such as existing or planned future pathways in the vicinity and potential pedestrian conflicts.
- c. The pathway shall be located within the street right-of-way unless expressly authorized otherwise by the County Engineer. If not located within the street right-of-way, a pathway easement is required.
- d. Unless required otherwise by the County Engineer, the pathway shall have an asphalt width of at least nine feet and be bounded on both sides by a six-inch concrete ribbon that is flush with the top of asphalt travel surface. The pathway shall be constructed of three inches of asphalt on eight inches of base-course. Greater thickness may be required where it intersects a vehicle-way.
- e. Example: *Street-Adjacent Pathway*



- (3) **Non-street-adjacent pathway.** Where generally depicted on a map or in the text of an applicable street regulating plan, general plan, master streets plan, or when otherwise required herein or in a development agreement, a 10-foot wide hard-surfaced pathway shall be installed through the development.
- a. Where a pathway runs between buildings or fenced Lots, a minimum 30-foot pathway public right-of-way is required. The pathway shall run down the center of the 30-foot right-of-way.
 - 1. The pathway right-of-way may be reduced to 15 feet if both of the adjoining Lots or Parcels are or will be used for Single-Family Dwellings, and are deed-restricted to:
 - 2. Only allow a solid fence that is no greater than four-feet; or
- b. Only allow a fence that is 30 percent open with the openings evenly distributed.
- c. The adjoining land owners are responsible for the maintenance and upkeep of vegetation and waste on the half of the pathway right-of-way that is adjacent to their Lot or Parcel.

d. Example: Non-Street-Adjacent Pathway



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

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Chapter 106-4 Subdivision Improvements Required

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Sec 106-4-2 Specific Requirements

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

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

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(b) Driveway aprons. The applicant shall install driveway aprons to each Lot that has a Lot Width of 60 feet or less.

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TITLE 108 STANDARDS

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Chapter 108-7 Supplementary And Qualifying Regulations

DRAFT – Last edited 3/27/2023

1188 **Sec 108-7-1 Purpose And Intent**

1189 The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zoning
1190 regulations appearing elsewhere in this title.

1191 ...

1192 **Sec 108-7-7 Clear View of Intersecting Streets Supplemental Street, Access, And Right-of-Way**
1193 **Standards**

1194 **Sec 108-7-7.010 Obstructions in Right-of-Way**

1195 To ensure deposited items or materials do not interfere with pedestrian or vehicular traffic or in any way be
1196 dangerous to the health, safety, and welfare of the people of the county, it is unlawful for any person to
1197 place or deposit in or upon any Public Street, right-of-way, or other public property in unincorporated areas
1198 of the county any garbage, inoperable or abandoned vehicles, junk, weeds, or any other vegetation.

1199 **Sec 108-7-7.020 Vegetation and Snow Removal – Pedestrian Rights-of-Way**

1200 (a) It is the responsibility of owners or occupants of land adjoining a public right-of-way, pedestrian
1201 pathway, or sidewalk to ensure continual removal of vegetation overgrowth.

1202 (b) In addition to the requirements of Section 32-8-2 of the Weber County Code, owners or occupants of a
1203 platted building Lot, or a Lot of record with an existing residential, commercial, or manufacturing use,
1204 that adjoins a paved pedestrian pathway and is less than five acres shall also be required to ensure
1205 continual removal of snow from the pathway.

1206 **Sec 108-7-7.030 Clear View of Intersecting Streets.**

1207 When an Alley or access way intersects with a public right-of-way, or when the subject property abuts the
1208 intersection of two or more public rights-of-way, the triangular areas described below shall provide
1209 unobstructed cross-visibility at a level between two and eight feet in height. Trees may be planted inside
1210 the triangular areas, but shall be trimmed such that no limbs or foliage extend into the cross-visibility
1211 zone, and placed so as not to create a traffic hazard. Plant materials, excepting turf grass, shall not be
1212 located closer than three feet from the edge of any access way pavement. No other obstruction to view in
1213 excess of three feet in height shall be allowed. The triangular areas referred to above are defined as
1214 follows:

1215 (1) The area of property on either side of an access way formed by the intersection of each side of the
1216 access way and the public right-of-way line. The two sides of the triangle shall be ten feet in length
1217 measured from the point of intersection and the third side (hypotenuse) being a line connecting the
1218 ends of these two sides.

1219 (2) The area of property located at a corner formed by the intersection of two or more public rights-of-
1220 way. The two sides of the triangle shall be formed by the street rights-of-way lines for a length of
1221 40 feet back from their intersection and the third side being a line connecting the ends of these two
1222 sides.

1223 ...

1224 **Sec 108-7-10 Required Building Setback From Designated Collector Or Arterial Streets**

1225 Where a street is designated on the master street plan of the county as a ~~collector~~ Collector Street or ~~arterial~~
1226 ~~(major) street~~ Arterial Street, and where the existing street right-of-way requires widening to meet the right-
1227 of-way standards of ~~such collector or arterial (major) street~~ the Collector Street or Arterial Street, the
1228 minimum front and side yard setback for all buildings shall be based upon the future designated right-of-
1229 way width as shown on the county master plan and shall be measured from the future ~~lot street right-of-~~
1230 ~~way~~ line of the collector or arterial (major) street Collector Street or Arterial Street designated right of way
1231 instead of the existing ~~Lot line~~ Line of the present street right-of-way.

1232 ...

1233 **Sec 108-7-19 Development on a Substandard Street or Public by Right-of-Use Road Building On-**
1234 **Dedicated Substandard Streets Or Public By Right Of Use Roads**

1235 (a) Development on a substandard street is not permitted unless in compliance with this Section 108-7-19.
1236 New or improved agricultural accesses are exempt from these requirements.

Commented [E35]: What other uses should be exempt from street improvements?

- 1237 (b) For the purpose of this section, a substandard street means any of the following, from the point it
1238 becomes substandard, or from the nearest intersection with a non-terminal street or street-route,
1239 whichever is closer, to the furthest extent of the applicant's proposed development adjacent to the
1240 street:
- 1241 (1) a substandard street;
 - 1242 (2) a road that is public by right-of-use that does not meet minimum Public Street standards; and
 - 1243 (3) a terminal street-route or public by right-of-use road-route that at any point leading to the
1244 development does not meet minimum Public Street standards.
- 1245 (c) An application for a permit, subdivision, or any other approval authorized by this Land Use Code that
1246 proposes to provide, add, or increase the intensity of access to a Lot or Lots from a substandard street
1247 shall not be approved unless the substandard nature of the street or street-route is cured. However, if
1248 curing the substandard nature of the street or street route is not roughly proportionate to the increased
1249 impact of the proposal, then the following provisions shall apply.
- 1250 (1) **Right-of-way dedication or conveyance.** In all cases, the applicant shall dedicate, by subdivision
1251 plat or deed conveyance, to the County the minimum street right-of-way width of the applicant's
1252 entire street frontage.
 - 1253 (2) **Street frontage improvements.** In all cases, the applicant shall be financially responsible for the
1254 improvement of the applicant's street frontage for up to, but not to exceed, three times the
1255 applicable minimum Lot Width allowed, except, however, if the development is of the nature that
1256 makes the future development of any remaining portion of the Lot Width unlikely, the applicant shall
1257 bear the burden of the full Lot width. The County Engineer has full authority and discretion to
1258 determine the specific improvements required to be installed by the applicant prior to or as condition
1259 of approval, and whether any remaining improvements may be deferred to a later time, as otherwise
1260 provided in this Section.
 - 1261 (3) **Paying proportionate share.** As part of a "project improvement," as defined in UCA 11-36a-102,
1262 the applicant shall pay the cost of a proportionate share of street design, street improvements, and,
1263 if applicable, street right-of-way acquisition to bring that street into or closer to compliance with
1264 County standards. The cost of the proportionate share shall be determined as follows:
- 1265 a. **Engineer's cost estimate.** Estimate the cost to improve the substandard street or street-route
1266 to County standards from the point it becomes substandard, or from the nearest intersection
1267 with a non-terminal street or street-route, whichever is closer, to the furthest extent of the
1268 applicant's proposed development adjacent to the street.
- 1269 1. This shall be furnished by the applicant in the form of an engineer's cost estimate. The
1270 estimate shall use up-to-date market costs for engineering and design, surveying,
1271 construction material, labor, and any other expense necessary to improve the street to
1272 County standards. The added expense of an intersection or other street component that is
1273 not related to providing a standard street to the applicant's subdivision shall be excluded
1274 from the calculation;
 - 1275 2. The County Engineer may require the applicant to furnish engineered drawings of the street
1276 and an itemized cost-estimate in order to substantiate the estimated cost;
 - 1277 3. The County Engineer has the discretion to adjust the cost-estimate for inflation or market
1278 fluctuations during the duration of construction of the applicant's obligations; and
 - 1279 4. A subdivision improvement that is required of the applicant by the Land Use Code
1280 regardless of the condition of the street shall not be included in this calculation, and shall
1281 be provided as otherwise required by this Title.
- 1282 b. **Determine street's buildout potential.** Find the sum of the estimated number of lots expected
1283 along the street at buildout, plus the applicant's proposed number of lots, as follows:
- 1284 1. Measure the length of the substandard street or street-route from the point it becomes
1285 substandard to the furthest extent of the applicant's subdivision along the substandard
1286 street or street-route;

- 1287 2. Determine the estimated number of lots expected along the street at buildout by dividing
1288 the length of the street, the result of Subsection (b)(1)b.1., by the standard minimum lot
1289 width of the zone, as found in Title 104 of this Land Use Code. Do not use alternative lot
1290 widths, such as those allowed in a cluster subdivision or a lot-averaged subdivision, even
1291 if the applicant's subdivision has them; then
- 1292 3. Combine the estimated number of lots expected along the street at buildout, the results of
1293 Subsection (b)(1)b.2. with the applicant's proposed number of subdivision lots.
- 1294 c. **Final proportionate share calculation.** Divide the cost to improve the street or street-route to
1295 County standards, the result of Subsection (b)(1)a. by the sum of the estimated number of lots
1296 expected along the street at buildout plus the applicant's proposed number of lots, the results
1297 of Subsection (b)(1)b.
- 1298 (4) **Required improvements, escrow, and allowed deferral.** The County Engineer shall:
- 1299 a. **Required improvements.** Require the applicant to make improvements to the substandard
1300 street or street-route in an amount up to but not exceeding the applicant's cost of the
1301 proportionate share, as determined herein. The County Engineer has full authority and
1302 discretion to determine the specific improvements required of the applicant;
- 1303 b. **Escrow.** Require this cost to be deposited with the County for the County to add a street's
1304 needed improvements into scheduled road maintenance and improvements; or
- 1305 c. **Deferral.** If the County Engineer determines that the funds that would be made available are
1306 insufficient to provide meaningful project improvements along the substandard street or street-
1307 route, a substandard road agreement may be allowed in lieu of the project improvements
1308 required in this section. In this case, the applicant, and all owners having interest in the subject
1309 Lot or Lots shall execute a substandard road agreement and notice to new owners. The content
1310 of the substandard road agreement and notice shall be as specified by the County, but at a
1311 minimum it shall:
- 1312 1. For a terminal substandard street or street route, explain that the subject Lot or Lots has
1313 or have only a single street access connecting it to the greater interconnected Public Street
1314 network, and the single street access is not built to the adopted minimum design and safety
1315 standards;
- 1316 2. Require a deferral agreement that specifies that the owners or successors and heirs are
1317 responsible, at a time the governing authority deems it necessary, to pay for their
1318 proportionate share of curing the substandard nature of the street or street-route;
- 1319 3. Allow the governing authority, at its option to withhold any written protest filed by the owners
1320 or their successors or heirs under the State Code's Assessment Area Act, Provisions For
1321 Local Districts, or any similar government revenue generation mechanism, from the final
1322 tally of collected protests, provided, however, that the revenue generated by the
1323 mechanism is used to improve access to the Lot or Lots; and
- 1324 4. Be recorded to the property at the time of subdivision recordation or sooner for subdivision
1325 approval, or prior to the issuance of a land use permit or final approval for other types of
1326 approvals.
- 1327 ~~(a) An applicant for a land use and building permit for property which abuts and has access from a~~
1328 ~~substandard dedicated street or public by right of use road, shall, as a condition of issuance of such~~
1329 ~~permits, be required:~~
- 1330 ~~(1) To sign a substandard road agreement provided by the county.~~
- 1331 ~~(2) To dedicate, if the road is substandard in width, sufficient road right-of-way widening to meet county~~
1332 ~~road standards or as recommended by the county engineer in situations that warrant an alternative~~
1333 ~~width such as unusual topographic or boundary conditions.~~
- 1334 ~~(b) Where a dedicated street or public by right of use road is determined to be of less right-of-way width~~
1335 ~~than the county standard, the minimum front and corner (facing street) side yard setbacks for all~~
1336 ~~buildings and structures shall be measured from the future county standard street right-of-way line~~
1337 ~~location, rather than from the present right-of-way line.~~

1338 ...

1339 **Sec 108-7-23 River And Stream Corridor Setbacks - (Western Weber County)**

1340 (a) No structure, accessory structure, road, or parking area shall be built within the required setback from
1341 a river or stream as measured from the high water mark of the river or stream. The high water mark
1342 shall be determined by the county engineer. The areas within the setback shall be maintained in a
1343 manner that protects the quality of water in the river or stream and the habitat of native vegetation and
1344 wildlife along the river or stream.

1345 (1) Structures, accessory structures, roads, or parking areas shall not be developed or located within
1346 ~~400-300~~ feet on both sides of the Weber River from the high water mark of the river.

1347 (2) Structures, accessory structures, roads, or parking areas shall not be developed or located within
1348 75 feet on both sides of year round streams, as determined from the high water mark of the stream.

1349 (3) Structures, accessory structures, roads, or parking areas shall not be developed or located within
1350 50 feet from the high water mark of the natural ephemeral stream.

1351 (b) Exceptions.

1352 (1) Bridges and the Public Streets that lead to them, or stream alterations approved by the Army Corps
1353 of Engineers and Utah Department of Water Resources, Division of Water Quality.

1354 (2) Trails.

1355 (3) The Ogden River below Pineview Reservoir to its confluence with the Weber River.

1356 (c) Streams are those areas where surface waters flow sufficiently to produce a defined channel or bed. A
1357 defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetation litter
1358 or loosely rooted vegetation by action of moving water. The channel or bed need not contain water year
1359 round. This definition is not meant to include stormwater runoff devices or entirely artificial watercourse
1360 unless they are used to store or convey pass-through stream flows naturally occurring prior to
1361 construction of such devices. Stream watercourses where the definition may apply are those that
1362 appear on the U.S.G.S. Quad maps.

1363 (d) See title 104, chapter 28 (Ogden Valley Sensitive Lands Overlay Districts) for Ogden Valley River and
1364 Stream Corridor Setbacks.

1365 **Sec 108-7-24 Supplemental Energy Generation Standards Wind Energy Conversion Systems**
1366 **(Small Wind Energy Systems)**

1367 (a) Small Wind Energy System. The intent of this section is to regulate the placement and installation of
1368 small wind energy conversion systems in the county while providing for the safe, effective, and efficient
1369 use of such systems. These systems will be used primarily to produce clean energy and reduce on-site
1370 consumption of utility power for individual properties. The following regulations shall apply to all small
1371 wind energy conversion systems:

1372 (1) The minimum lot size required for a small wind energy system shall be 20,000 square feet.

1373 (2) Small wind energy systems shall be set back a distance equal to 110 percent of the tower height
1374 plus the turbine blade length from all property lines and a distance equal to 150 percent of the tower
1375 height plus the turbine blade length from any Dwelling on adjacent property. Small wind energy
1376 systems shall not be located within the minimum front yard setback of any lot, nor within the
1377 minimum side yard setback facing a street on a corner lot, nor on the roof of a residential structure.

1378 (3) The maximum height of a small wind energy system (including tower and blades) shall not exceed
1379 70 feet. Small wind energy systems proposed to be over 70 feet will require approval from the
1380 planning commission as part of the conditional use permit. The minimum distance between the
1381 ground and any protruding blades utilized on a small wind energy system shall be 15 feet as
1382 measured at the lowest point of the arc of the blades.

1383 (4) Small wind energy systems must comply with applicable Federal Aviation Administration (FAA)
1384 regulations, including any necessary approvals for installations close to airports.

Commented [E36]: Changes here simply consolidate alternative energy generation into one section.

1385 (5) Small wind energy system towers shall maintain either a galvanized steel finish or a finish in a color
1386 approved by the planning commission as part of the conditional use, and shall not be artificially
1387 lighted unless required by the FAA.

1388 (6) Small wind energy systems shall not exceed 60 decibels as measured at the closest property line
1389 except during short term severe wind events. A manufacturer's sound report shall be required with
1390 an application for a small wind energy system.

1391 (7) Manufacturer specifications for components and installation shall be required with an application
1392 for a small wind energy system.

1393 (b) Solar energy systems

1394 (1) Small solar energy system. A small solar energy system, as defined in Section 101-2, is allowed
1395 in any zone, and shall meet the setback and height requirements for an accessory building in the
1396 zone in which the system is located. Setbacks shall be measured to the outermost edge of the
1397 system nearest the property line. Solar energy systems which are attached to a building shall meet
1398 the same setbacks that are required for the building.

1399 (2) Large solar energy system. A large solar energy system, as defined in Section 101-2, is regulated
1400 by Title 104, Chapter 30, of this Land Use Code.

Commented [E37]: Check this chapter to verify any references to this paragraph are changed.

1402 ~~The intent of this section is to regulate the placement and installation of small wind energy conversion~~
1403 ~~systems in the county while providing for the safe, effective, and efficient use of such systems. These~~
1404 ~~systems will be used primarily to produce clean energy and reduce on-site consumption of utility power for~~
1405 ~~individual properties. The following regulations shall apply to all small wind energy conversion systems:~~

1406 (a) ~~The minimum lot size required for a small wind energy system shall be 20,000 square feet.~~

1407 (b) ~~Small wind energy systems shall be set back a distance equal to 110 percent of the tower height plus~~
1408 ~~the turbine blade length from all property lines and a distance equal to 150 percent of the tower height~~
1409 ~~plus the turbine blade length from any dwelling on adjacent property. Small wind energy systems shall~~
1410 ~~not be located within the minimum front yard setback of any lot, nor within the minimum side yard~~
1411 ~~setback facing a street on a corner lot, nor on the roof of a residential structure.~~

1412 (c) ~~The maximum height of a small wind energy system (including tower and blades) shall not exceed 70~~
1413 ~~feet. Small wind energy systems proposed to be over 70 feet will require approval from the planning~~
1414 ~~commission as part of the conditional use permit. The minimum distance between the ground and any~~
1415 ~~protruding blades utilized on a small wind energy system shall be 15 feet as measured at the lowest~~
1416 ~~point of the arc of the blades.~~

1417 (d) ~~Small wind energy systems must comply with applicable Federal Aviation Administration (FAA)~~
1418 ~~regulations, including any necessary approvals for installations close to airports.~~

1419 (e) ~~Small wind energy system towers shall maintain either a galvanized steel finish or a finish in a color~~
1420 ~~approved by the planning commission as part of the conditional use, and shall not be artificially lighted~~
1421 ~~unless required by the FAA.~~

1422 (f) ~~Small wind energy systems shall not exceed 60 decibels as measured at the closest property line~~
1423 ~~except during short term severe wind events. A manufacturer's sound report shall be required with an~~
1424 ~~application for a small wind energy system.~~

1425 (g)(c) ~~Manufacturer specifications for components and installation shall be required with an application~~
1426 ~~for a small wind energy system.~~

1427 ...

1428 **Sec 108-7-27 (Reserved) Solar Energy Systems**

Commented [E38]: Consolidated into energy regulations 108-7-24

1429 (a) ~~Small solar energy system. A small solar energy system, as defined in section 101-1-7, is allowed in~~
1430 ~~any zone, and shall meet the setback and height requirements for an accessory building in the zone in~~
1431 ~~which the system is located. Setbacks shall be measured to the outermost edge of the system nearest~~
1432 ~~the property line. Solar energy systems which are attached to a building shall meet the same setbacks~~
1433 ~~that are required for the building.~~

1434 ~~(b) **Large solar energy system.** A large solar energy system, as defined in section 101-1-7, is regulated~~
1435 ~~by title 104, chapter 30, of this Land Use Code.~~

1436 ...

1437 **Sec 108-7-29 Flag Lot Access Strip, Private Right-Of-Way, And Access Easement**
1438 **Standards**Access and Standards for a Land Locked Residential Lot or Parcel

1439 ~~In order to provide for safe and consistent access to lots/parcels using flag lot access strips, private rights-~~
1440 ~~of-way, or access easements as the primary means of ingress and egress to a dwelling unit, the following~~
1441 ~~standards shall be met, in addition to the individual requirements of sections 108-7-30—108-7-32. These~~
1442 ~~standards shall not apply to bona-fide agricultural parcels that are actively devoted to an agricultural use(s)~~
1443 ~~that is the main use.~~

1444 ~~(a) **Design standards. Access.** Unless otherwise allowed in this Land Use Code, the provisions of this~~
1445 ~~section shall not be allowed if it avoids the installation of a street contemplated by this Land Use Code,~~
1446 ~~an adopted general plan, master transportation plan, development agreement, or other adopted~~
1447 ~~document intended to govern the placement, connectivity, or creation of a street or Street-Block.~~
1448 ~~Otherwise, a land-locked Lot or Parcel intended for residential use shall have an access road or~~
1449 ~~driveway that extends from a public right-of-way to the area of the Lot that will be developed.~~

1450 ~~(1) The access road or driveway shall be:~~

1451 ~~a. Designed and constructed to have a minimum right-of-way width of 24 feet, with a minimum~~
1452 ~~improved surface width of 20 feet. A greater right-of-way width may be required by the County~~
1453 ~~Engineer for a cross-slope easement.~~

1454 ~~b. Configured and constructed so that curves can safely facilitate the turning radius and weight of~~
1455 ~~the Fire Authority's largest fire apparatus.~~

1456 ~~c. Constructed of all-weather material, have a grade of no greater than ten percent, a clearance~~
1457 ~~no less than 14 and a half feet, and if terminal and longer than 200 feet in length, a fire truck~~
1458 ~~turnaround at the end.~~

1459 ~~d. Be on a Parcel that is held in common ownership by a homeowner's association that governs~~
1460 ~~the Lots that gain access therefrom, or be an easement recorded in favor of the owners of all~~
1461 ~~Lots that gain access therefrom.~~

1462 ~~e. If terminal, no longer than 600 feet.~~

1463 ~~f. If terminal and longer than 200 feet in length, designed with a fire apparatus turn-around~~
1464 ~~approved by the local fire authority at the end.~~

1465 ~~(b) **Other requirements:**~~

1466 ~~(1) The address of the Lot or Parcel shall be displayed in a prominently visible location at the street~~
1467 ~~entrance to the Lot or Parcel's access from a public right-of-way.~~

1468 ~~(2) A fire hydrant or other suppression method may be required by the fire district.~~

1469 ~~(3) A site plan showing the location of the home, any proposed access roads and driveways, along~~
1470 ~~with the location of and distance to the nearest fire hydrant (if available) shall be submitted to the~~
1471 ~~fire district for review.~~

1472 ~~(1)(4) Buildings shall be set back a minimum of 63 feet from the center of the Lot's access right-~~
1473 ~~of-way.~~

1474 ~~(2)(5) Conditions may be imposed by the Land Use Authority to ensure safety, accessibility, or~~
1475 ~~privacy, or to maintain or improve the general welfare of the immediate area.~~

1476 ~~(3) The improved travel surface of the flag lot access strip, private right-of-way, or access easement~~
1477 ~~shall be a minimum of 12 feet wide if the access serves fewer than five dwellings, and a minimum~~
1478 ~~of 20 feet wide if the access serves five or more dwellings.~~

1479 ~~(4) The improved road surface of the flag lot access strip, private right-of-way, or access easement~~
1480 ~~shall be capable of supporting a minimum weight of 75,000 pounds.~~

- 1481 ~~(5) A turnout measuring at least ten feet by 40 feet shall be provided adjacent to the traveled surface~~
1482 ~~of the a flag lot access strip, private right-of-way, or access easement (private access) if the private~~
1483 ~~access is greater than 200 feet in length. The turnout shall be located at the approximate midpoint~~
1484 ~~of the private access if its length is between 200 and 800 feet. If the private access length is greater~~
1485 ~~than 800 feet, turnouts shall be provided at least every 400 feet thereafter. These standards may~~
1486 ~~be modified by the Weber Fire District in conjunction with the county engineer on a case-by-case~~
1487 ~~basis.~~
- 1488 ~~(6) The flag lot access strip, private right-of-way, or access easement shall have a maximum grade of~~
1489 ~~ten percent. This standard may be modified by the Weber Fire District in conjunction with the county~~
1490 ~~engineer on a case-by-case basis; however, the maximum grade shall not exceed 15 percent.~~
- 1491 ~~(7) The flag lot access strip, private right-of-way, or access easement shall have a minimum vertical~~
1492 ~~clearance of 14.5 feet.~~
- 1493 ~~(8) No buildings, structures, or parking areas are allowed within the flag lot access strip, private right-~~
1494 ~~of-way, or access easement.~~
- 1495 ~~(9) New bridges, including decking and culverts shall be capable of supporting a minimum weight of~~
1496 ~~75,000 pounds. For existing bridges, a current certified engineer statement of load bearing~~
1497 ~~capabilities must be submitted to the county engineer and the Weber Fire District for review.~~
- 1498 ~~(10) The flag lot access strip, private right-of-way, or access easement shall have a minimum inside~~
1499 ~~travel-way radius of 26 feet, outside travel-way radius of 45 feet, and outside clear zone radius of~~
1500 ~~50 feet on all curves, particularly switchbacks. The width of the access may need to be increased~~
1501 ~~to accommodate these standards.~~
- 1502 ~~Water and sewer lines located within the flag lot access strip, private right-of-way, or access~~
1503 ~~easement require written notification from the agencies providing such serv~~
- 1504 ~~A fire hydrant or other suppression method may be required by the fire district.~~
- 1505 ~~A site plan showing the location of the home, any proposed access roads and driveways, along with the~~
1506 ~~location of and distance to the nearest fire hydrant (if available) shall be submitted to the fire district for~~
1507 ~~review.~~
- 1508 ~~Conditions may be imposed by the land use authority to ensure safety, accessibility, privacy, etc., to~~
1509 ~~maintain or improve the general welfare of the immediate area.~~
- 1510 ~~The lot/parcel shall meet the minimum lot width requirement for the zone in which the lot is located at the~~
1511 ~~end of the access strip.~~
- 1512 ~~The lot/parcel shall have a flag lot access strip, private right-of-way, or access easement constructed in~~
1513 ~~conformance with subsections (1), (2), and (3) of this section prior to the issuance of land use permits or~~
1514 ~~building permits.~~
- 1515 ~~**Expiration.** Flag lot access strips, private rights-of-way, and access easements which have been~~
1516 ~~approved by the land use authority are valid for 18 months from the date of approval.~~
- 1517
- 1518 **Sec 108-7-30 (Reserved Flag Lots)**
- 1519 (a) ~~The land use authority shall determine whether or not it is feasible or desirable to extend a street to~~
1520 ~~serve a lot(s)/parcel(s) or lots at the current time, rather than approving a flag lot. Criteria to be used in~~
1521 ~~determining feasibility or desirability of extending a street shall include, but not be limited to topography,~~
1522 ~~boundaries, and whether or not extending a road would open an area of five acres or more in Western~~
1523 ~~Weber County and ten acres or more in the Ogden Valley for development.~~
- 1524 (b) ~~No flag lot shall be allowed which proposes to re-subdivide or include within it (including the access~~
1525 ~~strip) any portion of an existing lot in a recorded subdivision. No subdivision shall be vacated, re-~~
1526 ~~subdivided, or changed in order to meet the requirements of this section.~~

1527 **Sec 108-7-31 (Reserved) Access To A Lot/Parcel Using A Private Right-Of-Way Or Access-**
1528 **Easement**

1529 ~~Lots/parcels which do not have frontage on a street, but which have access by a private right of way or~~
1530 ~~access easement may, under certain circumstances, use a private right of way or access easement as~~
1531 ~~the primary access. Approval is subject to the applicant demonstrating compliance with the following~~
1532 ~~criteria and conditions:~~

1533 ~~(a) **Criteria.**~~

1534 ~~(1) The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is~~
1535 ~~the main use; or~~

1536 ~~(2) The lot/parcel is a bona fide agricultural parcel that is actively devoted to an agricultural use that is~~
1537 ~~the main use and is the subject parcel of an approved agri-tourism operation; or~~

1538 ~~(3) Based on substantial evidence, it shall be shown that it is unfeasible or impractical to extend a~~
1539 ~~street to serve such lot/parcel. Financial adversity shall not be considered; however, circumstances~~
1540 ~~that may support an approval of a private right of way/access easement as access to a lot/parcel~~
1541 ~~may include but not be limited to unusual soil, topographic, or property boundary conditions.~~

1542 ~~(b) **Conditions.**~~

1543 ~~(1) It shall be demonstrated that the agricultural parcel or other lot/parcel has appropriate and legal~~
1544 ~~access due to historic use, court decree, or the execution of an easement, right-of-way, or other~~
1545 ~~instrument capable of conveying or granting such right; and~~

1546 ~~The landowner of record or authorized representative shall agree to pay a proportionate amount of~~
1547 ~~the costs associated with developing a street if, at any time in the future, the county deems it~~
1548 ~~necessary to have the landowner replace the private right-of-way/easement with a street that would~~
1549 ~~serve as a required access to additional lots. The agreement shall be in the form considered~~
1550 ~~appropriate and acceptable to the office of the Weber County Recorder and shall recite and explain~~
1551 ~~all matters of fact, including a lot/parcel boundary description, which are necessary to make the~~
1552 ~~agreement intelligible and show its successive nature.~~

1553 **Sec 108-7-32 Access To A Lot/Parcel At A Location Other Than Across The Front Lot Line**

1554 Access to ~~lots/parcels~~ Lot or Parcel at a location other than across the ~~front lot line~~ Front Lot Line is not
1555 allowed unless otherwise specifically provided elsewhere in this Land Use Code or if the applicant can
1556 demonstrate that ~~may be approved as the primary access, subject to the following criteria:~~

1557 (a) ~~The applicant demonstrates that~~ Sspecial or unique boundary, topographic, or other physical conditions
1558 exist which would cause an undesirable or dangerous condition to be created for property access
1559 across the ~~front lot line~~ Front Lot Line.

1560 (b) ~~It shall be demonstrated that a~~ Appropriate and legal alternative access exists due to historic use, court
1561 decree, or the execution of an easement, right-of-way, or other instrument capable of conveying or
1562 granting such right.

1563 ...

1564 **Chapter 108-16 Outdoor Lighting**

1565 ...

1566 **Sec 108-16-8 Violations, Enforcement, And Implementation**

1567 (a) **Violations.** The following constitute violations of this chapter:

1568 (1) The installation, maintenance, or operation of any outdoor artificial light source not in compliance
1569 with the provisions of this chapter.

1570 (2) The alteration of any outdoor artificial light source after outdoor lighting plan approval without the
1571 review and approval of the land use authority when such alteration does not conform to the
1572 provisions of this chapter.

1573 (3) Failure to shield, correct, or remove lighting that is installed, operated, maintained or altered in a
1574 manner that does not comply with this chapter.

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- 1575 (b) **Enforcement.** Violations of this chapter are subject to enforcement and penalties as outlined in section
1576 102-4-4.
- 1577 (c) **Creation of dark sky committee.** In the Ogden Valley, ~~the~~ county will create an Ogden Valley dark
1578 sky committee to include representatives as follows: one planning division employee, two Ogden Valley
1579 residents at large, two Ogden Valley ~~Business Association~~ business owners members, and one
1580 ~~individual from the Ogden Weber Chamber of Commerce,~~ one from the Weber County Parks and
1581 Recreation Office, and one from Visit Ogden or similar local tourism bureau. The committee's purpose
1582 shall be to advise the county on dark sky best practices, implementation strategies, incentive programs,
1583 public/private partnerships, and anything else as the county commission deems necessary.
1584